INTRODUCTION
Introduction

India became a full fledged international personality on the 15th of August, 1947. As a prelude to independence, the interim Government was formed on September 2, 1946.

The fathers of the Indian Constitution conceived of a Constituent Assembly as something dynamic, not merely a body of representatives, but a nation on the move, it was not only to produce a Constitution for the country, but to throw away "the spell of its past political and possibly social structure, and fashioning for itself a new Government of its own making".  

Ivor Jennings has noted three situations in which a Constituent Assembly comes into being; when there is "a great social revolution" or "when a nation thrown off its foreign yoke" or when "a nation is created by the fusion of smaller political units. Whatever the circumstances, Jennings points out "the need is felt and some person is set to draft a Constitution". The Indian Constituent Assembly, according to this view, falls into the second category. Its task was mainly to put an end to the British rule in India and to establish an independent Republic of India.

The Assembly took two years, eleven months and seventeen days to complete its labour, from December 9, 1946 to November 26, 1949. During this period it held eleven sessions and its total working days numbered one hundred and sixty-five.

On November 26, 1949, the President authenticated the new Constitution of India, thereby bringing it into force
in accordance with its provisions. Actually, only a few provisions came into force on that day — those relating to citizenship and a few other formal articles. The Republic of India established by the Constitution came into being on January 26, 1950; and on that day the Constituent Assembly ceased to exist, transforming itself into the Provisional Parliament of India — until the new Parliament was set up under adult suffrage in 1952. The past decade in world history has been a sad history of repeated failures of democracy in the newly emerging nation — States, especially in Asia and Africa. But this does not warrant the conclusion that democracy is unsuitable to their peoples, for two reasons, first, a democratic system of Government is not inborn in any society, it is a product of cultivation. The recent history of the nations of the Western Europe shows that it is none too easy to work even among the more politically mature and economically advanced people. To function effectively a democratic Government requires a corresponding pattern of society and a way of life, both of which assume certain 'moral foundations'. The new nation of Asia and Africa, only too recently released from their independence on colonial powers, have yet to develop democratic outlook and social framework, takes time. In the case of the older western nations, it took many centuries. Set-backs are therefore inevitable in the process of the growth towards democracy in these new nations. Secondly, it should be borne in mind in many of these States, the new political organization was not in fact democratic. What failed then, was not democracy as such but certain external forms of democratic
institutions, which are not suitably adopted.

A democratic Government is not only good Government, but also self Government. Indeed no Government can be considered good unless it recognises that man is essentially a responsible being and gives opportunities for expressing it. Only that form of Government can be considered truly democratic which offers an opportunity for all who are governed to participate in the Government through the free exercise of their responsibility.

This approach should dispel the popular misconception that democracy means the rule of the majority. Such a view is responsible for a dangerous claim that a dictatorship of proletariat is also democracy, because in our industrialised society wage earner numerically constitute almost a permanent majority. This fallacy would make of democracy not a common political idea but a class doctrine. Moreover, majority in any country is more than likely to be politically uninformed. Thus democracy may in fact turn out to be the Government of the ignorant mob and this is the basis of the attack from the side of the Right which wants to maintain Government as the responsibility exclusively of an aristocracy of property or intellect. Any Governmental system which does not provide for all sections of society to share its functioning is certain sooner or later to be perverted by those learn to manipulate the machinery of Government for their own selfish ends.

In parliamentary democracy a full and free discussion of an issue takes place before any political decision on
it is made, on at least three separate levels - on the Governmental level, in the Parliament and in the many common forums. Where there is freedom of public opinion, safeguarded by an impartial judiciary, the public debate goes on through press and platform in many more or less organised forms. At the end it comes to division. The debate is more important than division, for it is the former that makes formulation and exchange of ideas possible. It offers opportunity for free expression of diverse views and gives scope of pursuasion, accommodation and compromise. It thus makes possible a Government by discussion - a process in which the spokesman of the minority also argues, demands and makes compromises just like the spokesman of the majority. Thus parliamentary democracy makes Government "the rule of the people as a whole."3

Democracy is a Government by discussion and consent. In it, the people are the final arbiter of political authority. A democratic political system should provide adequate opportunities for the people to discuss political issues and express their will on them. The press, public meetings and the Parliament are some of the institutions through which public opinion finds expression. These have a continuous life. But elections are the occasions when the people exercise their right to choose their Government and there by express their opinion decisively. This is the method by which people choose their representatives who will form the legislative bodies in the States and the Centre for a period normally for the next five years. The Government in power is formed by the party commanding a majority in the legisla-
ture. Though, election, therefore, the people choose the Government they want. The sense of responsibility with which men and women exercise their right of vote will determine the quality of Government they return. In a democracy, more than in any other political system, the people get the Government they desire.

The Constitution of India, republican and federal in character, embodies the silent features of the parliamentary system. It provides for Parliament for the Union consisting of the President and two Houses, namely, Rajya Sabha (Council of States) and Lok Sabha (House of the People), in which Lok Sabha has supremacy in financial matters; a Union executive drawn from both Houses of Parliament and collectively responsible to Lok Sabha, ensuring thereby an intimate relationship between the Union executive and Parliament; a number of States with basic provisions parallel to those for the Union in respect of the executives and legislatures of the States; a head of the State called the President of India acting with the aid and the advice of the Union Council of Ministers; rule of law; independent judiciary and a civil service, anonymous and politically independent. The Parliament in India is not a sovereign body-uncontrolled and with unlimited powers in the same sense as the British Parliament is. It functions within the bounds of a written Constitution.

Under the Constitution, the executive power of the Union has been vested in the President, to be exercised by him either directly or through officers subordinate to him.
There is the Council of Ministers, with the Prime Minister at the head, to aid and advise the President. In actual practice it is the Council of Ministers and not the President which bears the responsibility for governmental action. As Dr. Alexandrowicz observes: "But following a centuries old tradition the formal position is that the King, who had gradually lost legislative, judicial and finally executive power, is still the supreme formal agency in whose name action is taken. This was exactly what in-corporated mutatis mutadis in article 74(1) by making the President such an agency without stating expressly that the advice of the Ministry is binding."6

This point was very clearly elucidated by several members in the Constituent Assembly. While introducing the Draft Constitution as settled by the Draft Committee, Dr. B. R. Ambedkar observed, "Under the Draft Constitution the President occupies the same position as the King under the English Constitution. He is the Head of the State but not of the Executive. He represents the Nation but does not rule the Nation ..... The President of the Indian Union will be generally bound by the advice of his Ministers. He can do nothing contrary to their advice; nor can do anything without their advice."7 Dr. Alladi K. Ayyar observed: "One point that has to be remembered in this connection is that any power exercised by him on his own responsibility. The word 'President' used in the Constitution stands for the fabric responsible to the Legislature."8 This view has also been held by the Supreme Court: "Under article 53(1)
... the executive power of the Union is vested in the President, but under article 75(c) there is to be a council of Ministers with the Prime Minister at the head to aid and advice the President in the exercise of his functions. The President has thus been made a formal or constitutional head of the executive powers are vested in the Ministers or the Cabinet.\(^\text{9}\) Article 35(3) says that the Council of Ministers, under the Constitution, is collectively responsible to Lok Sabha only. Under article 85(1) the President may summon each House of Parliament to meet as such time and place as thinks fit, but in no case should the period intervening between its last sitting in the next session exceed six months. The President may from time to time prorogue the House or either House of Parliament and dissolve Lok Sabha. The proposal to summon, prorogue or dissolve Lok Sabha may be made by the Prime Minister with or without the consultation of the Cabinet.

At the commencement of the first session after each general election of Lok Sabha and commencement of the first session of each year the President addresses both Houses of Parliament assembled together and informs them of the reasons for its summoning. Besides the opening address, he may address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members. He is also empowered to send messages to either House, whether with respect to a Bill then pending in Parliament or otherwise; and a House to which may message is so sent shall with all convenient despatch consider any
matter required by the message to be taken into consideration.

The provision for Address by the Head of the State to Parliament goes back to the year 1921 when the Central Legislature was set up for the first time under the Government of India Act, 1919. Though there was no specific provision in the Act for the Governor-General's Address to both the Houses assembled together, in practice during the year 1921 to 1946 the Governor General addressed the Lower House separately as well as both the Houses assembled together on a number of occasions. The Governor General did not Address the Constituent Assembly on any occasion during its existence from November 1947 to January 1950.

Being a statement of policy of the Government the Address is drafted by the Government, it is not the President but the Government which is responsible for the contents of the Address. It contains the review of the activities and achievements of the Government during the previous year and its policy with regard to important internal and current international problems. It also contains a brief account of the programmes of Government business for the session.

On the days allotted for discussion, the House is at liberty to discuss the matters referred to in the Address. The only limitations are that members cannot refer to matters which are not the direct responsibility of the Government of India; and that the name of President cannot be brought in during the debate, since the Government, and not the President, is responsible for the contents of the Address.
At the end the Prime Minister replies to the debate on President's Address. After the Prime Minister has replied to the debate, the amendments that have been moved are disposed off and the Motion of Thanks put to the House. After the Motion is carried, it is conveyed to the President direct by the Speaker through a letter.

On May 14, 1954, Speaker Mavalankar announced that the House of the people would thereafter be known as "Lok Sabha". On Aug. 23, 1954, the Chairman of the Upper House announced a similar decision changing the name of the Council of States to "Rajya Sabha" from the date.

Rajya Sabha consists of twelve members nominated by the President and not more than two hundred and thirty-eight representatives of the States and the Union territories. The Members nominated by the President consists of persons having special knowledge or practical experience in respect of such matter as literature, science, art and social service.

The object of having a second Chamber in the United States, was professedly to check the popular Chamber and, in this, the American Senate has well succeeded. The English House of Lords is now the only second Chamber amongst the known Constitution of the world which contains a major hereditary elements.

The framers of our Constitution have combined certain features of the Constitution of Eire and of South Africa in providing for the composition of the Upper Chamber of the
Union Parliament. The principle of partial nomination is intended to secure for distinguished persons a place in the Upper Chamber. Election of the major portion of the members by the State Assemblies is intended to give a federal character. But the American system of equality of State representation is not followed, for the number of representatives of the States to our Council of States varies.

History has belied the radical view of the French revolutionary thinker Abbe Sieyes that -"If a second Chamber dissents from the first, it is mischievous; if it agrees with the first, it is superfluous".

Rajya Sabha is not subject to dissolution, but as nearly as possible one third of its members retire as soon as may be on the expiration of every second year in accordance with the provision made in that behalf by Parliament by law.

Lok Sabha consists of not more than five hundred members chosen by direct election from territorial constituencies in the States, and not more than twenty-five members to represent the Union territories chosen in such a manner as Parliament by law provides.

The President is empowered if he is of opinion that the Anglo Indian Community is not adequately represented in the House, to nominate not more than two members of the community to Lok Sabha.

For the purpose of election from territorial constituencies in the States, a number of seats are allotted to each State in Lok Sabha in such a manner that the ratio between
that number and the population of the State is, so far as practicable, the same for all States. Upon the completion of each census, the allocation of seats in Lok Sabha to the States and the division of each State into territorial constituencies are readjusted by such authority and in such a manner as Parliament determines by law, but such readjustment does not affect representation in Lok Sabha until the dissolution of then existing House. Seats are reserved in Lok Sabha for: (a) the Scheduled Castes; (b) the Scheduled Tribes; except those in the tribal areas of Assam; and (c) the Scheduled Tribes in the autonomous districts of Assam.

Office of the Speaker:

The office of the Speaker, known as President till 1947, dates back to 1921, when the Central Legislative Assembly was for the first time constituted under the Montagu Chelmsford Reforms. Previously it was the Governor General of India who used to preside over the sittings of the Legislative Council. "Confidence in the impartiality of the Speaker," says May, "is an indispensable condition of the successful working of procedure, and many conventions exist which have as their object not only to ensure the impartiality of the Speaker but also to ensure that his impartiality is generally recognised." 12 In India, the Presiding Officers follows more or less the traditions and conventions established by the Speaker of the House of Commons. The Presiding Officer himself kept aloof completely from party politics. 13
Speaker, Mavalankar on May 15, 1952, at the time of his election as Speaker of Lok Sabha observed: "We have yet to evolve political parties and healthy conventions about Speakership, the principal of which is that once a Speaker, he is not opposed by any party in the matter of his election, whether in the constituency or in the House, so long as he wishes to continue as a Speaker. To expect the Speaker to be out of politics altogether without the corresponding convention is perhaps entertaining contradictory expectations... 

Though a Congressman it is my duty, it would be my duty and effort to deal with all members and sections of the House with justice and equality; and it would be my duty to be impartial and remain above all considerations of party or of political career." 14

The all important conventional and ceremonial head of Lok Sabha is the Speaker. Within the walls of the House his authority is supreme. This authority is based on the Speaker’s absolute and unvarying impartiality- the main feature of his office, the law of its life.

Presentation of Budget: - In respect of every financial year, the President causes to be laid before both Houses of Parliament an "annual financial statement" or the estimated receipts and the expenditure of the Government of India. The annual financial statement, otherwise known as the 'Budget', is presented in two parts viz., the Railway Budget pertaining to Railway Finance, and the General Budget which gives an overall picture of the financial position of the Government of India, excluding the Railways. The Budget is presented to Lok Sabha on such day as the President directs. By
convention, the General Budget is presented on the last working day of February each year at 5 P. M. The General Budget is presented by the Finance Minister. The Budget speech consists of two parts. Part A dealing with the general economic survey of the country. Part B containing the taxation proposals for the ensuring year. The Budget of the Government of India setsforth the receipts and expenditure of the Government of India for three consecutive years. It gives the actual for the preceding year, the revised estimates for the current year and the Budget estimates for the ensuring year.

From the presentation of the Budget to the passing of the Appropriation and Finance Bills giving effect to the Government's expenditure and taxation proposals contained in the Budget, members get opportunity to discuss the financial policies pursued by the Government during general discussion on the Budget; discussion and voting on grants; consideration and passing of the Appropriation Bill; consideration and passing of the Finance Bill. Whereas during the general discussion on the Budget the House is at liberty to discuss the Budget as a whole or any question of principle involved therein. During the general discussion on the Budget; no motion is moved nor is the Budget submitted to the vote of the House.

As per the Article 110(4) and Rules 96(2) and 128(1) incase any question arises whether a Bill is a Money Bill or not, the decision of the Speaker to be a Money Bill, he endorses a certificate thereon signed by him to the effect that it is Money Bill, before the Bill is sent to Rajya Sabha or presented to the President for assent.
A Money Bill can be introduced only in Lok Sabha. After it has been passed by Lok Sabha, it is transmitted to Rajya Sabha for its recommendations and that House is, within a period of fourteen days from the date of the receipt of the Bill, required to return the Bill to Lok Sabha with its recommendation, if any. There have been two instances when Money Bills were returned by Rajya Sabha with recommendations. In both the cases, the recommendation made by Rajya Sabha, which were of formal nature, were accepted by Lok Sabha. Recommendation of President is required for the introduction of a Money Bill. Where, however, a Bill deals only with any matter incidental to any of the matters specified in article 110, subclause (a) to (f), recommendation of the President is not necessary for introduction of that Bill— as per the article 117(1) of the Constitution.

Proclamations:

The Constitution contemplates three types of emergencies and, correspondingly, three kinds of proclamations which the President can issue: Proclamation of emergency arising out of war, external aggression or internal disturbances, Proclamation issued on the failure of the constitutional machinery in the States; and Proclamation arising out of threat to financial stability or credit of India.

If the President is satisfied that a grave emergency exists whereby the security of India or any part of the territory thereof is threatened, whether by war or aggression or internal disturbances, he may, by proclamation, make a declaration to that effect. The following Proclamation was issued on October 25, 1362 and laid on the table of the House on Nov-
ember 8, 1962; "Proclamation of Emergency in exercise of
the powers conferred by clause (1) of article 352 of the
Constitution, I Sarvapalli Radhakrishnan, President of India,
by this Proclamation declare that a grave emergency exists
hereby the security of India is threatened by external aggr-
ession.

S. Radhakrishnan
President."

A Proclamation after it is issued has to be laid be-
fore each House of Parliament and it ceases to operate at the
expiration of two months unless before the expiration of that
period it has been approved by resolutions of both Houses of
Parliament. If any such resolution is issued at a time when
Lok Sabha has been dissolved or dissolution of the Lok Sabha
takes place during the period of two months referred to above
and if a resolution approving the Proclamation has been pass-
ed by Rajya Sabha, but no resolution with respect to such
Proclamation has been passed by Lok Sabha before the expirat-
ton period, the Proclamation ceased to operate at the expira-
tion of thirty days from the date on which Lok Sabha first
sits after its reconstitution, unless before the expiration
of the period of thirty days a resolution approving the Pro-
clamation has been passed by Lok Sabha.

The Proclamation can also be revoked by the President
at any time by a subsequent Proclamation. While a Procl-
amation of Emergency is in operation, the executive power of
the Union extend to the giving of directions to any State as
to the manner in which the executive power thereof is to be
exercised; and the power of Parliament to make laws, during
the period of Emergency. After the Proclamation of Emerg-
ency was issued on October 26, 1962, an Ordinance, called
the Defence of India Ordinance, 1962, was promulgated by the
President on the same date to provide for special measures
to ensure the public safety and interest. The Ordinance was
later replaced by Defence of India Act, 1962. It is the duty
of the Union to ensure that the Government of every State is
carried on in accordance with the provisions of the Constitu-
tion. If the President, on receipt of a report from the Gov-
ernor of State or otherwise, is satisfied that a situation
has arisen in which the Government of the State cannot be car-
rried on in accordance with the provisions of the Constitution,
the President may by Proclamation assume to himself all or
any of the functions of the Government of the State and all
or any of the powers vested in or exercisable by the Gover-
nor or any body or authority in the State other than the Leg-
islature of the State; declare that the powers of the Legis-
lature of the State shall be exercisable by or under the auth-
ority of Parliament; and make such incidental and consequen-
tial provisions as appear to the President to be necessary or
desirable for giving effect to the objects of the Proclamat-
on, including provisions for suspending in whole or in part
the operation of any provisions of the Constitution, relating
to any body or authority in the State. This however does not
authorise the President to assume to himself any of the pow-
ers vested in or exercisable by a High Court, or to suspend
in whole or in part the operation of any provision of the
Constitution relating to High Courts.

While laying a Proclamation on the Table, no obligat-
ion is cast on the Government to lay also a copy of the
report of the Governor of the State concerned in cases where the President has acted on such report. Approval of the Proclamation by both Houses of Parliament is followed by an Act delegating certain powers to the President including the power to make laws for the State concerned. According to Dr. Ambedkar however, overriding powers entrusted to the Central Government are justified on the grounds of emergent situations which threaten the very survival of the State and the interest of the Nation as a whole. He told the Constituent Assembly: "If at all they are brought into operation I hope the President who is endowed with these powers, will take proper precautions before actually suspending the administration of the provinces. I hope the first thing he will do would be to use a mere warning to a province that has erred, that things were not happening in the way which they were intended to happen in the Constitution. If that warning fails, the second thing for him to do will be to order an election allowing the people of the province to settle matters by themselves. It is only when these two remedies fail that he would resort to this article......I do not think we could then say that these articles were imported in vain or that the President had acted wantonly."¹⁹

If the President is satisfied that a situation has arisen whereby the financial stability or credit of India or of any part thereof is threatened, he may by Proclamation make a declaration of financial Emergency.

Ordinances:

If at any time, except when both Houses of Parliament
are in session, the President is satisfied that the circumstances exists which render it necessary for him to take immediate action, he may promulgate Ordinances as the circumstances appear to him to require. 20

Article 123(2) says that an Ordinance so promulgated by the President has the same force and effect as an Act of Parliament, but every such Ordinance has to be laid before both Houses of Parliament, or, if before the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, then upon the passing of the second of the resolutions. It can also be withdrawn at any time by the President. The Ordinance-making power of the head of the Executive in India can be traced to the Indian Council Act of 1861. Before the constitution come into force, the Ordinance making power of the Governor General was governed by section 72 of the Government of India Act, 1935. The Ordinance Making power of the President has been a frequent point of discussion in Lok Sabha, but it has been held by the speaker that promulgation of an ordinance is in the discretion of the President and such discretion cannot be controlled by the House.

"Notion of No-Confidence in the Council of Ministers:

The Council of Ministers is collectively responsible to Lok Sabha; the responsibility is joint and indivisible. However, in keeping with the high parliamentary traditions, individual Minister have of their own accord accepted
constitutional responsibility for, and resigned on account of, the defective policies of shortcomings of the departments under them.

Collective responsibility is assured by the enforcement of two principles: first, no person is nominated to the Council except on the advice of the Prime Minister; secondly, no person is retained as a member of the Council if the Prime Minister demands his dismissal.

In view of the express constitutional provision regarding collective responsibility of the Council of Ministers to Lok Sabha, a motion expressing want of confidence in an individual Minister is out of order; under the Rules, only a motion expressing want of confidence in the Council of Ministers as a body is admissible.

If the Speaker holds a no-confidence motion to be in order, the member who has tabled the notice asks for leave of the House to move the motion. The Speaker thereafter calls upon members in favour of leave being granted to rise in their seats. Leave is deemed to be granted by the House which if not less than fifty members rise, and a physical count is taken to determine that the requisite number of members have stood in support of the motion.

When a number of notices of no-confidence motion are received for the same sitting, and if two or more are held to be in order to their receipt in point of time. As soon as leave of the House to the moving of any motion is granted, the remaining motions, if any, are kept pending
till the one to the mover of which leave of the House has been granted is disposed off. A motion of no-confidence is required to be taken up within ten days from the date on which the leave to move it is granted by the House.

With a view of seeing that discussion on the time allotted and all groups in the House have their due share in the discussion, the speaker may prescribe a time limit on speeches and indicate the ratio in which time would be distributed among various groups.

After the members have spoken on the motion the Prime Minister replies to the charges levelled against the Government. The mover of the motion has a right of reply. The Speaker forthwith puts the question necessary to determine the decision of the House on the motion. If the House clearly shows that it does not propose to support the Government if, that is, the Government has lost the confidence of the House, it must resign or have the House dissolved. Dissolution can only take place after the President is satisfied that it is not possible to form an alternative Government following of defeat and resignation of a Ministry. In case the President dissolves that House, the defeated Ministry continues in office as a Caretaker Government until the general elections, following the dissolution of Lok Sabha, are over. However, resignation or dissolution would follow only where the defeat implies loss of confidence. What the Government will treat as a matter of substantial importance on which to resign or to dissolve the House is, primarily, a question of the Government to decide. The opposition can test
the opinion of the House by demanding a vote on the motion of no-confidence.

In the States, however, the position is different. On the defeat and resignation of a Ministry, the Governor of a State has to ascertain whether an alternative Government can be formed, and if he is unable to do so, he has to report to the President and the decision will be taken there on.

Amendment in the Constitution:

Unlike many written Constitutions which have one uniform procedure for effecting "any change of any kind in any part of the Constitution," the Constitution of India provides for a variety in the amending process of a feature which has been commended for the reason that uniformity in the amending process imposes "quite unnecessary restrictions" upon the amendment of a Constitution.21

If experience shows that words used in the Constitution were inadequate or inappropriate or have been erroneously interpreted, reasons requires than amendment should be made in the relevant words and the constitutional process allowed to function in aid of the basic objectives of the Constitution. That, broadly stated, is the reasonable conclusions any student of democracy and of constitutional law would draw from the process of amendments.

No supreme Court and no judiciary can stand in judgement over the sovereign will of the Parliament representing
the will of the entire community. If we go wrong here and there, it can point it out, but in the ultimate analysis, where the future of the community is concerned, no judiciary can come in the way. And if it comes in the way, ultimately the whole constitution is a creature of Parliament...... it is obvious that no court, no system of judiciary can function in the nature of a Third House of correction. So, it is important that with this limitation the judiciary should function ...... ultimately the fact remains that the Legislature must be supreme and must not be interfered with by the courts of law in such measures of social reforms. 22

Pandit Nehru observed while speaking in the House of the People that "A Constitution which is unchangeable and static it does not matter how good it is, how perfect it is - is a Constitution that has outlived its use. It is in its old age already and gradually approaching its death, A Constitution to be living must be growing, must be adoptable, must be flexible, must be changeable. 23

The Constitution provides for three categories of amendments; articles which are open to amendment by simple majority; articles which requires special majority for their amendment; and articles amendments to which are required to be passed by special majority and also to be rectified by Legislatures of not less than one half of the States.

In addition, there are several articles which leave matters subject to laws made by Parliament. By passing ordinary laws Parliament may, in effect, modify or annul the
operation of certain provisions of the Constitution, they cannot be regarded as amendments of the Constitution not categorized as such.

In India, there is no separate constituent body for the purpose of amendment of the Constitution, constituent power also being vested in Parliament. The role of the States in regard to amendment of the Constitution is limited.

Political Parties:

Political parties are far older than democracy. They have existed nearly all countries and under all forms of Governments though less monarchies than in oligarchies, in the letter of which they have been particularly frequent and fierce.

In popular Governments, however, parties have a wider extension if not a more strenuous life, for where every citizen has a vote, with a duty to use it at elections, each of the parties which strive for mastery must try to bring the largest possible number of voters into its rank, organize them locally, appeal to them by spoken and printed words, bring up to the poll. Ballots having replaced bullets in political strife, every voter is supposing to belong to one of the partition hosts and to render more or less obedience to its leaders. Though the professed reasons for the existence of a party is the promotion of a particular set of doctrines and ideas, it has concrete side as well as set of abstract doctrine.

Whatever its origin, every party lives and thrives by
concurrent action of four tendencies which may be described as those of Sympathy, Imitation, Competition and Pugnacity. In countries which enjoy representative Government parties have two main functions, the promotion by the argument of their principles and carrying of elections. Party spirit is a force working for good or evil in public life is a matter which must be left to the citizen themselves. Upon them it must depend whether it is reasonable and separate or violent and bitter. It is no greater a danger in democracies than elsewhere.

There are many ways in which the development of political parties in India differed from their development in Great Britain and the European continent—not the least of which is that the struggle by parties for parliamentary institutions in India was not against an indigenous wealthy, aristocratic ruling class, but rather against alien rulers, thus permitting Indian big business, the intelligentsia, the urban shopkeepers, and the peasants to join together against a single enemy. But perhaps the single most important difference is that of timing. Parties emerging today find ready made ideologies waiting for them, while parties of nineteenth century had to evolve their own ideologies to suit prevailing conditions. But even more important in the matter of timing is the fact that suffrage was introduced into most European countries gradually and after prolonged struggles. In process of broadening the political base was a relatively slow one, in most cases allowing time for various groups to adopt themselves to new political rules. Britain is the classic case of the gradual entrance into politics
of new groups—labour being the most recent who accepted the basic democratic framework. In India, as in the other newly independent countries, universal suffrage has been introduced all at once at a society where interests are nearly differentiated and organized. There is thus a measure of unpredictability in the behaviour of these groups and consequently a degree of latent in Indian politics. So long as these groups have not organized themselves, they provide a fertile ground for organization by party leaders who seek to direct protest in ways that will gain political benefit for their groups or themselves.

Most of the Opposition parties which emerged after 1947 existed before independence, but they were largely political groups within the Indian National Congress functioning in a common cause as a part of national movement. The national movement itself passed through three stages of development; first it was a pressure group, then a national movement and, finally a political party.

Nearly every Indian Party has been subjected the factional disputes or splits, and even within the Congress there has been factional disputes in virtually in every State. The dispute within the Congress have most frequently been between the Chief Ministers and their supporters in the State Governments, on the one hand, and, on the other the President's of Pradesh Congress Committees and their followers, who control the party organization. Now there is an open split in the organization and known as Indian National Congress and Indian National Congress (Opposition). Among the left parties, factional
disputes are so much a matter of course that only when a major
split occurs do newspapers bother to report the event in 1954,
for example, there was another split in the Marxist Forward
Block. The R. C. P. I has also been torn by factional disputes. In 1955 the P. S. P. was split by the withdrawal of
Ram Manohar Lohia and his supporters, who formed a new Social-
list Party. Again there was a merger in June, 1964 and formed
Samyukta Socialist Party and onwords there were a split in
January 1965 and the P.S.P. revive the units. In 1964 the C.
P. I. faced the open split and a new party was formed which
is known as C. P. I. (H.). The Hindu Communal groups have been
no less subject to isms. In the latter part of 1954 there were
reports of growing differences between the R.S.S. members of
Jan Sangh and non R.S.S. members. The Hindu Mahasabha has also
be ridden with the factionalism.25

In addition to these, a large number of parties which
were existence before the general elections than won seats,
but even the number which won seats in impressively high. In
the House of the People alone some twenty three parties are
represented, and above fifty parties, including most of those
with seats in Parliament. A few of these parties merged with
others, and most of them retain their independent status.
Other may yet merge and still other may be eliminated by the
electorate in subsequent elections.

Party system is an integral part of the parliaments-
ary form of Government. Baring a few members who may not be
attached to any party, most members of Parliament have a dual
capacity; they represent a constituency and a party. There is always a party in power and a party or parties in opposition. In the Central Legislative Assembly there was nothing to correspond to party system as the expression is responsible to the House. The parties were to be found only in opposition; there was no party in power as such. Though the moderates were returned to the first Assembly in 'prepondering numbers', they did not form any 'permanent party division'.

After the second elections in 1923, a 'compact disciplined and well organized' Swarajist Party was formed in the Assembly by two Congressmen, C. R. Das and Motilal Nehru. It was, however, in 1927, that there developed in the third Assembly, for the first time, something like the distribution of the greater part of the elected members into organized groups: the Swarajist, Independents, the Nationalists, the Central Moslem Party, and the European Group.

The year 1934 was significant not only because of the resuscitation of the old Swarajist Party but also for the formation of new Congress Nationalist Party. The Congress Party in the Assembly acted like a machine. Once the party decision on a question had been taken, and working with consummate skill it functioned as an effective parliamentary opposition.

Members of the Congress Party boycotted attending the Central Assembly in 1939 in response to a resolution passed
by the Working Committee of the Congress Party. It has only in 1943 that the Congress members returned to their seats in the Assembly. An important event in the party system in the Central Legislature was an understanding between the Congress and the Muslim League in 1945, born out of a common dislike for the Government. When the election so long delayed owing to the war were held in 1945, the newly elected legislature was a changed Assembly altogether and partly alignments became clear and well defined. The Opposition had the majority and could and did defeat the Government on many issues, so long as the Congress and the Muslim League could combine.

It was only when India became independent that there came into being the parliamentary form of Government with the Cabinet responsible to the Legislature, a party in power and a number of political groups in Opposition. Party system is still in a formative stage in India and a striking feature about elections in the participation therein of a plethora of political parties. The strength of the political parties in the House in the first session of the Lok Sabha after each general elections is shown in the tables.

Democracy on proper lines, remarked Speaker Mavalankar, will never grow, possibly not more than two major parties, which can almost balance each other as the Government and the Opposition. With a view to discouraging multiplication of parties and growth of splinter groups, he laid down general principles on which recognition can be to political parties for their parliamentary work in the Lok Sabha.
<table>
<thead>
<tr>
<th>Parties</th>
<th>1952</th>
<th>1957</th>
<th>1962</th>
<th>1967</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indian National Congress</strong></td>
<td>364</td>
<td>371</td>
<td>358</td>
<td>283</td>
</tr>
<tr>
<td><strong>Communist Party of India</strong></td>
<td>16</td>
<td>27</td>
<td>29</td>
<td>23</td>
</tr>
<tr>
<td><strong>Communist Party of India (Marxist)</strong></td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>19</td>
</tr>
<tr>
<td><strong>Braja Socialist Party</strong></td>
<td>12</td>
<td>19</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td><strong>Samyukta Socialist Party</strong></td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>23</td>
</tr>
<tr>
<td><strong>Swatantra Party</strong></td>
<td>--</td>
<td>--</td>
<td>13</td>
<td>42</td>
</tr>
<tr>
<td><strong>Bhartiya Jan Sangh</strong></td>
<td>3</td>
<td>4</td>
<td>14</td>
<td>35</td>
</tr>
<tr>
<td>Name of Party</td>
<td>No.</td>
<td>1967</td>
<td>% Votes polled</td>
<td>1962</td>
</tr>
<tr>
<td>--------------</td>
<td>-----</td>
<td>------</td>
<td>----------------</td>
<td>------</td>
</tr>
<tr>
<td>Congress</td>
<td>59,531,425</td>
<td>40.82</td>
<td>51,509,084</td>
<td>44.73</td>
</tr>
<tr>
<td>Swatantra</td>
<td>12,458,547</td>
<td>8.54</td>
<td>9,085,252</td>
<td>7.39</td>
</tr>
<tr>
<td>C. P. I.</td>
<td>7,151,049</td>
<td>4.90</td>
<td>11,450,037</td>
<td>9.34</td>
</tr>
<tr>
<td>C.P.I. (M)</td>
<td>6,507,323</td>
<td>4.46</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>J. S.</td>
<td>13,545,120</td>
<td>9.39</td>
<td>7,415,170</td>
<td>6.44</td>
</tr>
<tr>
<td>P. S. P.</td>
<td>4,159,289</td>
<td>3.08</td>
<td>7,848,345</td>
<td>6.81</td>
</tr>
<tr>
<td>J. S. P.</td>
<td>7,129,783</td>
<td>4.89</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>HBP</td>
<td>3,688,791</td>
<td>2.63</td>
<td>3,255,685</td>
<td>2.83</td>
</tr>
<tr>
<td>Total</td>
<td>146,848,926</td>
<td>100.00</td>
<td>115,163,890</td>
<td>100.00</td>
</tr>
</tbody>
</table>
**Table - 3**

**BREAK-UP OF SEATS PARTYWISE**

<table>
<thead>
<tr>
<th>Name of Party</th>
<th>1967</th>
<th>1962</th>
<th>1957</th>
<th>1952</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congress</td>
<td>283</td>
<td>1634</td>
<td>361</td>
<td>1772</td>
</tr>
<tr>
<td>Swatantra</td>
<td>42</td>
<td>257</td>
<td>18</td>
<td>166</td>
</tr>
<tr>
<td>C. P. I.</td>
<td>23</td>
<td>123</td>
<td>29</td>
<td>153</td>
</tr>
<tr>
<td>C. P. I. (M)</td>
<td>19</td>
<td>126</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>J. S.</td>
<td>35</td>
<td>263</td>
<td>14</td>
<td>116</td>
</tr>
<tr>
<td>P. S. P.</td>
<td>13</td>
<td>104</td>
<td>12</td>
<td>149</td>
</tr>
<tr>
<td>S. S. P.</td>
<td>23</td>
<td>177</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Repu.</td>
<td>1</td>
<td>21</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Others</td>
<td>33</td>
<td>289</td>
<td>29</td>
<td>197</td>
</tr>
<tr>
<td>Indep.</td>
<td>42</td>
<td>426</td>
<td>28</td>
<td>291</td>
</tr>
</tbody>
</table>

**Total**

|       | 520  | 3486 | 494  | 2855 | 494  | 2906 | 489  | 3280 |
An association of members who propose to form a Parliamentary Party in Lok Sabha must satisfy the following requisite conditions:

(i) They should have a distinction ideology and programme of work whether in the political, economic or social field, which was announced by them at the time of general elections and on which they have been returned to the House. They should form homogeneous unit capable of developing into well-knit entity.

(ii) They should have an organization both inside and outside the House, which is in touch with the public opinion.

(iii) They would at least be able to command a strength which would enable them to keep the House, i.e. their number should not be less than the quorum fixed to constitute a sitting of the House, which is one tenth of the total membership.

A political party, having representation in Lok Sabha, which satisfy the two conditions but fails to command the required minimum strength, viz. one tenth of the total membership of the House is recognized as a Parliamentary Group, provided its membership is at least 30.

In the first Lok Sabha the Communist Party was recognized as a Parliamentary Group in the House. In Aug. 1954, however the group lost recognition when its membership dropped to 29. In the Second Lok Sabha no group of members was recognized as a Parliamentary Group in the House. The Communist Party consisting of 34 members, was recognized in the Third Lok Sabha as a Parliamentary Group. The group, however lost
its recognition in September 1964, due to split in the Communist Party. In Fourth Lok Sabha, the Swatantra Party and Jan Sangh were recognized.

**Leader of the House:**

The Prime Minister, who is the leader of the majority party in Lok Sabha, usually functions as a leader of the House. The position was however changed in January 1965, after the appointment of the new Prime Minister, who was a member of Rajya Sabha. This necessitated the appointment of a separate leader of the House in Lok Sabha. The leader of the House exercises direct influence of the course of business. The whole policy of Government specially so far as it is expressed in the inner life of the House and measures dealing with the course of its business, is concentrated in his personality. The responsibility of the Leader of the House is not only to the Government and its supporters in the House but to the Opposition and the House as a whole. He maintains liaison between the Government and the Opposition groups in the House.

**Leader of the Opposition:**

In any system of Government there will always be a struggle for power. Those who are not in office will constantly try to oust those who form the Government for the time being. The Parliamentary system of Government struggle for power on the floor of the House by recognized parliamentary methods. One of the biggest parliamentary achievements of
the present century is that the role of the Opposition has been recognized and has been given a due place in the Parliamentary system. The leader of the Opposition is thus an important person. He is a shadow Prime Minister and he has to be prepared to take up the responsibility of forming a Government if his party secures a majority at an election or if the Government resigns or is defeated. Though he may criticize the Government vehemently of the floor of the House and outside in the country, but abroad he defends the policies of the Government.

"An Opposition can pursue a Government with sustained criticism and keep before the voters, between general elections, the options that will eventually confront them." The influence of the Opposition over the formulation of the Government policy is not negative; though of course, once a Government has firmly decided on a course of action, no Opposition is likely to be able to force a change unless with the aid of the governing party's own backbenchers. The Opposition policies and utterances are not always directed at vote winning in the next election but some times at trying to influence as a situation immediately, or simply voicing the reactions of supporters.

It is a vital importance for the political health of the nation that there should be, in every moment be seen to be a creditable alternative Government ready and waiting to take over. It is not enough for an Opposition to work for power in
the next Parliament by diminishing confidence in the present Government; it must work to persuade the public that it is creditable alternative in the present by behaving responsibly. Yet 'irresponsibility' is also a damaging charge against any Opposition and, in particular, its leading spokesman must often speak with circumspection about the critical issues.

Even if a Government is grossly mishandling the nation's affairs, an opposition stands no chance of taking over unless it looks like an attractive alternative, and it can only present that appearance inside the House of Commons. "The purpose of the party system in a democracy is to make Opposition respectable."29

Before the middle of the seventeenth century, most public men in England attacked any sign of the growth of parties 'factions' as they were called. By the end of eighteenth century, largely under the influence of people like Edmund Burke, who defended the idea of party in a well known treaties. Party is a body of men united, for promoting their joint endeavours the national interest, upon some particular principle in which they are all agreed.... It is the business of the speculative philosopher to make the proper ends of Government. It is the business of the politician, who is the philosopher in action, to find out proper means towards those ends, and to employ them with effect. Therefore every honourable connection will a how it is there first purpose, to pursue every just method to put the men who hold their opinions into such a condition
as may enable them to carry their common plans into execution.

During the nineteenth century parties were given organizational form, first on a local basis and later nationally. But the time the twentieth century dawned the party system had come to be recognized as a vital element of British parliamentary democracy. In the final analysis the party system seems to be inevitable in a democratic society. The system is not fixed and static. It is merely a convenient device to enable majority to have their way and the minority to have their say. The secret of making the system work is to know when to put into cold storage.

Strict party alignments and the conditions, the Opposition can not turn out the Government. The Government can loose its party majority in one of two ways only, by a general election or by a party split. An Opposition never hesitates to put a finger into any crack in the party from against it. The Opposition does not expect to be able to follow 'Tierney's' advice and 'turn out the Government' by its vote. It hopes to persuade the floating vote to do so at the next election. It is the function of the Government so to mould its policy and to manages its force that it never runs the risks or defeat. It is recognized that a defeat is damaging to its prestige, and it is the purpose of the Opposition to show that it could manage the affairs of the nation such move competently. There is less loss of prestige in withdrawing an unpopular proposal than in being beaten on.

Parliamentary debate is, however, only one of the instrument of the Opposition. The Opposition is a party
outside the House of Commons as well as inside. There is one feature of Opposition which has little connection with the electoral process. The importance of Parliament as an instrument for the redress of individual grievances. On such issues, however, the debate rarely runs on party lines. The task of the Opposition is not merely to see that such of the Government's proposals as are objectionable are opposed by voice and to vote, to secure concessions on Government's Bill, to compel the Government by all methods of propaganda to modify its general policy, and finally to create the necessary public opinion against the Government for the next election; it must take part also in the actual process of parliamentary Government.

After seventeen years of freedom, India today does not possess an Opposition in the sense which it is understood in the West. As the term is used here, "Opposition" signifies an organized group which:

(a) offers constructive criticism of Government policies while subscribing to democratic values and practices;
(b) is in a position to provide alternative policies to those of the party in power;
(c) has the necessary influence and organizational strength both at the State and National levels to make its presence felt in the political life of the country; and
(d) has competent and clean leadership which not only presents a superior image but also has the capacity to assume the reins of power when called upon by the electorate to do so.
Used in these sense it becomes immediately apparent that not one of the Opposition parties in the country can lay claim to being a genuine "Opposition." It is hardly possible to say about the nature or functions of the Opposition in the Legislature in India since owing to the peculiar array, and strength of parties, an Opposition in the English sense has not been built up in this country during the short working of the Parliamentary system under its independent Constitution. The primary reasons for the absence of a united Opposition is the marked difference in ideologies between the various minority parties which range, 'from the extreme left to extreme right.'

The need for an organized Opposition has, however, been felt by many political leaders, including those of the majority party. "No Government demands so much from the citizen as Democracy and none gives so much back. Any free people that has responded to the call of duty and has come out of a terrible ordeal unshaken in courage, undimmed the vision, with its vital force still fresh and strong, need not fear to face the future."

Indian National Congress:

It began as a social and cultural than a political movement in the year 1885. Only in 1889 did it give itself a formal Constitution. Its outlook, wrote two historians, "was urban rather than rural; it had no organic connection with peasants, labourers or country traders.... The great
majority of those who attended the Congress were lawyers, teachers or journalists, that is to say, they belong to the three new profession which had grown up under British rule; a few Englishmen or Scotsmen gave substantial help in the early stages; the procedure was modulated on English practice; and the movement may justify be described as an attempt to influence the Government within the existing Constitution."

By the end of First World War the Congress transformed itself into a militant political organization and set before itself the task of liberating India from foreign rule. Until the 1920's the urban intelligentsia which dominated the Indian National Congress had little communications with the masses of the country.

As a nation wide nationalist movement, the Congress brought together a wide assortment of groups from business, labour and the peasantry. Only communal considerations were able to substantially divide the national movement, with the Muslim, Sikhs, Anglo-Indians and Parsees maintaining their own organizations to act on behalf of their communities. With the achievement of independence in 1947, the objectives of the Congress had to be restated. For, neither to, the primary objective of the Party was India's political freedom. But the freedom would have become meaningless without the economic prosperity of the nation.

According to Party's conception of the social organization inevitably leads it to the establishment of a
'secular State' in which every individual have equal rights and opportunities, and the removal of barriers which may divide the people into opposing groups on the basis of religion, caste, class or region. Further it accepts the imperative necessity of planning for the development and advance of various aspects of national life and activity.

Communist Party of India:-

Founded in 1924, the communist Party of India was an illegal body till 1943, in that year it held its First Party Congress in Bombay.

The attitude of the Communist Party towards the Second World War led to the removal of the Communists from the A. I.C.C. in December 1945. Its attitude was not clear in the early stages of negotiations for transfer of power in India.36

On the eve of independence, the CPI declared that it would "join the day of national rejoicing" and would place itself shoulder to shoulder with the national movement for the full independence.

In Oct., 1951, the All India Party conference approved the Draft Programme and the statement of the policy of CPI. In Draft Programme the C.I. criticised the foreign policy of India as "subservient to British imperialism." The party changed its attitude, after 1954 when India and Soviet Union come into close co-operation.

Communist Party of India (Marxist) :-

Chinese aggression gave a serve blow to the Indian
The whole nation rose up like one man. The rise of Indian Nationalism posed a great threat to International Communism. A large section of the Indian People demanded alignment with Western Powers and severely condemned the Communists and neutral countries for not distinguishing between the aggressor and the aggressed. The people demanded a total ban on CPI. They noticed that they have become very notorious in public eyes and it was very difficult for them to work on their programme for violent revolution. So they decided to bifurcate a mock rift in the CPI, taking advantage to Sino-Soviet feuds. Thus, by sacrificing one part of the Party and branding it as pro-China.

To make the rift look genuine, the CPI National Council suspended 32 members of the Council in April, 1964, who had been loudly pleading for China in the past.

On April 9, 1964, the Communist Party of India apparently split into two groups the Right and the Left. A separate Conference of the Left Communists was called at Tenali, in July, 1964.

The Praja Socialist Party was born after the first General Elections as a result of the merger of the former Socialist Party of India and the K. M. P. P. Both these parties were the products of the union of different groups of dissidents from the Congress Party, who left it immediately after the coming of independence. While the Socialist Party was composed of ideology moderate leftists who stood for the establishment of democra-
tic socialism of India, the K. M. P. P. members claimed to be true Gandhian who stood for the ideals which Gandhi propagated. Nevertheless, the fact was that there was hardly any fundamental difference between the two parties. Soon after the elections, in May, 1962 they decided to establish a political alliance with a view to give a markedly greater coherence to the non-Communist Opposition.

**Samyukta Socialist Party**:

The new Socialist Party formed by the merger of the Praja Socialist Party and Socialist Party, was christened Samyukta Socialist Party on June 6, 1964.

At the first Conference of the new formed party called at Varanasi from January 29 to February 1, 1965, a small section of the former Praja Socialist members quit the SSP to revive the PSP.

The Party aims to achieve, by democratic and peaceful means, a Socialist Society, free from social, political and economical exploitation of man by man and nation by nation.

The Party will organise, guide and lead peaceful revolutionary class struggles, mass movements and civil disobedience; promote constructive efforts; and also use parliamentary methods to secure political power in order to eliminate all forms of injustice and feudal capitalist exploitation.

**Bhartiya Jan Sangh**:

The Akhil Bhartiya Jan Sangh was formed in New Delhi.
at a convention attended by 500 delegates from different parts of India. The Jan Sangh came into existence on October 2, 1951 as a "rightist" party in contradiction to the then existing opposition parties, which were, by and large, "leftist". The BJS previously functioned on a purely provincial basis. Dr. Shyama Prasad Mukerjee, who was formerly President of All India Hindu Mahasabha, was unanimously elected President of the new organization. Later he joined the Union Cabinet in 1947, but resigned in April 1950 as a protest against what he considered to be the lamentable lack of initiative and firmness in the Government's tackling of the problem of the minorities in Pakistan.

Swatantra Party:

The formal decision to establish the Swatantra Party was made public in Madras on June 4, 1959. The date of June 4, 1959, is significant primarily because it post-dates the Nagpur Resolution, and Madras is important primarily because it suggest a south Indian origin.

Commenting on the birth of Swatantra, one writer has argued that 'in one sense this was not the emergence of a new political former, but only the regrouping of the conservative elements in Indian Society which are making themselves felt in the working of other parties earlier.'

During the period of 1950 to 1952 prior to the First General Elections, there was only evacuee problem and the relation in the international field were limited within India and Pakistan mainly.