CHAPTER - II

PARLIAMENT
The term parliament has a French lineage. It is derived from the old French usage 'parlement' which means a meeting for discussion or debate (parler, to speak).

The term acquired an exact connotation in the later half of the thirteenth century and was designated to mean the sessions of the royal court in England - Curia regis.

In its English form, the word parliament came to be used for the supreme legislature of England. The term was first used for a debate, then for a formal conference, and for the great Councils of Plantagenet Kings. In course of time the term came to be used for a legislative assembly. The term 'parliament' was first officially used in the Statute of Westminster, 1275, for the Great Council in England.

In India, parliament as a representative institution is of recent growth. It has been said that there did exist different kinds of representative institutions in ancient
India, e.g. Sabha\(^1\) and Janapada\(^2\) but in the strict sense of the term these ancient institutions can in no way be called parliament.

1. The terms Sabha, Samiti and Parishad are technical terms used in connection with the people. These were synonymously used though in different contexts. The first two terms are mentioned in the Vedic literature: The term Sabha is mentioned in the Rig Veda and in the later literature. In the Rig Veda it applies to a hall used for gambling, presumably when the assembly was not transacting any public business the hall also seems to have been used for social gatherings and possibly for debates as well.

The Sabha in ancient times was an association of kinsfolk bound together by ties of blood or of common residence and dealt with the affairs of the local community. But there is no evidence to suggest that the Sabha occupied an important place in the institutions of the ancient polity nor is there any evidence of the exact nature of the work done by the Sabha as a political institution in the ancient Indian policy. But there is no denying the fact that it was used in connection with the people and drawn from them and attending to the numerous and varied affairs of the local community. It is clear from the above that it cannot be equated to a modern parliament.

2. It is one of the technical terms used for the people. The other terms are Paura-Janapada and Sabha. The last term has synonyms - Vidhatha, Parishad and Samiti. These terms are of great antiquity and seem to have varied in their connotations in different periods of ancient Indian History. But what becomes clear is that all these terms had much to do with people or with their representatives through whom the general will was expressed and became meaningful.

The term Janapada has been used in different contexts. Here the term has been used in its connotation of a representative institution through which people express their will. There is no definite data about the size of the Indian self-governing communities or the institutions like the Janapada, Sabha, Paura, Samiti. The state in ancient India was small in size and population. Janapada in its connotation as a representative institution of a people cannot be compared to a modern parliament.

See B.A. Saletore: Ancient Indian Political Thought and Institutions 1963, pp. 378-80, 390-91.
In India representative institutions were introduced by the British. To begin with, the franchise was very limited but with the spread of western education and political awareness among the people, the British were compelled periodically to enlarge the franchise in order to provide representation to the new emerging interests and rising political awareness and ambition for independence. It seems necessary here to notice, however, briefly, the process of enlarging representation by the British culminating in the establishment of a parliament representing the Indian people and with powers to make laws in all spheres of governance of the country.

The Queen's Proclamation of November 1, 1858, was a landmark in the history of governance of India as it transferred political power from the East India Company to the British Crown and as a consequence the passing of the Act of 1858 by the British Parliament signified a change in the form of government without making any difference in its powers. But this change served to mark the beginning of representative institutions in India. This beginning was made by the passing of the Indian Councils Act, 1861 which may be said to have begun the process for the establishment of representative institutions in India. It was also the first significant measure in the direction of decentralization. It established a Central Legislative Council Governor-
General's Legislative Council. It also restored legislative power to the two Presidency governments, Bombay and Madras. The members of these Legislative Councils were not the elected representatives of the people but nominees of the Governor-General and the Governors respectively.

During the period between the passing of the Councils Act of 1861 and the Indian Councils Act of 1892, the results of the spread of western education in India began to be felt. In 1885 the Indian National Congress was established and the passing of the Indian Councils Act, 1892, may be in some measure, attributed to its work and labour among the people of India. The Act laid down the foundation of representative government in India. The principle of election was conceded, though indirectly. In this indirect acceptance of the principle of election lies the significance of the Act of 1892. The Act also empowered the Council to have a full and free discussion of the financial policy of the government. But these Councils in point of fact were mere debating societies and their constitution, powers and functions did not meet the expectations of the Indian people.

The Indian Councils Act of 1892 was followed by the Indian Councils Act 1909 which marks an advance on the Act.
of 1892 in more than one aspect. The Act besides increasing the strength of the Imperial Legislative Council and the Provincial Legislative Councils introduced separate electorates along with a narrow franchise and indirect election. It also enlarged their functions.

The next stage in the process was provided by the passing of the Government of India Act, 1919 which was preceded by the Montague Declaration of August, 1917. The significance of the Declaration lies in that it eased the critical political situation in India for the British Government.

The Government of India Act, 1919, marks a new phase in the process of constitutional development in India. It established a political system which set India on the path to responsible government by crossing the line between the executive and the legislative authority. It introduced bicameralism in the Central Legislature (the Council of States and the Legislative Assembly) and made it more democratic and representative. It conferred very wide legislative powers on the Central Legislature but these were more apparent than real. The Central Legislature had limited authority and narrow franchise. Even Dyarchy introduced in the provincial sphere worked creakily. The reforms effected by the Act of 1919 did not meet the political aspirations of the Indian people though the Act
was not devoid of utility and significance in India's march towards self-government.

The next milestone on the road to fully representative institutions and responsible government in India was the passing of the Government of India Act, 1935. The Act abolished Dyarchy in the Provinces but introduced it at the Centre. It contemplated a peculiar kind of federation for India. It demanded the fulfilment of two conditions before the federation could be brought into being by a Royal Proclamation: (i) an address to be presented to the kind by each House of Parliament; (ii) such an address could be presented only when rulers of states entitled to not less than half of the seats assigned to the states in the Council of States had expressed their assent to join the federation. These conditions could not be fulfilled due to the great reluctance and in some cases even refusal of the Princes to join the proposed federation.

The outbreak of the World War II on September 3, 1939 coupled with other political considerations led the Governor-General to declare on September 11, 1939 the suspension of the federal scheme as envisaged in the Act of 1935. The Act introduced provincial autonomy in the Provinces and the entire provincial government was made responsible to and removable by Provincial Legislative Assembly. But the provisions of special responsibility and individual judgment
of the Governor embodied in the Act negated the benefits of responsible government. This process of enlarging representation, and to meet the Indian demand for independence was finally met by the British by passing the Indian Independence Act in 1947.

After the passing of the Independence Act in 1947, Indian people became free to frame a constitution for their governance. Consequently, this work of framing the Constitution was completed by the Constituent Assembly on November 26, 1949. This Constitution became operative on January 26, 1950. After the adoption of the Constitution, the Constituent Assembly was transformed into the Provincial Parliament. The first elected Parliament convened on May 13, 1952.

Thus, it would be seen that the provision of a Parliament based on universal adult franchise, having sovereign law making power under the present Constitution, is a culmination of the process of the establishment of fully representative institutions and responsible government started by the passing of the Councils Act of 1861 through a continuing exercise of increasing the composition, enlarging the franchise, legislative and financial devolution and establishing a Parliament as a supreme law making organ of the Indian polity.
The Indian Parliament, though, follows the pattern of the British Parliament, yet, no two parliaments can be said to be similar in their nature and function and the Indian Parliament is no exception to this rule. It differs from the British model in more than one respect due to the different factors political, economic, social and many others in India.

This is very well brought out by S. L. Shakdher who points out: "There is a myth that we have copied the British system. It is true that there have been British influences in our democratic system but it is not a replica of the British system. It is entirely our own system which is not found in the rest of the world."

The Parliament in Great Britain is sovereign and supreme. The reasons for its unparalleled and unique position of supremacy are: firstly, the unwritten constitution; secondly, there being no distinction between ordinary law and constitutional law because the source of both is the common law; thirdly, there is no other authority to sit on judgment to decide the validity or otherwise of the laws made by it; and lastly, but most important the British Parliament has evolved as a result of historical circumstances - folkmoot, witenagemot - parliament.

In contrast, the position of the Parliament in India is different. The powers of the Parliament are defined and limited by the written law of the land i.e. the Constitution. The written Constitution clearly establishes a distinction between ordinary and constitutional law and, thus, provides for a special process of amendment of the constitutional law. The Constitution establishes a Supreme Court vested with the power of pronouncing on the constitutionality or otherwise of the laws passed by the Parliament. Thus, the positions of the two parliaments that of India and that of Britain, are quite different from one another.

The Parliament is bicameral\(^1\) in India and is vested with wide powers extending to the legislative, financial and constituent matters. This wide circumference of powers makes the Parliament a very important and powerful organ in the working of the Indian political system.\(^2\)

"The plenitude of its powers at once becomes evident on an analysis of the extent of jurisdiction of Parliament under the scheme of distribution of powers, the constituent power it possesses, its role in emergencies and its relationship vis-a-vis the Judiciary, Executive, the State

1. Article 79 of the Constitution provides:

   "There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People."

2. See Norman D. Palmer : The Indian Political System, 1971, p. 137.
The foremost and one of the most important functions of the Parliament is law making. The circumference of the legislative power of the Parliament is very wide. The governmental powers are enumerated and divided into three lists, namely, the Union, the State and the Concurrent. The Union List consists of matters which are of national importance and hence are assigned to the national government. These matters include defence of India, naval, military and air forces, foreign affairs, citizenship, highways, posts and telegraph, currency and coinage, banking etc. The power of the Parliament to make laws over the items included in the Union List is exclusive. It can also make laws on matters in the Concurrent List.

The Union and the State governments are autonomous in their respective spheres. The division of powers presupposes the autonomy of each government in its field as defined by the Constitution. Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any

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2. The Union List comprises 97 items; the State List comprises 66 items; and the Concurrent List comprises 47 items.

All the three Lists are embodied in the Seventh Schedule of the Constitution.
part of the State."

The legislative supremacy of the Parliament is well recognised as in case of a conflict between the law passed by the Parliament and that passed by the State legislature, the law passed by the former prevails.

The Constitutions of the U.S.A., Canada and Australia

1. Article 245(1).
2. Article 254 reads:

"(1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of repugnancy, be void.

(2) Where a law made by the Legislature of a State with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State.

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of a State."

-: 22 :-

-: 22 :-
also, recognise that in case of a conflict between a valid state law and a valid federal law, the latter prevails over the former.

The Parliament in India also enjoys the residuary power of legislation which in the case of the U.S.A., Australia and Switzerland is vested in the state legislatures in the U.S.A. and Australia and in the Cantons in Switzerland.

Further, the Parliament is empowered to "make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List." ¹

Again, the Parliament in India can legislate upon any matter enumerated in the State List, if the Council of States (Rajya Sabha) passes a resolution that such a legislation is 'necessary or expedient' in the national interest, by a two-thirds majority of the members present and voting. ² If such a resolution is passed, it remains in force for a period of one year. ³ It can continue to remain in force for another year if another resolution to the same effect is passed in the same manner. ⁴ This means, by a

1. Article 246(4).
2. Article 249(1).
3. Article 249(2).
4. Proviso to Article 249(2).
resolution passed by the Council of States by a two-third majority of the members present and voting, any item in the State List can be brought under the jurisdiction of the Parliament. The expression 'national interest' is wide enough to encompass and embrace any situation arising in the country. So far it has not been necessary for the Parliament to invoke the provisions of this Article.

Further, Parliament can legislate on all matters specified in the State List whenever emergency is proclaimed. The provisions of Article 250 together with the provisions of Articles 352, 353 and 356 refer to the plenary power of

1. If the matter is of national importance then an amendment of the Constitution is required to place it in the Union List.

2. Article 250(1) reads: "... Parliament shall while a Proclamation of Emergency is in operation, have power to make laws for the whole or any part of territory of India with respect to any of the matters enumerated in the State List."

3. Article 352 deals with Proclamation of Emergency in case security of India is threatened by war or by external aggression or by armed rebellion.

4. Article 353: "............ (b) the power of Parliament to make laws with respect to any matter shall include power to make laws conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Union or officers and authorities of the Union as respects that matter, notwithstanding that it is one which is not enumerated in the Union List. ............"

5. Article 356: "............ (1) If the President on receipt of report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution, the President may by Proclamation - (b) declare that the powers of Legislature of the State shall be exercisable by or under the authority of Parliament; ............"
legislation of the Parliament during a period of emergency.

Further, Parliament becomes competent to legislate upon any particular matter which is declared by two or more States, in a resolution passed in their respective State Assemblies to be under the legislative competence of the Union Parliament. Such a resolution has effect over only those states which are a party to such a resolution. Other States can also join if such resolutions to this effect are passed by their respective State Assemblies. The law so passed by the Parliament can only be repealed or amended by the Parliament itself and not by the legislature of a State to which it applies.

Again, the plenitude of the legislative power of Parliament is evident in the area of international relations or in the sphere of external sovereignty. Parliament is competent to legislate for the whole territory of India or any part thereof, for giving effect to any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or any other body.

1. Article 252(1).
2. Article 252(2).
3. Article 253.
Parliament has a strong position in another sphere namely, finance. It is empowered to consider the 'annual financial statement' every year. It discusses, debates, and passes the Budget of the Government of India, every year.

Parliament enjoys wide powers in the constituent field also. It is empowered to effect changes in the Constitution under Article 368 which stipulates the procedure of amendment of the Constitution by making addition, alteration or completely repealing any provision of the Constitution.

1. The annual financial statement of the estimated receipts and expenditure of the Government for the ensuing year and the taxation proposals of the Government - is called the Budget. The Budget is presented in two parts - the General Budget and the Railway Budget. The Budget consists of Demands for Grants comprising expenditure not charged on the Consolidated Fund of India.

2. The Procedure in Financial Matters is provided for in the Constitution from Article 112 to Article 117.

3. Article 368 has been amended twice.

   Article 368 in its present form in Part XX of the Constitution reads:

   "(1) Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article.

   (2) An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill:

   Contd..."
The procedure set forth under Article 368 for the amendment of the Constitution is of two different categories; firstly, an amendment which can be initiated by either House of Parliament by introducing a bill to this effect. The Bill

Footnote continued from page 26

Provided that if such amendment seeks to make any change in -

(a) Article 54, Article 55, Article 73, Article 162 or Article 241, or
(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI, or
(c) any of the Lists in the Seventh Schedule, or
(d) the representation of States in Parliament, or
(e) the provisions of this article,
the amendment shall also require to be ratified by the Legislatures of not less than one half of the States by resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent.

(3) Nothing in Article 13 shall apply to any amendment made under this article."

(4) No amendment of this Constitution including the provisions of Part III made or purporting to have been made under this article whether before or after the commencement of Section 55 of the Constitution (Forty-second Amendment) Act, 1976 shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this constitution under this article."

Note: Clauses (4) and (5) of Article 368 were added by the Parliament under Section 55 of the Constitution (Forty-second Amendment) Act 1976.

The Supreme Court has declared Section 55 of the Constitution (Forty-second Amendment) Act, 1976, as invalid and beyond the amending power of the Parliament in Minerva Mills Ltd. v Union of India and Others, A.I.R. 1980, S. C. 1789.
so referred has to be passed by a double majority i.e. a majority of the total membership of the House and a majority of not less than two-thirds of the members present and voting in that House. After the bill has been passed by both the Houses of Parliament in this manner, it shall be presented to the President "who shall give his assent to the Bill and thereupon" the Constitution shall stand amended.

Secondly, those amendments which need to be ratified by at least one half of the States in addition to the double majority in each House of Parliament. These amendments deal with the election of the President, extent of the executive power of the Union and the States, the Union Judiciary, High Courts for Union Territories, the High

1. Inserted in Article 368(2) by the Constitution (Twenty-fourth) Amendment Act, 1971, Section 3.

   Earlier the words used were, "It is to be presented to the President for assent and upon such assent being given to the Bill." Thus, prior to the said amendment, there was a possibility that the President could withhold his assent to the Bill, but after the Amendment, it becomes binding on the President to give his assent to such a bill.

2. Article 368(2).

3. Article 54 and Article 55.

4. Article 73 and Article 162 respectively.

5. Chapter IV of Part V.

6. Article 241.
Courts in the States\(^1\), the Legislative relations between the Union and the States\(^2\), representation of States in Parliament\(^3\) and the provisions of this article.

Thus, the matters which affect not only the Centre, but also the States, require participation of both, the Parliament and the State Legislatures.

The all embracing powers of the Parliament extend further. There are certain provisions in the Constitution by which the Parliament is empowered to legislate upon and thus effect a change, in those matters and, yet, such a legislation is not considered as an amendment of the Constitution\(^4\). The matters covered by this provision are, creation of new States or reorganization of the existing States\(^5\); abolition or creation of Legislative Councils in

1. Chapter V of Part VI.
2. Chapter I of Part XI, Seventh Schedule.
3. Fourth Schedule.

4. Article 4(2), Article 169(3), Article 239(A), Paragraph 7(2) of the Fifth Schedule and Paragraph 21(2) of the Sixth Schedule specifically provide: "no such law as aforesaid shall be deemed to be an amendment of this Constitution for the purpose of Article 368".

The mention to such law is for laws made in pursuance of matters enumerated under the above said articles. Such matters are discussed above.

5. Articles 2, 3 and 4.
States\(^1\); regulation of Union Territories\(^2\); laws for creating the Local Legislatures or Council of Ministers or both for certain Union Territories\(^3\); administration of Scheduled Areas and Scheduled Tribes.\(^4\)

In addition, in quite a few provisions of the Constitution, the expression is used that these provisions shall continue to be in force "until Parliament otherwise provides." This means that the Parliament can change the operation of these provisions by passing an ordinary legislation, thus, effecting a change in the Constitution, though, such a change is brought about by an ordinary law passed by the Parliament. For instance, Parliament can under the provision of the Constitution\(^5\), make a law regarding acquisition and termination of citizenship and all other matters relating to citizenship notwithstanding the provisions of Articles 5 to 10\(^6\); temporary, transitional and

1. Article 169.
2. Article 240.
3. Article 239-A.
4. Paragraph 7 of the Fifth Schedule and Paragraph 21(2) of the Sixth Schedule.
5. Article 11.
6. Articles 5 to 10 deal with Citizenship.
special provisions of the Constitution\(^1\), whereby Parliament is empowered to legislate upon certain matters in the State List for a period of five years from the commencement of this Constitution\(^2\), modification of the application of the provisions of the Constitution in their application to the State of Jammu and Kashmir.\(^3\) Parliament is further empowered to extend the tenure of the House of People and the Legislative Assemblies of States beyond their stipulated period of five years during the operation of a proclamation of emergency.\(^4\) Again, Parliament can legislate and provide for certain powers for the States and their officers\(^5\), to be changed by a law made by Parliament. Further it can amend the Second Schedule of the Constitution\(^6\); provisions under certain articles of the Constitution\(^7\); the provision regarding Parliamentary privileges\(^8\); the salaries and allowances of members of

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1. Part XXI of the Constitution.
2. Article 369.
3. Article 370.
4. Article 83(2) and Article 172(1).
   Article 83(2) was amended by the Forty-second Amendment to increase the tenure of Lok Sabha from five years to six years and Article 172(1) was also amended to increase the tenure of State Legislatures from five years to six years. This change brought by the Forty-second Amendment was undone by the Forty-fourth Amendment Act, 1978.
5. Article 73(2).
6. Provisions as to the President and the Governors of the States, Judges of the Supreme Court and of the High Courts and the Comptroller and Auditor-General of India.
7. Articles 75, 97, 125, 148 and 221(2).
8. Article 105(3).
Parliament; provisions pertaining to the rules of procedure of Parliament; the provision specifying omission of English language for conducting business in Parliament after a period of fifteen years; the provision prescribing the number of Judges of the Supreme Court; and the provisions regarding the official language.

The foregoing discussion and analysis of the powers of the Parliament to amend the Constitution shows that its amending powers are wide ranging and its function to do so is, at once, important and crucial.

The Parliament exercises power in regard to the matter of the election of the President and the Vice-President. The Parliament is also vested with the power

1. Article 106.
2. Article 118.
3. Article 120(2).
4. Article 124(1).
5. Articles 343(3) and 348(1).
6. Article 54 provides: "The President shall be elected by the members of an electoral college consisting of -
   (a) the elected members of both Houses of Parliament; and
   (b) the elected members of the Legislative Assemblies of the State."
7. Article 66(1) provides: "The Vice-President shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of proportional representation by means of the single transferable vote system."
of impeachment of the President and judges of the Supreme Court.2

The foregoing discussion of the powers of Parliament clearly shows the important and powerful position which it occupies in the working of the Indian Constitutional system. Yet, there are a few limitations imposed by the Constitution on its powers.

Parliament has to adhere to the 'procedure established by law'3 in making, altering or repealing laws. If the law passed by the Parliament is challenged in the Courts and is found to be in violation of the provisions of

1. Article 61 stipulates the procedure for the impeachment of the President for violation of the Constitution. It was only in 1979 that the idea of impeaching the President Sanjiva Reddy was debated in the country. The occasion for this debate was provided when President Sanjiva Reddy invited Charan Singh to form the government and ignored the claim staked by Jagjivan Ram who was the leader of the Janata Party in the Parliament which was the single largest party in the Parliament at that time.

2. Article 124(4) provides for the impeachment of a judge of the Supreme Court on the grounds of 'misbehaviour' or 'incapacity'.

In 1969, the Supreme Court struck down an order nationalizing the banks. This enraged the Parliament and quite a few members both from the Treasury and the Opposition demanded an impeachment of those judges who had sat on the bench and had shares in the banks.

3. Parliament is constrained more by the procedure as provided in the Constitution than by the interpretation of the judiciary as to what is constitutional and what is unconstitutional.
the Constitution, it is declared ultra vires of the Constitution and is held invalid. Thus, it may be said that the legislative competence of Parliament is limited by the provision dealing with judicial review in the Constitution.

Further, some specific provisions of the Constitution clearly forbid the Parliament to make any law which infringes or encroaches upon the rights guaranteed by the Constitution\(^1\) under Part III entitled Fundamental Rights. Any law which is passed by the Parliament in contravention of the said limitation is considered invalid.\(^2\)

In spite of these limitations on its powers Parliament exercises its powers beyond these restrictions. This transgression by the Parliament has been challenged in the Supreme Court.\(^3\)

It is evident from the discussion in the foregoing pages that Parliament is one of the most important organs of the State. With its wide range of powers which extends to almost all the spheres of the life of the Indian society, it has shown concern and drawn attention to the acts of

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1. Article 13(2).
2. Ibid.
3. Discussed in detail in Chapter IV.
omission and commission of the government and at times has passed quite a deal of legislation for bringing about the socio-economic changes in the Indian society. It is another matter whether or not this kind of legislation has received universal approval.

Parliament is what its members make it. Consequently, the manner in which it functions is mainly if not absolutely dependent upon its members. The manner and the method of the members in the discharge of their duties depends upon their socio-economic background and this very much affects not only the manner of the functioning of Parliament but also determines the standard of debate, the language of the questions asked and what is generally called the 'parliamentary behaviour'.

In the foregoing pages, the powers and functions of the Parliament, have been discussed, the exercise of which has given rise to certain issues of conflict between Parliament and the Supreme Court.

Before these issues are identified and examined, it is proposed to examine and discuss the powers and functions of the Supreme Court of India in the next Chapter.

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1. For an analysis of socio-economic background of the members of the Parliament, see Appendices I.