

Confidence in the House

Indian Parliament. File Photo. | Photo Credit: [Shanker Chakravarty](#)

Think of the day in 1997 when Prime Minister H.D. Deve Gowda had to face a no-confidence motion in the Lok Sabha. Now imagine the following situation. Some MPs from one of the numerous parties disrupt the proceedings by storming the well of the House and showing placards. The Speaker expresses that he is unable to conduct the House and adjourns for the day. Repeat this for several days. The Prime Minister continues to hold his office. Would this be a legitimate government?

This is not a mere academic question. About three weeks ago, several members of Lok Sabha gave written notices to the Speaker for a no-confidence motion against the current council of ministers. The rules of procedure require the Speaker to verify whether 50 Members of Parliament support the motion by asking them to stand at their seats and taking a count. Since March 16, the Speaker has every day expressed her inability to count the members supporting the motion as some members were shouting slogans and showing placards in the well of the House.

A primary function

The primary role of the Lower House of Parliament is to determine who forms the government. The Prime Minister and the Council of Ministers can hold office only as long as they have the confidence of the Lok Sabha. While defending the parliamentary system over a presidential system, B.R. Ambedkar had stressed that the former provided accountability on a daily basis, which was desirable for India. Of course, his assumption was that such accountability would be ensured through parliamentary processes such as questions, adjournment motions and as a final measure, the no-confidence motion. Our Parliament has belied this expectation.

Sheen around Modi has faded... Rahul's remarks are immature, says Deve Gowda

Parliamentary processes recognise the primacy of the no-confidence motion. After all, most other parliamentary work is either designed to have the government answer on its policies and actions, or to debate government bills or sanction its budgetary proposals. These activities cannot be undertaken when the very legitimacy of the government is being questioned. Thus, if there are any notices for the no-confidence motion, the Speaker has to verify whether there are at least 50 MPs who support its introduction, and then fix a time for discussing it. It is this process that has been stalled.

What can the Speaker do if some MPs are not allowing the House to function? The Constitution and the Rules of Procedure in Lok Sabha do not give her the discretion to decide whether to allow the motion. She is duty bound to verify whether there are 50 members in the House who support its introduction. In case of disruptive behaviour by some MPs, she has the powers — and the responsibility — to bring order to the House. She can ask these MPs to return to their seats, failing which they can be named and asked to withdraw from the House. If they don't, they can be forcibly removed. There are a number of occasions when MPs have been suspended. Indeed, during the term of the current Lok Sabha, 25 members were suspended in August 2015 for not allowing the House to function.

Stalemate on in Parliament

This is not the first time that such a situation has arisen. During the winter session of 2013, several members had given notice for a no-confidence motion. This was during the agitation for creating

Telangana, and several members disrupted the House. For several days, the Speaker adjourned the House, and the motion was never introduced. However, in the midst of the ruckus, the Bill to reorganise Andhra Pradesh into two States was passed.

The present Speaker should not follow her predecessor's path. After all, an incorrect step should not form a legitimate precedent. Her duty is to put the motion to test immediately. Otherwise, the very existence of the government (as well as that of Parliament as a body representing the will of the people) is under question.

A long tradition

Till now, there have been 26 no-confidence motions. Many of these were symbolic in nature, such as the first one against Jawaharlal Nehru in 1963, three against Lal Bahadur Shastri and two against Indira Gandhi in the next three years. Of these 25 were unsuccessful, and one did not get to the voting stage as Morarji Desai resigned. On all these occasions, the no-confidence motion was given priority over all other business. It is this tradition that the Speaker must follow.

Jairam wants MPs stalling Parliament to be expelled

Given the membership of the Lok Sabha, it is evident that this government enjoys a comfortable majority. That said, this position still needs to be tested if questioned. Parliamentary democracy works because there is a broadly held belief in the fair and just exercise of power by the state. The inability of Parliament to function and to test the support for the government undermines the very basis of our democratic structure. The Speaker has the responsibility of ensuring that the House functions and taking whatever steps are necessary — including suspension of members, if needed — to ensure order and check whether there is requisite support to admit the debate on the no-confidence motion.

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