

# THE INDIAN PARLIAMENT, A PROMISE SPURNED

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'The choice of the parliamentary form of government was the outcome of a closely deliberated process' | Photo Credit: ANI

The relative distance from the din and dust that the lamentable turn Indian Parliament took in December 2023, gives us a vantage point to review the state of this foundational institution of public life of the most populous country in the world today. It was one of the gravest security lapses the House has witnessed in its history when two young men with gas canisters jumped on to the floor of the Lok Sabha from its gallery and spread pandemonium there for reasons little known so far.

The incident led to a stand-off between the Opposition and ruling party, eventually leading to the suspension of 146 members of both Houses of Parliament, from different Opposition parties. Much of the discussion on both these unprecedented events has hitherto focused on procedural and regulatory concerns. While they are important, it is also necessary to see the bearing of these events on the conception of a parliamentary government for India.

In historical hindsight, it may be worth noting that while progressive expansion of representation under the colonial aegis exposed a section of Indians to legislative processes, and some of them came under the spell of the Westminster system, the choice of the parliamentary form of government was the outcome of a closely deliberated process. There was much contestation within the Constituent Assembly, as well as outside it, regarding the form of government best suited for India: There were at least four stances around which the debate raged: presidential, Indian orthodoxy, Swarajist, and parliamentary.

Those who argued for the presidential system adduced reasons of stability, unity of the nation, primacy of centralisation, and drew heavily from the American model. Some of its apologists were also tilted towards religious and social majoritarianism. Those who argued for Indian orthodoxy pointed out that one of the cardinal beliefs of Indian anti-colonial movement was to establish a regime founded on Indian classical and tested institutional wisdom, although what it all meant was never spelled out. Those who argued for the swarajist model, defended themselves by invoking Gandhi, and sought a regime resting on village panchayats enjoying maximum powers and autonomy, the higher levels being endowed with those powers lying beyond the compass of the lower rungs.

This debate was decisively won by those who were arguing for the parliamentary model. Those

who marshalled this argument pointed out that there needs to be a decisive authority which can claim itself as the voice of the citizen community at large and being guardians of its mandate. The executive must be collectively responsive to this representative authority. If the executive loses the trust of the popularly elected House, it can no longer continue in office.

While this argument is akin to the defence of parliamentary representative democracies elsewhere, there were two additional arguments the protagonists of this position drew up. They pointed out that a parliamentary system marks a better space for minorities, in the political arena, to make their case in comparison to the presidential system and does not assume what is good for the citizen community in advance as other competing models do. The good of the citizen community is an outcome of debate and discussion in the representative body as a whole. Second, it has better capacity to reach out to ethnic and cultural differences as they can effectively rally in the choice of the representatives. Both these arguments implied that India's representative model encompassed great doctrinal, ethnic, and cultural pluralisms. Some of them may coalesce into a common fold overtime, but others may not, and new ones may sprout forth under conditions of freedom. Those who defended the parliamentary model on this ground also pointed out it was the authentic representative of the true spirit of India.

From the nature of the parliamentary system, it is obvious that such a regime can endure and be effective only if it has stable support, but it has to be questioned and challenged to ensure that it remains faithful to the common good. It is a paradoxical demand: a majority that is elected regards that it has found endorsement from the citizen community, but the reason of the system says such endorsement must be constantly and critically validated by keeping the common good in view. Although the term, political party, did not find a mention in the Indian Constitution till the enactment of the Tenth Schedule, the dialectics of stable support and effective opposition could be institutionally operated only through a competitive party system.

Given the commandeering position the Congress party enjoyed in the First Lok Sabha, Jawaharlal Nehru was sensitive to the absence of an effective opposition, although when such an opposition took shape in the Parliament, he was not very comfortable with it. It is also important to point out that once the Opposition found its effective voice within the House, those radical voices which initially claimed that they took the route of franchise to wreck Parliament from within, were largely absorbed within it. Given the paradoxical challenge that a parliamentary system throws up, the ruling party at the Centre as well as in States, has not found it easy to face a sustained Opposition and employed all subterfuges to limit its space, but the logic of the system has constrained it to live with it.

Given the centrality of Parliament to India's chosen public life, its security breach is a breach inflicted on the nation as a whole. The demand of the Opposition to make this issue central in Parliament is, therefore, understandable. In this context, it was the duty of the leadership of both Houses to ensure necessary assurances and explain the lapses. It did not seem that the present leadership exerted itself in that direction.

On the contrary, they converted the insistent demand of the Opposition, however excessive it might have been, as an affront to the working of the Parliament. There are a range of parliamentary committees. The presiding officers could have taken the Opposition into confidence to form a committee on security, at the least. Was the leadership of the Houses kowtowing to the executive at the expense of their dignity?

Madhu Dandavate mentions an incident when Jawaharlal Nehru sent a note to Speaker Mavalankar which read, 'Sir, I have some urgent work with you. Will you come to my chamber?' Mavalankar wrote on the same note, 'According to the accepted conventions of parliamentary life, a Speaker does not go to the chamber of any executive, including that of the Prime Minister.

However, if you have any work, you are welcome to my chamber.’ Nehru apologised and obliged.

While the Opposition in the present Parliament is not a paragon of parliamentary virtue, it is the responsibility of the leadership of the House, including its presiding officers, that it becomes the voice of the nation. The suspension of almost the entire Opposition from both the Houses, can hardly meet this test. It is also important to restate the principle that it is not the truth that a ruling dispensation upholds that serves its claim to rule but its ability to defend the course that it pursues as the truth.

**Valerian Rodrigues has co-authored with B.L. Shankar the book, The Indian Parliament: A Democracy at Work**

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