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Indian Parliamentary Democracy: Theory and Practice

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Introduction:

India is the biggest democracy in the world with more than 130 crore population. India has adopted parliamentary form of government on Westminster Model. It is the legacy of British Empire. Being a multicultural society, it is the most suitable form of government considered by the makers of the Indian Constitution. When do we review the functioning of our democracy during last seven decades, we are plus and minus too. If we consider from ideal perspective our functioning of Parliamentary Democracy is not satisfactory. But, from comparative perspective we should be satisfied. But, we should deliberately try to improve the lacunas in the functioning of our democracy.

Objectives:

To understand ideal theory of Parliamentary Democracy with special reference to India. To understand functioning of our democracy in last seven decades. To throw light on important occasions of crisis in our democracy. To suggest measures for improvement in better functioning of democracy.

Methodology:

Historical Method, Descriptive Method, Comparative Method, etc. are used for presenting the paper. Books, Year Books, Websites are referred to collect data.

Historical Background of Parliamentary Democracy:

Monarchy was the popular form of government throughout the long history of India. The British Rule in India after mid 18th century can be considered as the beginning of Democracy in India. British expanded their empire gradually and by 1850 almost all undivided India became

the part of British Empire. 1857. Sipoy Mutiny was the mile stone in the history of India. After this first war of Independence, British Government decided to rule India with new approach. By the Proclamation of November 1, 1858, the Government was transferred to the crown and Queen Victoria was proclaimed Empress of India. Through this declaration British Crown assumed sovereignty over India from the East India Company. Since, 1958 till 1947 British Parliament has enacted number of acts to govern India. If we go through the main provisions of these acts we will realize how democracy was introduced in India at a snail's pace.

The Government of India Act 1858 was the beginning of Democratic setup in India. By this act, the powers of the Crown were to be exercised by the Secretary of State for India assisted by the Council of fifteen members (known as Council of India). The Council was composed exclusively of people from England, some of whom were nominees of the Crown while others were the representative of the Directors of the East India Company. The Secretary of State, who was Responsible to the British Parliament, governed India through the Governor General, assisted by an Executive Council, which consisted of high officials of the Government. The authority for the government of India- civil and military, executive and legislative, was vested in the Governor General in Council who was responsible to the Secretary of State.

Indian Council Act 1861 introduced a grain of popular element in so far as it provided that the Governor General's Executive Council, which so long as composed exclusively of officials, should include certain additional non officials members, while transacting legislative business as a Legislative Council. But, this Legislative Council was neither representative nor deliberative in any sense. Similar provision was made for Legislative Councils in provinces too.

It was followed by Government of India Act 1919 (Montagu-Chelmsford Reforms). Secretary of State Mr. E. S. Montagu and Governor General Lord Chelmsford formulated the proposal: Diarchy in the Provinces was introduced. The Provincial subjects were split into transferred and reserved. Transferred subjects were given to Indian Ministers responsible to elected legislature. Reserved subjects were in the hands of Governor. There was relaxation of central control over the Provinces. Central and Provincial subjects were separated. Separate budgetary provision was made for provinces. But it was not federal distribution of power. It was delegation of power.

The Government of India Act 1935- There was a provision of federation and provincial autonomy. Diarchy was introduced at the centre. The administration of defense, external affairs, ecclesiastical affairs, and trivial areas was under the control of Governor General. The legislature was bicameral at centre consisting of Federal Assembly and Council of States.

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Provinces it was bicameral with Legislative Assembly and legislative Council. There was distribution of legislative power between Centre and Provinces.

Parliamentary Democracy in India:

The Constitution framed by the Constituent Assembly came into force on 26th Jan. 1950. It adopted Parliamentary form of Government. Which is full-fledged democratic government formed in the history of India. Three important features of this system are-

- i. The President is the elected but nominal head of the state.
- ii. Prime Minister and Council of Ministers is collectively responsible to the Sovereign Parliament elected by the people.
- iii. The Majority Party forms the government and other parties sit in opposition.
- iv. It is an example of plural executive which gives representation to different sections of the society.
- v. Political Party is not essential condition of Ideal Parliamentary Democracy.

Parliamentary system is different than that of Presidential form of Government. Loksabha, which is the lower house of the Parliament is directly elected sovereign body of representatives. As long as Prime Minister and Council of Ministers enjoy the confidence of the Loksabha, it can remain in the power. The Prime Minister is elected by the Loksabha. Even the Speaker and Deputy Speaker are elected by the Loksabha.

But, so far as practice and tradition is concerned gradually Parliament has been losing its status and position. There are different factors responsible for decline of Parliament or Parliamentary Democracy. Let us examine the factors one by one.

- I. Party system is major factor for decline of Parliamentary Democracy. Party controls the behavior of its members in the house. A member who is elected on the party symbol or ticket cannot ignore the directions of party in parliamentary deliberative or legislative functions. The decisions of the party are taken by a few elites in the party. Thus, a parliamentarian cannot represent true will of the people in the house.
- II. Anti Defection Act which was enacted in 1985 imposed legal restrictions on the members of the party to abide by the decision of party whip. If any member disobey party whip, he or she may lose the membership of the house. Regarding obeying the party decision there was mere moral restrictions. But due to this act, moral binding on Parliamentarians has been converted into legal binding too.
- III. Due to large size of the Parliament it is practically difficult to take any concrete decisions on any matter of law by the Loksabha or Rajyasabha. Therefore consent of the Loksabha has become the part of formality of ruling party.

- IV. Law making has become highly complex and technical issue, ordinary legislator is not in a position to understand minor provisions of the act.
- V. Rather than national interest, party interest paramounts, hence partisan approach found among members of Parliament rather than true legislator.
- VI. It is not the Lok Sabha which controls the executive (Prime Minister and Council Minister) but, it is the executive which controls Lok Sabha.
- VII. When ruling party enjoys clear majority or thumping majority, almost all decisions of the government are taken by the Prime Minister in consultation with his close and top brass cabinet colleagues only. Even cabinet or council of ministers is also not considered.
- VIII. Judicial Review is also responsible for decline of Parliament in India.
- IX. There is dearth of scholar or legal expert parliamentarians in the house who can logically defend or criticize the government policies.

Governments formed in the Centre from 1996 to 2014 were in minority. During this period Atal Bihari Vajpayee, H. D. Deve Gowda, I. K. Gujaraj, Manmohan Singh were Prime Ministers. During coalition rule parties in the government tried to blackmail the major party prime minister. These prime ministers were unable to control their cabinet colleagues. Whereas after 2014 till date there is one party dominance of BJP at the centre. In this case dominant party is neglecting its coalition partners. Both the trends are dangers for Parliamentary Democracy. It may be coalition government or one party government (Prime Minister and Council of Ministers) should give due respect to sovereign parliament.

Conclusion:

Thus, there is lot of difference between theory and practice of Parliamentary Democracy found in India. We ought to be mature democracy during last seven decades but, unfortunately there is decline in democratic institution and values during this period. Mere structural reform without change in values, we cannot successfully overcome the above mentioned limitations. Mere rule of majority is not enough in democracy.

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