

The Parliamentary System: Legislature and Executive

The Constitution is not a mere lawyer's document; it is a vehicle of life, and its spirit is always the spirit of the age.

- Alladi Krishnaswami Ayyar November 1949, Constituent Assembly Debates

Introduction

India's independence was achieved through great sacrifices by many people of the country after years of struggle against colonial rule. The citizens of a free country could now make decisions about their own governance. The first important step in this new epoch in the life of our nation was the drafting of the Constitution of independent India. This comprehensive document laid foundational principles for the nation, including that of Universal Adult Franchise which guarantees all adult citizens of the country the right to vote irrespective of their social or economic background, gender, race, or religion.

The people of India directly elect their representatives who become members of the Lok Sabha. A majority group from among these elected representatives forms the government. The Parliament is the supreme legislative body of the government (it makes laws for the country). It comprises all elected representatives of the people and controls and guides the work of the government. The government can therefore be seen as functioning with the people's consent. There have been 17 Lok Sabhas since the first one in 1952. The 18th Lok Sabha was constituted in June 2024.



Fig. The Parliament Building (Sansad Bhavan) in New Delhi was constructed to accommodate the growing needs including capacity, technology, sustainability and safety.

Composition of the Parliament of India

The Indian Parliament is composed of the President and two houses: the Lok Sabha (House of the People / Lower House) and the Rajya Sabha (Council of States / Upper House). This structure with two houses is called a 'bicameral' system ('bi' means two, 'cameral' means chamber / house).



Fig. Lok Sabha Chambers in the new Parliament building



Fig. A view of the Chamber of the Rajya Sabha taken from the Press Gallery

LET'S REMEMBER

The people of India choose their representatives for the Lok Sabha through a direct election (based on universal adult suffrage). The maximum number of members of this House envisaged by the Constitution is 550. The Members of Parliament (MPs) in the Rajya Sabha are elected indirectly by the electoral college that you read about in the previous chapter. Both, the number of Rajya Sabha seats allocated and the number of MPs represented in the Lok Sabha, are based on the population of each state.

DON'T MISS OUT

We are aware that several aspects of the Indian Constitution were drawn from the constitutions of other countries. Britain's system inspired our system of Parliamentary democracy. However, there were also experiences that our freedom fighters and Constitution makers had - the practical experience gained through participation in British colonial governance structures, even if in a very limited way, that provided familiarity with Parliamentary procedures; the memory of the ancient republics (mahājana padas); the village panchayats where elders made collective decisions.

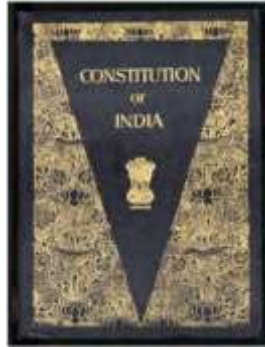


Fig. Constitution of India

Extensive discussions took place during the making of the Constitution regarding whether India should have a bicameral system. It was felt that a single directly elected House would be inadequate to meet the challenges independent India would face. In the spirit of 'federalism', it was felt that a Council of States, the Rajya Sabha, was needed. The composition and process of election to the Rajya Sabha were also designed to be different. India practices federalism, which is a form of government where power is distributed between the centre, states, as well as local governments. This system helps to keep the balance between national unity and local interests.

Function

Each House of the Parliament has a presiding officer to ensure that debates and discussions are conducted in an orderly manner. In the Lok Sabha, the members elect a speaker, who conducts the sessions, allows members to speak, maintains discipline, and ensures that rules are followed. The Rajya Sabha is presided over by the Vice President of India, who acts as its chairperson.

The Sengol, a gold-plated, silver sceptre was symbolically handed over to Pt. Jawaharlal Nehru, the first Prime Minister of India, on 14 August 1947 on the occasion of Indian Independence as a powerful symbol to mark the transfer of power. It is now placed near the Speaker's chair in the new Lok Sabha, and served as a symbol of righteous and just rule. Dating back to the Chola period, the Sengol was handed to new rulers as a reminder that power must be guided by dharma and righteousness. At its top sits Nandi, symbolising justice.

The 'executive' responsibility of the Parliament (i.e., ensuring that laws are implemented and enforced) is as important as its 'legislative' function (i.e., the making of laws). The Union Executive gives life to the legislative functions and power of the Parliament. The Union Executive consists of the following members:

- The President,
- The Vice President, and
- The Council of Ministers headed by the Prime Minister.

The Council of Ministers is chosen from among the MPs of both houses of Parliament. These ministers are collectively responsible to the Lok Sabha.

Legislative Functions of the parliament

The Constitution lays down the key functions that the Parliament needs to fulfil. They can be broadly classified under the following heads:

1. Constitutional functions
2. Lawmaking
3. Executive accountability
4. Financial accountability

We explore them briefly in the sections below.

1. Constitutional functions

The Parliament is directly entrusted with upholding the core values of the Indian Constitution, including:

- Enabling parliamentary democracy through universal adult suffrage,
- Following the separation of powers between the legislature, executive, and judiciary,
- Ensuring federalism, and
- Upholding Fundamental Rights and Directive Principles of State Policy by framing laws and policies.

2. Lawmaking

Among the primary responsibilities of the legislature is to make laws. The Constitution has laid out an elaborate and rigorous process for lawmaking. A law is generally brought into force through an instrument called an act. A bill, which is a draft of a proposed law, is introduced in Parliament and goes through a long and effortful journey before it becomes an act. Given below is the journey of how a bill becomes an act, and ultimately a law, in the case of the Right of Children to Free and Compulsory Education Act, 2009 (RTE).

"Most people call me RTE. I came into existence in August 2009, though the idea began almost a century before.

My roots lie in the Directive Principles of State Policy of the Indian Constitution. Though the Constitution makers wanted me implemented within a decade after Independence, this didn't happen, leaving countless children without access to education.

In the early 1990s, someone argued in court that I was inherently part of the Fundamental Rights in the Constitution, namely, the Right to Life-as education is important to lead a meaningful life. Parliamentary action began some years later with the introduction of the 86th Constitutional Amendment Act, 2002, which mandated-as Article 21A of the Constitution-that the state shall provide free and compulsory education to all children between the ages of 6 and 14 years.

Six years later, I was tabled as a bill in the Rajya Sabha. A committee studied me thoroughly and suggested modifications.

The major debate concerned funding-new schools, infrastructure, and teachers for millions of children would be costly. By 2008, the MPs determined it was time.

After the 2009 elections, the new government pursued the matter, and in August 2009, I was passed in the Lok Sabha and received the President's assent, becoming an Act.

Today, I've enabled the creation of legal pathways for children to attend school, facilitated new school construction, and ensured free books and uniforms for children."

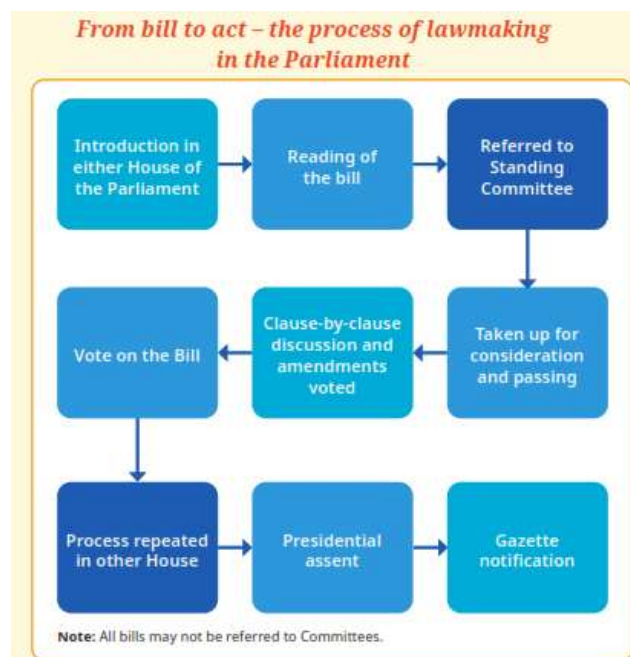


Fig. Process of lawmaking-a simplified diagram to illustrate key steps.

Reading: The origins are in the British Parliament. Many MPs were illiterate, so a clerk would read out the contents of the bill for the MPs to discuss. Today MPs read the bill before the discussions take place.

Clause: These are parts of a bill that explain the specific details of the bill; eg. RTE defines the age group to which it applies (6 to 14 years).

Gazette: This is an official government publication that announces legal documents and official information.

3. Executive accountability

The Prime Minister and the Council of Ministers are part of the Union Executive. They are:

- primarily responsible for implementing and enforcing laws and overseeing the effective running of the government;
- take decisions regarding the day-to-day functioning of the government based on the principles laid out in the Constitution and its laws;
- answerable to the Lok Sabha, through mechanisms like the Question Hour which require ministers to justify their actions and decisions. The Question Hour in the Lok Sabha is a select period (typically the first hour of a Parliamentary session) where MPs can ask the ministers questions about government policies and activities. It is a process of the Parliament that holds the Executive 'accountable' (i.e., it must justify all actions and decisions). Special committees also hold meetings where ministries have to explain and answer questions about their policies. These committees may include MPs from different political parties.

4. Financial accountability

The Parliament approves and monitors government expenditure through the annual budget, and examining the distribution of funds to different ministries.

Executive Functions of Parliament

We have uncovered a few points on the role of the executive in the previous sections. We look at this a little more closely now.

Part V of the Indian Constitution begins with Chapter I The Executive. It looks at the roles and responsibilities of the President, Vice President, and Council of Ministers, among others. It is in Chapter II that the role and functions of Parliament are listed. Why might this be so?

1. The President

The President is the Head of State and the nominal head of the Executive. The Prime Minister and the Council of Ministers are responsible for running the government. The President appoints the Prime Minister and other ministers, summons the Parliament, and gives assent to bills, among other functions. The Council of Ministers aids and advises the President. However, in specific circumstances, the President can exercise discretionary powers, particularly during political crises, like when no party holds a clear majority in a Lok Sabha election.

2. The Prime Minister and the Council of Ministers

The Prime Minister is the de facto executive authority in India's Parliamentary system. The President appoints the leader of the majority party or coalition in the Lok Sabha as the Prime Minister. The Prime Minister serves with the support of the majority of the MPs in the Lok Sabha.

The Prime Minister's key functions include:

- Leading the Council of Ministers
- Advising the President
- Coordinating the work of different ministries
- Shaping national policies

The Prime Minister and the Council of Ministers take decisions and run the government. They are collectively responsible to the Lok Sabha. Most of the bills that come to the Parliament for discussion are initiated by the government. A permanent group of officials-called 'civil servants'-help in implementing laws and policies. These officers, often called administrators or bureaucrats, work under the direction of ministers and ensure that government departments function smoothly.

DON'T MISS OUT

In 1956, Railway Minister Lal Bahadur Shastri resigned after a train accident. Although he was not blamed for the accident, he believed that a minister must take moral responsibility for anything that happens in their ministry. He offered his resignation to the then Prime Minister Jawaharlal Nehru; Nehru declined at first, but Shastri insisted. Finally, his resignation was accepted.



Fig. Lal Bahadur Shastri
(Minister for Railways and later Prime Minister of India)

Aspect	Legislature	Executive
Composition	The Parliament of India is the supreme legislative body of the country, composed of the President, the Lok Sabha and the Rajya Sabha.	The Executive is composed of the President, the VicePresident, and the Council of Ministers headed by the Prime Minister.
Main Role	Making laws and overseeing the work of the Executive	Enforcing the laws made by the Legislature
Functions	Can introduce some bills in the Parliament	Most of the bills are introduced by the Executive in the Parliament
	Keeps a check on the activities of the Executive by asking questions and seeking explanations	Provides information and explanations to the Legislature on its decisions and actions. Aids and advises the President on important matters, including calling sessions of Parliament.
	Sanctions all government-related expenses	Prepares and implements the budget approved by Parliament.
	Consults different Parliamentary committees	Can function independently in day-to-day matters and may consult committees when required.

The Judiciary-Role of Checks and Balances

The Judiciary is the branch of government that is responsible for interpreting and applying the laws of the land, including in specific cases of disputes. The Judiciary functions through a system of courts and plays a pivotal role in maintaining the democratic nature of society and governance. The Judiciary acts as the custodian of the Constitution, ensuring that all branches of the government operate within the principles and parameters enshrined in the Constitution. It keeps a check on the effective functioning of society and institutions of the government by interpreting laws, resolving disputes, and safeguarding fundamental rights.

The Constitution not only describes how the Legislature and Executive are given power to govern the country, but it also lists the specific responsibilities of these organs. To ensure that the powers of the Legislature are used properly and responsibilities are followed, the Judiciary is given the unique and critical responsibility of checking that the laws passed by Parliament have not violated the Constitutional framework. Similarly, if a violation of the Constitution occurs when the laws are implemented by the Executive, the Judiciary again has the power to step in. Just as the Parliament functions through its Legislature and the Executive arms, the Judiciary functions through its Courts.

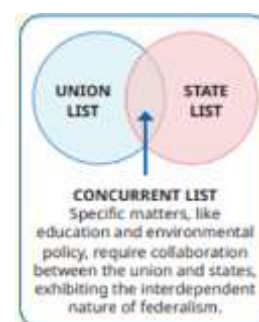
In this chapter, we have explored how the organs within the Parliament balance making of the law and executing it, and how the Judiciary checks these actions. These are all examples of the separation of powers and the system of checks and balances among the Legislature, the Executive, and the Judiciary, ensuring that no one organ becomes too powerful.

Legislative and Executive Functions at the state level

As discussed, the Union Government has a Parliament with legislative and executive functions. Similarly, each state has its own legislature and executive, called its 'State Assembly'. Just as the Parliament has Members of Parliament (MPs) who make laws, there are Members of Legislative Assembly (MLAs) who formulate laws on subjects that are on the 'State List' and on the 'Concurrent List'.

Union List, State List, and Concurrent List

The Constitution has lists that help to clarify the areas on which the Union and State governments can exclusively legislate, called the Union List and the State List, respectively. There is also a Concurrent List that has subjects on which both the Union and State governments can legislate. However, in the case that the Union government legislates on a subject in the Concurrent List, the state government is bound to follow it. In the case of RTE, for example, the Act is applicable all over India even though education is in the Concurrent List.



Parallel Structure of Union and State Governments in India

Feature	Union Government	State Government
Constitutional Head	The President of India elected by an electoral college	Governor of the State appointed by the President
Term of Office (Head)	5 years	5 years
Executive Head	The nominal head is the President, but the Prime Minister is the de facto executive authority at the centre	The nominal head is the governor, but the Chief Minister is the de facto executive authority of the state
Selection of Executive	Leader of majority party / coalition in Lok Sabha	Leader of majority party coalition in Vidhan Sabha
Council of Ministers	Selected by Prime Minister	Selected by Chief minister
Responsibility	Collectively responsible to Lok Sabha	Collectively responsible to Vidhan Sabha
Legislature Structure	Bicameral-Lok. Sabha and Rajya Sabha	Can be unicameral (vidhan sabha only) or bicameral (Vidhan Sabha and Vidhan Parishad)
Lower House	Lok Sabha (House of the People)	Vidhan Sabha (Legislative Assembly)
Upper House	Rajya Sabha (Council of States)	Vidhan Parishad (legislative council)-in some states only
Term of Lower House	5 years	5 years
Presiding Officer (Lower House)	Speaker	Speaker
Legislative Powers	Makes laws on subjects In Union List and Concurrent List	Makes laws on subjects in State List and Concurrent List
Financial Powers	Money bills originate only In Lok Sabha	Money bills originate only in Vidhan Sabha

Structure of State Legislatures

Unlike the Centre, the State legislatures can be 'unicameral' (having only one house) or 'bicameral' (having two houses). The legislative assembly is called the Vidhan Sabha, and the legislative council (the upper house) is called the Vidhan Parishad. The states having a bicameral system are Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, and Uttar Pradesh, while the remaining states have a unicameral system.

Challenges to the Effective Functioning of the Legislatures

As discussed, the Indian legislature (including the Parliament at the Centre and the State Assemblies) has the critical and vital role of enacting laws, overseeing administrative processes, and approving the budget. It also provides a platform for discussing national policies, development plans, international relations, and addressing public grievances. However, the legislature also faces several challenges in its effective functioning.

Some of these can include regular absenteeism of members, noncooperative conduct or communication of members, reduced quality of important debates, and disruptions of the Question Hour.

The Parliament typically meets three times a year. These meetings are called 'sessions'-Budget Sessions, Monsoon Sessions and Winter Sessions. Each of these has 'sittings', where the Parliament meets to deliberate upon proposed laws, discuss important matters of governance, and seek explanations from the Executive on its decisions and actions. Usually, the Parliament sits for 6 hours a day during sessions. This can be extended on special occasions or when there is a need to complete urgent business. The State Assemblies too, have similar schedules.

The Parliament and the State Assemblies have been envisioned as spaces for thoughtful debates and discussions where laws are made in the interest of the people. However, when debates are disrupted, sessions are cut short and some bills take years to be discussed and passed, it becomes a matter of concern. Concerns have been expressed by sections of the society about the fact that a substantial proportion of their representatives in the Lok Sabha have criminal cases against them, and that many sessions are marked by angry or biased debates that do not seriously address issues affecting the people.

The media also plays an important role in communicating the concerns of the electorate. These cartoons express them with humour, a practice common to all healthy democracies.

Yet, our democracy grows stronger when citizens stay informed and engaged. By asking questions, sharing their views, and participating in public discussions, people help shape better policies. Therefore, one of the best ways to overcome the challenges India faces regarding its legislature, is to ensure that many more citizens stay informed on matters of importance to society, participate in discussions through public debate on digital spaces that various government departments offer during policymaking processes, and constructively engaging with political representatives on policies.



Fig. Monsoon Session: Expect thunder, lightning, storms, breaches etc. It's Monsoon Session.



Fig. Scrutiny of papers filed by candidates

DON'T MISS OUT

- Atal Bihari Vajpayee, a former Prime Minister of India, said during a speech in the Lok Sabha, "Sarkaarein aayengi, jaayengi. Paartiyaan banengi, bigadengi Lekin yeh desh rehna chaahiye, is desh ka loktantra amar rehna chaahiye." (Governments will come and go, parties will rise and fall. But the nation must endure, and its democracy must live on.)
- What message do you think this gives about the role of Parliament and leaders in a democracy? Why is it important to protect democratic values even when political power changes?



Fig. Atal Bihari Vajpayee

Let's recall

- India's Parliamentary system ensures that power is shared, decisions are debated, and leaders are held accountable.
- The Legislature makes laws, the Executive implements them, and the Judiciary ensures that they follow the Constitution.
- The Parliament represents the voice of the people and reflects the federal spirit of our democracy.
- Both at the Centre and in the states, structures are designed to balance representation, responsibility, and unity.
- Checks and balances between institutions help protect citizens' rights and uphold democratic values.
- The functioning of the Parliament needs to become more efficient and productive so that the country's progress is not thwarted.