

5. Legislature

Q1. Alok thinks that a country needs an efficient government that looks after the welfare of the people. So, if we simply elected our Prime Minister and Ministers and left to them the task of government, we will not need a legislature. Do you agree? Give reasons to your answer.

Answer:

Executive and legislature have two different domains of operation. Going by the thought of Alok will lead to dictatorship and true representative democracy cannot be materialised:

Legislature is needed because of the following reasons:

1. It is the most important organ of all the organs of the government.
2. It frames the laws and the executives run the government/administration
3. It helps people to hold the council of ministers accountable
4. In the absence of legislature, the council of ministers would become unresponsive to the people's hopes and aspirations.

Q2. A class was debating the merits of a bicameral system. The following points were made during the discussion. Read the arguments and say if you agree or disagree with each of them, giving reasons.

- Neha said that bicameral legislature does not serve any purpose.
- Shama argued that experts should be nominated in the second chamber
- Tridib said that if a country is not a federation, then there is no need to have a second chamber.

Answer:

- The statement presented by Neha does not hold true because India is a large country, two houses are preferred to give due representations to all the sections of the society as well as monopoly of either the chamber can be approached as check and balance.
- The president of India can nominate 12 members in the Rajya Sabha. The nominations are made from among those persons who have made significant contributions in the field of literature, art, social services, science, etc.
- Even if a country is not a federation, a need for the second chamber is there. The two houses of the national legislature are required to give representations to all the sections of the society and to give representations to all geographical regions or parts of the country. A bicameral legislature ensures double check on every bill and every policy matter, thus realising the exact purpose of the legislative organ of the government.

Q3. Why can the Lok Sabha control the executive more effectively than the Rajya Sabha can?

Answer:

- The members of the Lok Sabha are directly elected by the people.
- The government is formed by the party who gets the majority in the Lok Sabha.
- The Lok Sabha enjoys the power to remove any executive from the office while the Rajya Sabha cannot remove any executive from the office.

Q4. Rather than effective control of the executive, the Lok Sabha is a platform for the expression of popular sentiments and the people's expectations. Do you agree? Give reasons.

Answer:

1. The members of the Lok Sabha express their views on the bill during discussions.
2. These members carry sentiments and expectations of their constituencies' people to the parliament.
3. A debate on a particular bill takes place and opens the path for its modifications, etc, if required.
4. Money bills have to be introduced in the Lok Sabha only.
5. The parliament enjoys the power to frame laws on the subjects given in the union list and concurrent list if required.

Q5. The following are some proposals for making the Parliament more effective. State if you agree or disagree with each of them and give your reasons. Explain what would be the effect if these suggestions were accepted.

(a) Parliament should work for longer period.

(b) Attendance should be made compulsory for members of Parliament.

(c) Speakers should be empowered to penalise members for interrupting the proceedings of the house.

Answer 5:

(a) Yes, the parliament is supposed to ensure a responsible government but in the absence of proper time as well as boycott of sessions and oppositions delay the important bills also remain pending for longer period. Hence, the parliament should work for some longer duration to control the executives through debate, discussions and censures to avoid pendency of bills.

(b) Yes, the attendance should be made compulsory for members of Parliament.

- The proceedings of the house get suspended due to lack of quorum.
- Money bills delays for a longer period.
- It shows an injustice towards the people who have elected them and whatever the constituencies are being represented by them.

(C), Yes, the speakers should be empowered to penalise members for interrupting the proceedings of the house because:

- A speaker of Lok Sabha is a presiding officer to regulate the business of the House.
- Nowadays, some members create noisy uproars and disturb the proceedings of the house.
- Sometimes, members create so much discomfort to compel the speaker to adjourn the house.
- The precious time of the house is wasted and not utilised in the constructive debates.

Q6. Arif wanted to know that if ministers propose most of the important bills and if the majority party often gets the government bills passed, what is the role of the parliament in the law making process. What answer would you give him?

Answer 6: Parliament's role in law-making process is very important. Each proposal is discussed by the Parliament. The proposal is examined by the committee. After passing through various stages the proposal is passed. During Debate and discussion, members of the government and opposition parties not only participate in the debate but give suggestions so that errors can be rectified. Thus the proposal protects the public interest that can be attributed to the Parliament.

Q7. Which of the following statements you agree with the most? Give your reasons.

- (a) Legislators must be free to join any party they want.**
- (b) Anti-defection law has contributed to the domination of the party leaders over the legislators.**
- (c) Defection is always for selfish purposes and therefore, a legislator who wants to join another party must be disqualified from being a minister for the next two years.**

Answer 7: Of all the three statements, I agree with statement 2 because:

If a member remains absent in the House when asked by the party leadership to remain present or votes against the instructions of the party or voluntarily leaves the membership of the party, it is deemed as defection. But now defection law has reduced the likelihood of such a situation. If a legislature is free to join any party, then it will be against the will of voters who have elected them. Experience of the past twenty years shows that the anti-defection amendment has not been able to curb defections, but it has given additional powers to the party leadership and the presiding officers of the legislatures over the members. If any legislator tries to move from his party, the party disciplinary action is taken against him. Thus the party leader increase their clout or influence.

Q8. Dolly and Sudha are debating about the efficiency and effectiveness of the parliament in recent times. Dolly believed that the decline of Indian Parliament is evident in the less time spent on debate and discussions and increase in the disturbances of the functioning of the house and walkouts, etc. Sudha contends that the fall of different governments on the floor of the Lok Sabha is a proof of its vibrancy. What other arguments can you provide to support or oppose the positions of Dolly and Sudha?

Answer 8:

- (i) On the live telecast of proceedings of the parliament, the members fight bitterly, which create wastage of nation's time and fund. Some of the members who do not fulfil their duty honestly, create uproars in the house.

- (ii) Dolly views the decline of Parliament because less time is spent in discussions and disturbances are decreased in an unparliamentary methods.
- (iii) The party leaders should restrain own party members from creating such disturbances in the proceedings.
- (iv) The presiding officers should take effective action on these misbehaviours as well as members should be made educated to the constructive behaviour.

Q9. Arrange the different stages of passing of a bill into a law in their correct sequence.

- (a) A resolution is passed to admit the bill for discussion**
- (b) The bill is referred to the president of India write what happens next if she/he does not sign it.**
- (c) The bill is referred to the other House and is passed.**
- (d) The bill is passed in the house in which it was proposed**
- (e) The bill is read clause by clause and each is voted upon**
- (f) The bill is referred to the subcommittee- the committee makes some changes and sends it back to the house for discussion**
- (g) The concerned minister proposes the need for a bill.**
- (h) Legislative department in the ministry of law, drafts a bill.**

Answer 9: The correct sequence is

- (h) Legislative department in the ministry of law, drafts a bill.
- (g) The concerned minister proposes the need for a bill.
- (f) The bill is referred to the subcommittee- the committee makes some changes and sends it back to the house for discussion
- (a) A resolution is passed to admit the bill for discussion
- (e) The bill is read clause by clause and each is voted upon.
- (d) The bill is passed in the house in which it was proposed.
- (c) The bill is referred to the other House and is passed.
- (b) The bill is referred to the president of India. The consent of the President, results in the enactment of a bill into a law. But if the president does not sign it, it can withhold or refuse to give assent to the bill (other than money bill), passed by the parliament. The president can send the bill back for reconsiderations. And if it is passed again by the parliament, the president is bound to give his assent to the bill. But there is no time limit to send the bill back for reconsideration. Hence, the president can keep the bill pending with him without any time constant.

Q10. How has the system of parliament committee affected the overseeing and appraisal of legislation by the parliament?

Answer 10:

- The parliament meets only for sessions, hence it has limited time to consider bill in depth.
- The parliament committee have been set up since 1983 in the various departments to public accounts committee, etc.
- The committee include business advisory committees, estimate committee, the public accounts committee.

- These committees have reduced the burden of parliament as they gather whole information on the bill and can ask any member to appear before it.
- After that committee sends its report, the parliament debates on it as well as provide some necessary recommendations and approve it.
- Without the approval of parliament, no bill can become a law, but any suggestion is rarely rejected.