

1. Many countries have bicameral legislatures like India. Can you make a comparison of the powers and functions of the upper house in India vis a vis the other countries having bicameral legislatures. You can take two such countries for comparison.

Introduction:

In modern democracies, bicameralism is a feature adopted in pursuance of many of the objectives that were enumerated by James Madison among others in the course of the framing of the United States Constitution at the Philadelphia Convention of 1787.

Body:

The core rationale for having two chambers in a national legislature broadly flows from the need for checks and balances in a democratic government.

Nations with large territories and heterogeneous constituents prefer bicameralism for ensuring the adequate representation of diverse interests at the federal level.

India is not alone in having bicameral system, as of 2019, around half of the world’s national legislatures are bicameral.

- USA- US Congress is divided into Senate and House of Representatives.
- UK- House of Lords and House of Common. Indian bicameral set up was inspired from system though both have differences.
- Pakistan- It has Senate and National Assembly.
- Australia, Canada, France, Germany, Japan are other major countries with bicameral set up.

Comparison of structure and powers of Rajya Sabha with that of Upper Houses of Australia and Germany:

CHARACTER	INDIA(RAJYA SABHA)	AUSTRALIA (SENATE)	GERMANY (BUNDESRAT)
Numerical strength	250	76	60
Type of election and distribution	Indirectly elected unequal representation	Directly elected and equal representation	Indirect elections based on multi-party system and unequal representation
Term	6 years 1/3rd of the members retire every two years. No dissolution	6 year terms with half the members retire every three years. Dissolution present	Staggered representation based on the term of the states. No dissolution.

Joint sitting	Yes only for bills other than money bills	Yes but not for money bills	No provision, each bill has to be passed
Veto power	No veto but can make exclusive laws on some subjects (Art.312)	No veto	Veto power for bills in concurrent list
Relative strength	Due to indirect nature of election, constitutional restrictions considered a weaker house	Due to the process of Double dissolution it is considered a relatively stronger house than the lower one	Due to unequal federal representation and veto power it is the stronger house amongst both.
Law making power	Present under article 312 (creation of all India service)	No such exclusive power	No such law making power but has power of veto on all legislative matters.

Conclusion:

The basic rationale for having two parliamentary chambers is the need to avoid a concentration of power in a single body and the risk of abuse which this entails. Dividing power between two legislative chambers of broadly equal status is a safeguard against a single chamber taking extreme or excessive measures which may lack broad community support.

2. Has the recently concluded general elections strengthened the conviction that presidential form of government would be a better option for India? Critically comment.

Introduction

India opted for parliamentary form of government based on Westminster model where executive is directly responsible to legislature whereas in presidential system election is more about national leader elected on the basis of his/her charisma with limited accountability.

Body

Elections in India are being fought in a style of presidential form due to hero worship, where Charisma matters more than manifestos or ideologies of parties. It can be seen in case of recent elections and in many previous elections too, where leaders like Indira Gandhi and Jawaharlal Nehru won elections around their charisma.

Suitability of Presidential form for India:

- Stable government- The president will be elected by the people and will be voted out by them. He will not have to appease unreasonable allies and indulge in compromises all the time.
- Increased efficiency of legislature- The legislature will be free to do its work, that is to pass laws, instead of devising methods to criticize the government. It will truly engage the electorate with the democratic process.
- Promotion of merit- The president will be fully in charge of the executive. He will be able to attract the best and brightest to his cabinet, irrespective of their political affiliations.
- Internal democracy- It will force political parties to be more democratic and robust. All political parties will have to choose their best candidates, as there will be a direct head-to-head contest.
- Clear choice- The parliamentary system has distorted the voting preferences of an electorate that knows which individuals it wants but not necessarily which parties or policies.
- Tough and unpopular decisions- A system of directly elected chief executives at all levels, panchayat chiefs, town mayors, Chief Ministers (or Governors) and a national President, elected for a fixed term of office with clearly defined authority would permit India to deal more efficiently with its critical economic and social challenges.
- Consensus building- The President will have to win the support of people of varied groups, interests, and minorities and would have to work with Parliament to get his budget through or to pass specific Bills.

Issues with adopting the Presidential system in India:

- Authoritarianism- The president can assume dictatorial powers
- No accountability- The executive is not responsible to the directly elected legislature
- Conflicts- If the president belongs to one party and the legislature is controlled by another party, it can lead to conflict and paralysis.
- Ignorance of interests of minorities- In a diverse country like India, it can lead to a situation where the views of an individual can override the interests of different segments.
- Lack of autonomy- Bringing 'outside' talent in a presidential system without people being democratically elected would deter people from giving independent advice to the chief executive because they owe their appointment to him/her.

Conclusion

In India context given the vast number of parties and maturing stage of democracy it is preferable to continue with Parliamentary form due to its stability and other advantages. Also, as per the recommendations of **Swaran Singh committee**, India need not replace the current system. However, India can explore option of having

direct election of Chief ministers at state level to experiment with Presidential form of government.

3. What are some of the events and trends in the parliament that disturb you as a common citizen of India? Comment.

Introduction:

The democratic form of government adopted by India has at its core an institution of elected legislature or the Parliament responsible for legislation. Our democracy rests on the belief of citizens that the parliament will perform this function. But of late, there has been serious of disruptions and events that has broken the ethos of parliament.

Body:

During the course of the years, the Parliament has seen many disrupting events and trends in its functioning putting at risk the very foundation on which our democracy is built:

- **Delay in policy making and passage of bills:** Several critical issues raised in the Parliament have seen a slow death or a delay that has affected the entire nation as a result of stalling or pending of parliamentary approval due to either political deadlock or inability to arrive at conducive solutions. Example: Passing of Triple Talaq Bill, delay in GST bill etc.
- **Protests and walk outs:** There could be issues with contending interests and conflicting objectives but the role of Parliament is to debate the issues and reach at an effective solution. But the recent frequent walkouts and protests rendered the sessions chaotic and a waste of functional days.
- **Lack of debate and discussion over key issues:** This imposes a cost on the country's productive growth. Example: Education is a key sector that warrants attention of India wants to use its demographic dividend to grow out of poverty. Though RTE law has been implemented, several surveys show poor standards of young children at reading and writing. This sector faces several challenges but is hardly deliberated on adequately.
- **Duration for which Parliament meets:** As a result of disruptions and differences between groups where party lines are sharply drawn, duration of the parliament working on an average is said to be 70 days, much lesser as compared to many other democracies around the world.
- **Unparliamentarily behavior:** Several instances of disruptions and physical violence have been witnessed. This exhibition of unruly behavior serves as a failure of smooth and worthwhile functioning, pushing citizens to lose faith in the democratic organ.
- **Absence of MPs:** Several MPs have been reported to be absent for most of the working sessions including ministers during question hours. As MPs are

representatives of citizens, their absence indicates a lack of responsibility and accountability towards their promises to the citizens they represent.

- **Waste of taxpayers' money:** The budget session washout of 2018 is estimated to have cost the nation almost 200Cr based on loss of productivity and expenses of running both houses of Parliamentary with no fruitful outcomes or legislations arrived at.
- **Poor image in world media:** At a time when India, being the world's largest democracy, is being observed as a key developing nation on the global sphere, such news and records of disruptive, unproductive parliamentary functioning, tarnishes the image of India as a vibrant democracy.

The continuous decline in the standards of the Parliament is a cause for concern and the constitutional experts have suggested the following measures to improve its efficiency.

- Proper training for members of parliament in conducting the business of the house.
- Empowering the Presiding Officers of the House with additional powers to punish unruly members.
- Enforcing a code of conduct and code of ethics for members of the house.
- Making political parties more responsible for their conduct inside the Parliament.
- Setting up of coordination committees with members of ruling party and opposition for smooth conduct of the House.
- Penalizing the members including imposition of fines, suspension from session etc. for unruly members.
- While introducing reforms in Parliament, it is all the more important that the reforms should cover the political parties and government.
- Bureaucracy is to be oriented and authoritarianism of bureaucracy should be limited by forming or creating extra parliamentary agencies. The extra parliamentary agency would assist the Legislative bodies with authority and responsibility.

Conclusion:

Indian democracy with the Parliament at its heart needs to keep in mind its stature and relevance and evolve over the years. The parliamentary legitimacy must be maintained as citizens believe in the system as a fair, responsive and representative institution.

4. Is our parliament truly representative in terms of gender and minority composition? Critically comment.

Introduction:

The parliament of the largest democracy of the world is the highest legislative body of the country representing the aspirations of 1.3 billion people of India through their elected representatives.

Body:

Inclusion of all sections of society in parliament means better, stronger and more representative democracy that works to preserve, protect and assure the rights of people for the overall development of the nation. The parliament of India still lacks inclusive representation especially of women and minorities.

Representation of women:

India has had a long-serving woman prime minister and speakers of the House. Yet its record of women parliamentarians is woefully poor. Only the 15th, 16th and 17th Lok Sabha changed a previously stagnant representation of under 9% recorded by Indian women MPs since Independence.

The 17th Lok Sabha has the highest number of women MPs (78) elected in the 2019 polls. In comparison, the last election data shows that in 2014, 11.23 per cent of women won, and in 2019 it is around 14.58 per cent, but it is still far below the actual population of women i.e. 49%. Representation of women in Rajya Sabha is also very less with only 26 members out of 235. So, on grounds of fairness, this is an anomaly.

According to Inter-Parliamentary Union (IPU) and UN Women report — Women in Politics 2019, India stood 149th in a 2019 list of 193 countries ranked by the percentage of elected women representatives in their national parliaments, trailing Pakistan, Bangladesh and Afghanistan and dropping three places since 2018, while the world average was 24.3% as on January 1, 2019.

Representation of minorities:

India is the largest democracy in the world, yet there is very little representation of all communities, given their population.

In India, religious minorities other than Muslims find better representation in the Lok Sabha. Sikhs have a representation score of 0.3 percentage points while Christians, Buddhists and Jains also have equitable representation as per their population.

According to Census 2011 estimates, Muslims in India accounts for over 14% of the country's total population. A proportionate representation of the community in the Lok Sabha, at present, would amount to at least 77 parliamentarians but the number of Muslim lawmakers in the 17th Lok Sabha is just 27.

Various factors limit minority representation:

- Political parties not giving tickets to minority candidates due to Communalization of politics.
- Delimitation and reservation of constituencies by Election commission: Minority tend to get fielded in seats with larger concentrations of minority voters. Some of these seats are reserved, thus limiting their demographic advantage

In contrast, Sikhs who are more concentrated mainly in Punjab tend to send the adequate number of lawmakers to Parliament in proportion to their overall population.

Measures to address these issue:

- Minimum 33 % quotas for women in Parliament.
- Reservation for women in political parties: Like Norway, Sweden and France, India should have an Election Commission-led effort to push for reservation for women in political parties.
- Awareness, education and role modelling that encourage women towards politics.
- Need for greater political will for more inclusivity of minority and women.
- Delimitation and reservation of constituencies to be done considering the minority population.
- De-communalization of politics is need of the hour.
- Political parties, especially Regional parties should consider representation of minorities while giving tickets.
- Ruling parties, irrespective of their composition, should work beyond the lines of gender, religion and cast.
- Existing dedicated ministries and national commissions for minorities and women should be strengthen.

Conclusion:

There is documented evidence both at the international level and at the gram panchayat (village) level to suggest that a greater representation of women and minorities in elected office balances the process and prioritizations that elected bodies focus on. A fully representative Parliament leads to a progressive society, with equality of opportunities among all citizens for a better future of a democratic society.

5. What are your views on the numbers of incumbent legislators having serious criminal charges against them? What measures can be taken to ensure a cleaner legislature? Suggest.

Introduction

Increasing trend of criminalization of politics have disrupted constitutional ethos at the root of our democratic form of government. Criminalization of politics refers to increased participation of criminals in electoral process.

Body

Views against incumbent legislators having serious criminal charges:

- The latest report by election watchdog Association for Democratic Reforms, of the 542 MPs in Lok Sabha, 179 or 33 per cent were found to have criminal cases against them. Of these, 114 or 21 per cent have been named in “serious” cases such as kidnapping, hate speech, and those of crimes against women. Also said 228 Rajya Sabha members, 51 or 22 per cent are implicated in criminal cases. Of these, 9 per cent have been charged with serious crimes. Same with MLAs, 4,083 sitting MLAs scattered across the country, 1,355 nearly a third have criminal cases pending against them
- People are agonised that money and muscle power have become the supreme power and decide the electoral outcomes.
- Person who enter public life and participate in law making should be above any kind of serious criminal allegation but with the present scenario, it might lead to situation where people might no longer have trust in the democratic system.

Reasons for criminalization of politics:

- Loopholes in electoral process and lack of powers to election commission of India to scrutinize and prevent criminal elements.
- Political Parties are biased towards candidates having money and muscle power because they believe that they can win elections compared to a clean candidate with no money.
- Lack of morals, values and poor ethics in Indian political setup. Also voters have accepted candidates with criminal backgrounds.
- People can be easily lured with money due to ignorance and lack of knowledge about their responsibility in the democratic setup.
- Indian laws do not ban individuals with a criminal background to contest the election and also the cases go on for years.
- Soft state: India is seen as a soft state where people do not have fear for laws and or for undergoing punishments, due to which there is no deterrence to indulge in criminal activities.

Measures taken to ensure a cleaner legislature:

By election commission of India:

- Contesting candidate will have to fill up the form provided by the Election Commission of India and he or she will have to state “in bold letters” about the criminal cases pending against the candidate.

- If a candidate is participating from the party, he/she is required to inform the party about the criminal cases pending against him/her, and that information shall be displayed in their website. Also that information should be circulated in newspapers and electronic media.

By Government of India:

- Section 8 of representation of people act (RPA), 1951 disqualifies a person convicted of any offence and sentenced to imprisonment for not less than two years.
- Articles 102(1)(e) and 191(1)(e) of the Constitution allow parliament to make laws for disqualification and not protection and preservation of members.

By supreme court of India:

- Judgement in public interest foundation and union of India: issues directions to the election commission and the political parties to make the disclosure of the criminal antecedents of candidate contesting election.
- Supreme court left it to parliament to “cure the malignancy “of criminalization of politics by making a law
- None of the above (NOTA) is introduced by judiciary in 2003 to reject a person.

Conclusion

Election commission of India, Government of India, and public at large should come together to curb the menace of criminalization of politics. Maintaining the purity of legislature by proactive steps from all stake holders is must for the welfare of the society.