

Workshop-B : Parliament and Reforms Raising the Benchmarks

**Hon'ble Delegates,
Namaste,**

The vital role Parliament can play in sustaining democratic governance is well established fact Elections provide a basis for rule by the people, but they do not guarantee that citizens are effectively represented Democracy. True democracy requires that those who are freely elected have the power, and the political will, to fulfil their constitutionally mandated responsibilities faced with challenges such as declining public confidence and executive dominance, Parliaments worldwide must ensure that they function in an internally democratic manner and have the necessary authority and resource to carry out their representative, legislative and oversight functions.

Many Parliaments today are seeking to improve their performance among other things, to become more open, independent, accountable and responsive Although every parliament is a product of its own country's history and culture and there is no magic formula or checklist for developing a democratic and effective parliament, There is emerging international consensus that certain norms and standard regarding democratic parliaments transcend the particularity of political and legislative systems, Context matters enormously but a benchmarking or self assessment exercise, if well done, should allow for context to be fully explored.

International consensus has emerged our time on a standards-based approach in the areas of human rights and elections but until recently standards based approach around what constitutes a democratic parliament arguably the central institution of any representative democracy has lagged behind.

The founding fathers of Indian Republic were fully conscious of the myriad problems facing the country. To this end, the magnificently crafted a unique scheme of governance which made parliamentary democracy as the cornerstone of our polity towards building a socialist secular and democratic Republic through democratic means. The obvious consideration was to

preserve the centrality of the people in the matters of governance. It is this very postulate that made the constitution of India the supreme Law of the Land subjecting all the organs of the state to its overriding authority. Each organ of state the Legislative, the Executive and the Judiciary- is the creation of constitution and derives its power from the constitution.

The supreme representative and legislative body- the Parliament of India, has been accorded a pre-eminent position in our democratic setup. As the popularly elected representative institution it embodies and represents the wishes hopes and aspirations of the people and also expresses and exercises their sovereign will.

Our Journey as the world's largest parliamentary democracy began in the right earnest with the constitution of the first Lok Sabha in 1952 following the first ever General Elections based on the principle of universal adult franchise. Ever since, our parliament has functioned as the supreme legislative institution of the country, guiding and leading the nation on the path of welfare of the people.

Indian parliament is constituted through general Election in the country. As modern democracy are representative of in character and spirit, election to legislative bodies hold the key, Elections not only sustain but also enliven democracy and at the same time accord legitimacy to political system as such.

They are in fact lifetime of democracy.

The successful conduct of 15 General Elections to the House of the People have proved, beyond doubt our commitment towards fair and credible elections. The constitution of India is unique in a sense that it provides for a self contained chapter part XV, article 324 to 329 in relation to the entire framework for enacting appropriate laws and setting up suitable machinery for conduct of elections. We believe in the principle of 'One Man One Vote'. It is in the Spirit of ensuring genuine and impartial conduct of election that article 327 empowers Parliament to make provisions from time to time with respect to all matters relating to or in connection with, elections to either House of Parliament or to the Legislature of a state, including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the constitution of such House or Houses. Article 84

of the Indian constitution describes the eligibility criteria of the candidate. With a view to encouraging the political participation of marginalised groups, article 331 provides that notwithstanding anything in article 81, the president of India may, if he is of the opinion that Anglo Indian community is not represented adequately in the House, nominate not more than two members of that community to the House of People. Article 330 provides for reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.

A member of Parliament, according to article 99, every member of parliament, before taking his seat makes and subscribes an oath or affirmation according to The form set-out for the purpose in the third schedule to the effect of showing true faith and allegiance to the constitution of India, upholding the sovereignty of India and faithful discharge of duty.

We fully believe that success of parliamentary democracy depends on the principle of dialogue, tolerance and acceptance of dignified dissent. The Constitution of India guaranteed the privilege of freedom of speech of members of Parliament in the House to which they belong or any committee there of under clause (1) and (2) of article 105 in India, remuneration and benefits to the members of parliament are governed by the salary, Allowances and pension of members of parliament Act 1954 and the rules made there under. Under Article 119 of the constitution, a member may tender his resignation in writing under his hand and it must be addressed to the speaker/ Chairman as the case may be. A letter of resignation becomes effective only after it is accepted. The member may withdraw his resignation any time before it is accepted.

In parliament of India, the Member of Parliament and the staff are equipped with requisite IT infrastructure and facilities including access to internet and E-mail messaging services. There is a provision made in the constitution for Rules of procedure, convening sessions, Agenda debate and voting in the parliament. There are committees appointed or elected by the House or nominated by the Speaker and presents its reports to the House or to the Speaker. Article 19 of the constitution of India gives to all its citizen the freedom to form association or unions. In order to strike a balance between the individual liberty and social good this freedom has been made

subject to certain reasonable restrictions. As per the Election commission of India there are 7 National Parties, 53 State Parties and 1035 Registered Parties.

The Legislative functions, Legislative procedure, the public and Legislation, Oversight function, Financial and Budget oversight, and No Confidence and Impeachment has been well defined in the Indian Constitution. The Representational functions, Parliamentary Networking and Diplomacy, Citizen and Press, Transparency and Integrity are the essential ingredients of Indian Parliamentary System.

The Indian parliament has also enacted the Right to Information Act in 2005 with a view to making the governance more transparent and accountable to the public. I have also introduced it in our Assembly. I personally take care of Transparency and integrity in public life and have enforced it very strictly. I also constituted several committees for it. I introduced live telecast of the Proceedings of the House.

Thus the future of Parliamentary Democracy, as per my experience as Speaker, I feel largely depends on how we conduct our business in democratic institutions, how far these institutions are able to reflect the hopes and aspirations of the people and how sensitive and responsive the Executive is to the grievances of the people and the nation. In this backdrop, Parliament needs to adopt such benchmarks of functioning that strengthens its democratic capacity to act as the principal institution of democracy.

Jai Hind.