

STATE OF THE NATION

DEMOCRACY
GOVERNANCE
AND PARLIAMENT

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Contents

<i>Preface</i>	<i>vii</i>
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STATE OF INDIAN DEMOCRACY

The Republic of India	3
Democracy Today	11
Parliamentary Polity	31
The 2014 General Election	38
Simultaneous or Separate Elections	43
India Leads: Myth or Reality	48
Concept of Good Governance	56

GOOD GOVERNANCE

Blueprint of Good Governance	67
Democratic Governance	100
Revisiting Corruption	114
Glocalisation & Federal Governance	132

INSTITUTION OF PARLIAMENT

Seven Decades of Parliament	147
Process of Legislation	166
Responsibility and Accountability	191
Leader of the Opposition	213
Functioning of Parliament	219
Logjam in Parliament	226

Decline of Parliament	238
Relevance of Second Chambers	256
Legislators' Role and Functions	269
Parliamentary Control Over Public Undertakings	280
Honourable Members of Parliament	291
Cash for Questions	302
Members and Offices of Profit	307
Lobbying by Members	315
Mplads Scandal	323

SOME EMINENT PARLIAMENTARIANS

Jawaharlal Nehru	331
Sardar Patel	342
Dadasaheb Mavalankar	345
Sarvepalli Radhakrishnan	351
Govind Ballabh Pant	361
Ram Manohar Lohia	374
Purushottam Mavalankar	379

MISCELLANY

National Resurgence from the North-East	387
East Meets West	399
Non-Violence and Peace	406
Education in Citizenship Values	417
Higher Education in India	425
Secularism and Hinduism	442
Biography Writing	449

The Republic of India

From Independence Pledge to Republic Day

ON THE midnight of 31 December 1929, in an atmosphere of great excitement and enthusiasm, the Lahore Congress adopted the historic resolution on complete independence moved by Mahatma Gandhi. It was decided that the Independence Pledge, also drafted by Gandhiji, be taken all over the country on 26 January 1930, and that it be repeated each year on that day till complete independence was achieved. The pledge was taken by millions of people in all parts of the country, year after year till 1947. In his famous midnight speech in the Constituent Assembly on 14 August 1947, Pandit Nehru referred to this pledge of 26 January as the 'Tryst with Destiny'.

To immortalise this day and to pay homage to all those who fought, suffered and sacrificed for fulfilling the pledge of complete independence, 26 January 1950 was declared as the date of enforcement of the Constitution of independent India and the birth

of the sovereign democratic republic of India. Accordingly, since 1950, 26 January is celebrated every year as our Republic Day.

On its very first day, our Constituent Assembly, before it proceeded to frame a Constitution for this ancient land, was reminded of the words of warning uttered by one of the greatest jurists, Joseph Storey. He said that howsoever immaculately built by the founding fathers to last for eternity, a republic may 'perish in an hour by the folly, or corruption, or negligence of its only keepers, the people'. Storey added:

Republics are created by the virtue, public spirit and intelligence of the citizens. They fail when the wise are banished from the public councils because they dare to be honest, and the profligate are rewarded because they flatter the people, in order to betray them.

The concept of a republic is that of a state in which the people are supreme, there is no privileged class and all public offices are equally open to every citizen without any discrimination. There is no hereditary ruler and the head of the state is elected by the people for a fixed term. At all times, in a republic, the government derives its powers from the people but it is for a limited period of time. At the root of all variants of republican polity is the principle of sovereignty vested in the people, of the citizens being both the rulers and the ruled at the same time, of the people ruling over themselves through their freely elected representatives and having an elected Head of the state, most often called the President. Republics generally go well with a presidential system. In a classic parliamentary model, on the other hand, Parliament is supposed to be sovereign in theory and the Head of the state is usually some hereditary or non-elected dignitary.

For India, a democratic republic was never an alien plant. There is ample historical evidence to show that republican forms of government and democratic self-governing institutions existed in many parts of India from as early as the Vedic Age (circa 3000-1000 BC). In fact, India can be considered to be the birthplace and the first cradle of democracy. The *Rigveda*, believed to be the earliest known literary work of mankind, mentions the word *gana* literally meaning numbers

but also used for assembly or for rule by numbers—*ganarajya*, *sangha* or republic—at forty-six places. There was a time when India was studded with a large number of republics, even though the size of such republics was small like the later city states of Greece or the native tribal republics. Also, where there were monarchies, they were either elected or limited and had to function in accordance with ‘Dharma’ or what we now call the Rule of Law. Pali texts provide interesting details of how the assemblies of the republics in the post-Vedic period functioned like parliaments and followed highly sophisticated procedures.

When our founding fathers sat down to frame a constitution for independent India, they decided to put it in the unique position of being both a parliamentary democracy and a republic. It is in the widest sense that the Preamble speaks of India being a republic. All citizens are equal in the eyes of law. The Constitution guarantees as fundamental rights; equality before law, equal protection of laws and non-discrimination on grounds of race, caste, religion, sex or place of birth. There is no privileged class and all public offices are open for every citizen without any discrimination. The head of the Union is the President who is elected for a fixed term by an electoral college consisting of the elected representatives of the people. All executive powers of the Union reside in the President and have to be exercised in his name. He is also the Supreme Commander of the armed forces. It has been held, however, that unlike the US President, our President is only a constitutional head and real political power lies with the ministers who are drawn from among members of Parliament and the Council of Ministers remains collectively responsible to the popular house of Parliament, ie. the House of the People.

The journey of 68 years traversed by our republic was most eventful and full of many challenges. There were scores of substantial achievements coupled with some dismal failures. The phenomenon of increasing globalisation and newer and newer advances in technology led to developments at the speed of a hurricane. Centuries got compressed into years and pressures of various sorts made basic

changes in Indian polity a categorical imperative.

In the context of the present state of the Republic of India, the reality is that we are far from fulfilling the basic principles of a republic. Our republic is under tremendous strains. Without getting into details, an attempt may be made to analyse to what extent the position on the ground matches the essential requirements of a republican system and whether the precepts have been translated into practice. The following points may need to be flagged.

In a republic, people are supposed to be the supreme masters and all state functionaries are at their service and accountable to them. Unfortunately, following independence and even after the commencement of our Constitution, we continued the colonial model of legislative, judicial and administrative institutions and practices developed on the Indian soil by the British colonial masters to rule over India. Masters changed but the gulf between the rulers and the ruled continued. The people did not graduate from the status of subjects to that of citizens of a free country or masters in a democratic polity. The Ministers, MPs, MLAs, bureaucrats and babus, from constables and messengers to Principal and Cabinet Secretaries constitute the ruling class and consider the ordinary citizens as nothing more than their *riyaya* or subjects. The 'public' component in our 'Republic' is the least remembered except at election time.

In a republic, there is no privileged class and all the citizens are equal and cannot be discriminated. Our daily experience as ordinary citizens is enough to conclusively prove that the present state of our polity is an antithesis of an ideal republic inasmuch as there is a very wide gulf that separates the common men and women from the privileged VIPs across verticals. India has a VIP or VVIP culture which is unparalleled in the world. While ordinary citizens—men, women and children—do not feel secure, millions are spent on providing many variants of security cover to those who prize it more as a status symbol and to flaunt their privileged position. The public perception is that the privileged, moneyed and the powerful are rarely punished

by law for wrong doing. Justice, healthcare and education are all too expensive to be within the reach of the poor who still constitute the majority. Equality and non-discrimination between citizens in our republic thus remain pious aspirations.

It is said that in a republic, all public offices are open to citizens equally, without any discrimination on grounds of caste, gender, religion etc. only on merits. While it would be highly improper to make any sweeping generalisation, the fact is that we all feel that there is no equality before law, no equality of opportunity or status and hardly any equal protection of laws. They remain only as constitutional guarantees. There is both positive and negative discrimination between citizens. Besides, there is rampant corruption. Jobs, posts and positions in various fields are freely bought and sold. There are some serious scrambles on who should control the power of appointment.

In principle, there are no hereditary rulers in a Republic. As it is, in our democracy, politics is run by parties and majority of major national and State parties are dominated by a few families with leadership often getting transferred from father to son/daughter. Thus, both at the Union and State levels, barring a few honourable exceptions, for a large part of the last 68 years, Prime Ministerial, Chief Ministerial and Ministerial positions have very largely revolved round a few privileged families.

Ideally, in a democratic republic, people are presumed to rule over themselves through their freely elected representatives. In the highly divisive electoral system that we have developed, overwhelming majority of those elected have more votes cast against each one of them than for them. In many cases, the winners represent even less than five to fifteen per cent of their electorate. How can they be called the representatives of the people? Their representational legitimacy is in doubt. This is systemic and apart from the much talked about role of the power of money and muscle power in elections. Power for its own sake or for personal ends has become the supreme value. It is

well known that huge amounts of black money are spent on elections and that people with a criminal background get elected. Besides the natural attraction of power and position, politics has come to be seen as a lucrative whole-time profession. The number of those who take up this profession with a spirit of self-sacrifice and with an aim to serve the nation is fast declining.

Politics has become synonymous with the struggle for power with political parties becoming transmission belts to power. Communal and caste factors, slogans of secularism, mafia leaders, money, winnability etc. have all become essential parts of Vote bank politics. Public interest seems to occupy the back seat. The party or parties losing the electoral battle come to regard it as their bounden duty to oppose the government, and try by all possible means to make all institutions including the houses of Parliament dysfunctional. This is evident from the way session after session of Parliament is washed away without transacting much meaningful business.

Irrespective of which party or parties constitute the opposition, it seems to have become a part of the opposition culture not to allow the houses of Parliament to function. It is, of course, up to the presiding officers not to yield to unruly and obstructionist tactics of any elements. The Presiding Officer has enough powers under the rules to ensure orderly functioning of the House. But, as at present and for the last several years, what the presiding officers have been often seen to do is to adjourn the House again and again.

On the positive side, it may be said that we have had as many as sixteen general elections to the Lok Sabha and a few hundred for various State Assemblies and all these have been acknowledged to be largely free and fair.

As for the shortcomings in the state of our republic, public memory is proverbially short. It is necessary to point out that those who attribute all this only to the immediate present and to the current leadership forget that the ten years before the 16th general elections to Lok Sabha in 2014 were marked by a very sad record of governance

deficit and a long succession of corruption scandals. The people at large were fed up and anxious for a change. They pined for a new leadership. An Alliance, a party and a popular leader came to power with a clear majority and a massive popular mandate in May 2014.

During the election campaign, they could have clearly explained to the people the dismal state of affairs and the need for hard and sustained effort for some years to put the rail back on the track and bring about national regeneration. Perhaps, the people of India would have understood and appreciated just as the British had done when Winston Churchill said before the Second World War that he could promise nothing except 'blood, sweat and tears'. As Prime Minister Lal Bahadur Shastri had done, the people could be taken into confidence and asked to make sacrifices for their fellow citizens. The people would have responded positively, provided the sacrifices began from the top and the political class and the senior bureaucracy also agreed to cut their perks and emoluments. Unfortunately, we were promised too much including the moon and hopes were generated for things which could not be considered achievable. As a result, the public perception is that the promised good days have not come, black money stashed in tax havens abroad has not come back, those guilty of looting the public exchequer have not been punished, poverty and hunger have not vanished and corruption in public dealings continues unabated. On the other hand, it cannot be denied that substantial progress has been made on the development front, in external affairs, in transport, defence, communications, railways and several other areas. The speed of change is not what the people expect. Unfortunately, all the three organs of the state are not performing their assigned roles and discharging their responsibilities. At least partly, the reason for not being able to move faster in national interest is that Parliament is not functioning or not being allowed to function as it should. More than three crore cases are said to be pending in courts, many for more than several decades, and instead of attending to clearing the backlog, the Judiciary is busy arrogating

to itself executive, law-making and even constituent powers. Often, we shy away from taking difficult decisions and fail to deliver.

The future of our republic is full of challenges and our hopes consist in turning every challenge into an opportunity by ensuring the well-conceived *Sabka Sath Sabka Vikas* and 'less government, more governance' at every level and in every sector. What we need most is people-friendly, citizen-centric, corruption-free, clean, good governance. That requires that the idiom and image of politics and politicians must change. Democracy should be reinvented in such a manner that, howsoever idealistic it may seem, public life should once again be based on the spirit of self-sacrifice and service to the people. Also, unless we, the people, the keepers of the Republic, are vigilant and conscious of our obligations as citizens, there is no hope.

Irrespective of the political parties involved, it is most important for the future of India and for the survival of our republic, freedom, democracy and rule of law that the agenda of all inclusive good governance succeeds. For, the alternative may be chaos and anarchy.