Decline of the Indian Parliament

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The Parliament is central to democracy as it reflects the will and aspirations of the people through their representatives; holds the executive accountable for their actions; sets out the tone for every other institution in the State and thus primarily ensures the real working of democracy in India. Over the years though, the Indian Parliament built on the Westminster Model has seen a major crisis in its working. Crucial human hours, public money and critical areas for representation remain unattended due to chaotic scenes on the floor of both Houses of Parliament. This paper analyses the crisis of trust in the Parliamentary affairs as also the possible structural and attitudinal reforms required towards achieving this end.

Keywords: *Disruptions, Parliamentary Instruments, Negation of Democracy, 'Unelected' Rajya Sabha*

India made a conscious choice when it preferred the Parliamentary form of democracy over the Presidential one. The Westminster Model was considered to be most compatible to requirements of India of the time. With the experience of having worked under the British as also the continuing influence of the Government of India Act, 1935, this was unsurprisingly the preferred choice. In addition, the bicameral legislature

technically assures us with inherent checks and balances on the actions of the legislature and the vigilance over and accountability it commands from the executive. It then broadens our understanding of legislature beyond a mere law-making body. The legislature is expected to and is constitutionally empowered to hold the executive responsible for its acts of omission and commission; to be vigilant and to exercise control over the expenses incurred by the executive among other functions. Parliament is the central institution which hears the will and aspirations of the people through their representatives; oversees the working of every part and agency of the government; sets out the tone for every other institution in the State and thus primarily ensures the real working of democracy in India.

Ideally, the two Houses under the bicameral structure are constituted to play a complementary role. The Lower House—Lok Sabha—comprises largely of directly elected representatives that brings   the needs and aspirations of the common people on the floor of the House. The Upper House—Rajya Sabha—on the contrary represents the federating States through the indirectly elected representatives. The Constitution

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of India also provides for 12 nominated members for their expertise and service in particular fields of activity. The two Houses have therefore been constituted with distinct rationale and focus. While the former was constituted to represent the pulse of the public, the latter was expected to take a more nuanced look at the same issues coming in for discussions.

Equipped with parliamentary procedures, motions and immunity, one then expects the Houses to be places which bring alive the diversity and concerns arising in the country. The Constitution does not prescribe specific number of Members of Parliament (MPs) voting for issues to be raised, motions to be moved or the votes that are required. Baijayant (Jay) Panda, Member of Parliament (Lok Sabha) from the Biju Janata Dal (BJD) stated that there were "other structural impediments" in the parliamentary working that demanded reassessment and cited that apart from the no-confidence motion, "[a]ll other matters are essentially decided by consensus…" (Panda, 2015b) which has been increasingly difficult to achieve over the years.

Consensus in the Parliament

Over the decades, several commonly understood factors have contributed to the difficulties in achieving this consensus. Rise of regional political parties, recurring hung Parliaments and the consequential coalition politics have played a major role in fracturing the consensus. In addition, myopic considerations have had a detrimental effect on the quality of discussion and voting on the floor of the Houses. Party whips and the anti-defection laws have controlled the voting pattern and consequently any voice of dissent within the House. The nature of protests has changed substantially. As mentioned above, motions and parliamentary conventions equip the MPs to protest actions of the government and bring attention to the topic of urgent discussion or dissent. However over the years, powers of the Parliament have been subverted and bitter unparliamentary quarrels have been witnessed on the floor of the Houses. The frequency of disruptions, adjournments, failed sessions and deadlocks have increased through successive Lok Sabhas. As a result, the credibility of the Parliament—the highest deliberative body—has suffered considerably.

This paper particularly focuses on parliamentary developments during the Fifteenth (2009) and the Sixteenth (2014) Lok Sabha. These comprise of two different coalition governments with distinct allies and a changed equation of majority in the two Houses. These have repercussions on the number and quality of debates occurring in the Houses as also with the number of Bills passed by them as well.

Fifteenth and Sixteenth Lok Sabha

The United Progressive Alliance (UPA) led by the Indian National Congress (INC) in 2009 held 229 of the 545 seats in the Lower House of the Parliament in its second consecutive term in office. National Democratic Alliance (NDA) which formed the opposition alliance held 138 seats in the Lok Sabha. The five year period of this Lok Sabha was marked with several disruptions. In fact the Winter Session of 2010 saw the lowest productivity of both the Houses in 25 years with disruptions and protests over

how the then government was dealing with scams that some of its office bearers were involved in (PRS Legislative Research, n.d.).

The General Elections of 2014 brought the NDA into power with a clear majority of 336 seats. Bharatiya Janata Party (BJP) on its own won 282 seats; this makes it the first single-party majority in three decades. The INC garnered less than 10 per cent of the seats on its own in this election. However the equation is different in the Upper House as the government coalition holds just 72 of the 245 seats. It was thus evident that the newly formed government would not require too much effort in the Lower House during the passage of a Bill. The only way in which the opposition could control the government from bulldozing through the passage of any Bill would be through the Rajya Sabha. It is then a constant game of one-upmanship with the government trying to side-step the opposition in Parliament and the opposition attempting to thwart the government's attempts at it. Although this has escalated in the Sixteenth Lok Sabha, the previous governments have, in their own ways, subverted the parliamentary process. Acrimonious debates, rushing into the well of the House, staging walk-outs and forcing adjournments have been not unknown in previous Parliaments.

Disruption of parliamentary work and changed priorities

Over the years, the discussions and deliberations in the Parliament have dropped to tokenism. There are more disagreements and commotion than discussions and reflections in the Parliament. One finds that it can thus devote barely a few minutes per Bill. In the process the Parliament is increasingly "pushing through legislations faster" ("The progressive decline," 2015). Table 1 illustrates one such example regarding the time spent on each of the Bills passed in both the Houses of the Parliament during the Budget Session of 2016. It makes it evident that Rajya Sabha spent just two minutes discussing the vital Bill dealing with amendment to the Election Rules.

Table 1: Time Spent by both the Houses on each of the proposed Bills

Title	Time spent in LS	Time spent in RS
Election Laws (Amendment) Bill, 2016	1 hr 13 min	2 min
High Courts and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2015	3 hr 1 min*	5 min
Indian Trusts (Amendment) Bill, 2015	1 hr 4 min*	4 min
Rajendra Central Agricultural University Bill, 2015	4 min	4 min
Sikh Gurdwaras (Amendment) Bill, 2016	1 hr 7 min	2 min

*These Bills were passed by the Lok Sabha in previous sessions
Source: PRS Legislative Research.(n.d.). Vital Stats. Retrieved June 18, 2016, from www.prsindia.org/parliamenttrack/vital-stats

This is also not unprecedented; 20 per cent of the Bills passed in 2009 in Lok Sabha were discussed for less than five minutes in 2009. During the Monsoon Session of

2010, 47 per cent of the Bills were passed in the Lok Sabha in less than two hours. Similar instances recurred in 2011 and 2012 (PRS Legislative Research, n.d.). This is also true with reference to demand for grants. Barely few heads and demands of two or three ministries were discussed for paucity of time. The rest were passed collectively.

Guillotining demand for grants

Lok Sabha is the sole and foremost authority to scrutinise the demand for grants of ministries. It is commonly understood that the Lower House 'holds the strings of the purse' for the government, and without its scrutiny and approval, 'the government cannot draw even a rupee out of the Consolidated Fund of India'. Technically it is expected to look into each of these heads and scrutinise the nature of demands made. However, one sees that the House has had only a cursory glance at the demand for grants before passing the rest en masse. During the Budget Session of 2016, Lok Sabha discussed only 1.4 per cent of the total demands while the others were guillotined, i.e. passed without discussion. This comprises of Rs 21,346 crore out of the total budget of Rs 19 lakh crore. In fact, in 2013-2014, all demand for grants were outright guillotined without discussion (PRS Legislative Research, n.d.). It is even more critical to note that it has occurred twice within a span of a decade. In the Fifteenth Lok Sabha, the trend was no different—84 per cent of demand for grants were guillotined in 2010; 81 per cent in 2011; 92 per cent in 2012 while it was 94 per cent in the first Budget Session of the Sixteenth Lok Sabha (PRS Legislative Research, n.d.).

Bills have also been passed in both Houses without any debate. Having seen this scenario recur often, many scholars have commented on how the role and integrity of the Parliament has been seriously compromised. The view that has emerged is that the ruling and opposition parties "have become partners in the crime of destroying Parliament" ("Undermining parliament," 2011).

Parliamentary performance over the decade

PRS Legislative Research points out that the Budget Session of 2016 has been particularly productive.

- The productivity of Lok Sabha was at 121 per cent (second highest after the Budget Session of 2015 with 122 per cent) which was the second highest in past 15 years.
- Highest number (27 per cent) of questions orally answered in the Lok Sabha in the past 15 years.
- Highest percentage (75 per cent) of Bills were introduced and passed within the same session in 10 years (PRS Legislative Research, n.d.).

This performance highlights the fact that the past decade has not necessarily been a productive one for the Parliament. In fact as mentioned earlier, the productivity was the lowest during the Winter Session of 2010. It is followed by the Monsoon Session of 2015 which stood in contrast with the Budget Session of 2015 mentioned herein above. The Parliament spent just one per cent of its productive time on legislative business with Rajya Sabha not passing a single Bill throughout the session.

There have been repeated disruptions and consequent adjournments of sittings during each of the sessions and the frequency of the same has increased over the years. In 1952, 408 topics were discussed on the floor of the Parliament. The number has slipped down to 146 in 2009 ("The progressive decline," 2015). The effectiveness of tenure has gone down while the rate of passage of Bills has risen consistently. It basically means that frequent disruptions affect the time available for deliberations leading to Bills being passed all together according to the stance taken by the whip. The basic role of the Parliament of discussing the issue at length, raising questions, voting and considering recommendations to the proposed Bills stands defeated in such a scenario. Disruptions have continuously affected the working of the Question Hour severely limiting the scope of holding the government answerable for its actions. In fact 25 MPs of the Lok Sabha were suspended for five sitting days by the Speaker during the Monsoon session of 2015; 17 in the Winter Session and 12 in the Monsoon Session of 2013 for their misdemeanour. Parliamentary democracy was at its lowest ebb when the Question Hour was conducted just twice in the Lok Sabha during the Winter Session of 2010 (PRS Legislative Research, n.d.).

Disruption of parliamentary procedure

BJP is known to be "the party that disrupted the Parliament the most in the last five decades…" (Kumar, 2015). The productive time in Parliament during the UPA II was the lowest in history with just 179 of the planned 328 Bills passed due to disruptions (Kumar, 2015). The disruptions led by the BJP were so numerous that the Parliament was unable to push through the Bills even without discussion. As a result several Bills such as the Women's Reservation Bill and Judicial Standards and Accountability Bill, lapsed.

However, the then Leader of Opposition (LOP) in Rajya Sabha, Arun Jaitley justified the commotion in Parliament by stating that it was "…a legitimate tactic for the Opposition to expose the government through parliamentary instruments available at its command" (Katyal, 2014). He even justified his stand by stating that they were "…not preventing work from being done" as what they were doing was "very important work itself" (Jayal, 2012). The view was also supported by the then LOP in Lok Sabha, Sushma Swaraj who opined that "…not allowing Parliament to function is also a form of democracy, like any other form" (Katyal, 2014).

The NDA led opposition which believed that "disruption can sometimes produce results that discussion cannot" (Venkatramakrishnan, 2015) had a completely contrarian view when its alliance came to power in 2014 and the congress led opposition started stalling their work in Parliament. On the other hand then Prime Minister (PM) Dr Manmohan Singh called the stalling of Parliament as 'negation of democracy' (Shah and Gilani, 2016). Paradoxically, in 2014 his political party, now in opposition, recreated exactly what the preceding Lok Sabha experienced. So, when the opposition staged a walked out during the Monsoon Session of 2015 over Sushma Swaraj's alleged role in the Indian Premier League controversy, Jaitley stated that she was "a pretext, a scapegoat" and that "[t]he real reason was they (opposition) wanted to prevent GST (Goods and

Services Tax)" (Venkatramakrishnan, 2015). Both sides remain indifferent to the fact that each Parliament day lost costs the nation 1.5 crore rupees and more crucially the damage inflicted on the institution.

Role of live telecast of parliamentary proceedings

While we discuss this, senior journalists like M. V. Kamath recommnded live coverage of the parliamentary proceedings. They considered this to be a way of shaming the MPs who stalled the smooth functioning of the Parliament. It was suggested that this would show them in bad light to their voters and in the process reduce this behaviour over time. The Railway and Union Budget has been televised since 1992. Entire proceedings of the Lok Sabha came to be telecast live over Doordarshan since 2006 (Sen, 2015). The idea behind this was to generate an additional sense of responsibility among parliamentarians about their role as deliberators and representatives being reflected across to the common people. However, this did not reduce their misdemeanour in Parliament. In fact, their behaviour took a downturn when some of the MPs realised that their antics generated the much sought after Television Rating Point (TRP) for the private news channels. Many MPs seem to then believe "that publicity, even bad publicity, especially if it makes it to the evening news is better than no publicity" (Kapur and Mehta as cited in Sen, 2015). At such a time then, the role of Rajya Sabha could be vital. It could bring in the necessary gravitas and maturity to the on-going discussions. The Upper House was in any case created precisely to play that role.

Role of 'unelected' Rajya Sabha

Rajya Sabha is technically constituted as a Council of States or House of Elders which represents the needs of the federating units. It is a permanent House constituted largely through indirect elections. It is also expected of the MPs herein to bring a sense of considered sobriety and impartiality to the populist decisions taken by Lok Sabha. Consequently, it can veto or at least delay or ask for amendments to all Bills proposed by the Lok Sabha, except the Money Bills. Like the Upper Houses in the United States of America and the United Kingdom, Rajya Sabha too could play a major role in the parliamentary democracy.

However, unlike the US primaries, members of the Rajya Sabha do not face direct elections. They are political nominations largely based on political patronage (Panda, 2015b). Then again, as mentioned earlier, Anti-Defection laws now make it necessary for MPs to vote as per the party lines rather than taking an informed individual call on the topic. In fact Baijayant 'Jay' Panda—MP from Lok Sabha—has been vociferous about how the Rajya Sabha comprises of 'unelected' members who are dictated by the whips and thus should not be invested with such broad veto powers (Hebbar, 2015). He opined that their "lingering "unelected" presence in the Rajya Sabha gives enormous leverage against the public will to just a few individuals", and that is "untenable in the long run" (Panda, 2015b).

Indeed after the General Elections of 2014, as mentioned earlier, the government coalition is hugely outnumbered in the Rajya Sabha. It is then a fertile ground for the

opposition to pose challenges to the smooth passing of Bills. Rajya Sabha is now termed as "a chamber of naysayers" that stalls the working of the House on one pretext or the other (Gupta, 2015). This view is validated by the fact that Rajya Sabha succeeded in stalling several legislations including the Goods and Services Tax (GST) Bill.

Finance Minister Arun Jaitley who himself leads the government in the Rajya Sabha, spoke about the 'unelected' nature of the Rajya Sabha and how it was working a 'polarised politics' and how Congress was 'obstructionist' towards development and reform ("Arun Jaitley seeks debate," 2015). He contended that primacy had to be given to the opinion emerging from the Lok Sabha since it directly represented the people and hence had greater legitimacy. Constant disruption, non-conformation and blockading by the Upper House, then leads to the Lower House finding ways to side-step it.

Promulgating ordinances to side-step Parliament

Promulgating ordinances have traditionally been the method used by the executive in power to circumvent the Parliament completely. Technically, ordinances are to be promulgated only when the Parliament is not in session and usually in cases when the next session is not in the near future and when the matter is necessarily urgent in nature. These are not meant to replace the formally passed legislations and need to be tabled in the Parliament as soon as it convenes.

It is known in our parliamentary history that the first Speaker of the Lok Sabha, G. V. Mavlankar protested to the first PM of India, Pandit Jawaharlal Nehru "about the government's 'inherently undemocratic' practice of promulgating ordinances" as twenty-one ordinances had been promulgated in 1950 alone (Austin, 2003, p. 30). He pointed out that numerous ordinances gave an "undesirable psychological impression that 'government is carried on by ordinances'" and that the Parliament would sense that "it was being ignored" (Austin, 2003, pp. 30-31). While Nehru concurred with the view that ordinances should be reserved for 'special and urgent occasions' he maintained that the time-consuming parliamentary procedure would force the executives to use them (Austin, 2003, p. 31). This basically paved the way for future governments to promulgate ordinances as per their convenience and without the intention to even table them in the Parliament. This in turn has created the impression that the governments have tried to avoid the supervision of elected represented. This creates an atmosphere of hostility between the Parliament and government and a gradual loss of faith in each other.

In addition to these, what has complicated the matter is the recent attempts by the executive to use Article 110 to circumvent Rajya Sabha. At the centre of this development is the controversy over what is a Money Bill. Money Bill is the technical term used in the Constitution and the House rules to refer to a certain class of Bills which contain taxation proposals and proposals relating to money matters etc.

Dodging Rajya Sabha with Money Bills

Article 110 of the Constitution of India states that a Bill is deemed to be a Money Bill if it contains provisions dealing with all or any of the following matters:

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of borrowing by the government or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;

(c) the custody of the Consolidated Fund or Contingency Fund of India, and payments into or withdrawals from these Funds;

(d) the appropriation of moneys out of the Consolidated Fund of India;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or

(g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).

Money Bills can only be introduced in the Lok Sabha on the recommendation of the President. Once passed by the Lower House and transmitted to the Rajya Sabha along with the Speaker's certification, the Upper House can only make recommendations within 14 days from the date of receipt of the Bill. This is in consonance with the practice in all the countries where the parliamentary system of government exists; the directly elected House alone has the final say in financial matters.

The Lok Sabha then has the prerogative to accept and incorporate or reject the recommendations. Once done, the Bill is deemed to have been passed by both the Houses. Also if the Rajya Sabha fails to return the Bill with or without its recommendations within 14 days, the Bill is deemed to have been passed by both the Houses in the form that was passed by the Lok Sabha. This underlines the supremacy of the Lok Sabha over Money Bills as also the fact that the Bill can at the most be delayed for 14 days by the Rajya Sabha. Again, since it is on the recommendations of the President that the Bill has been introduced, vetoing of the same or returning it for reconsideration at that end also is not provided for. It thus makes the position of the Lok Sabha extremely strong as compared to the Rajya Sabha.

The Speaker of the Lok Sabha alone has authority to decide on whether the Bill is to be notified as a Money Bill. Precedents show that the finality of the Speaker's decision has been accepted by the Rajya Sabha. As early as 1953, Prime Minister Jawaharlal Nehru, while commenting on the authority of the Speaker to certify a Money Bill, said, "It is now clear and beyond possibility of dispute that the Speaker's authority is final in declaring that a bill is a money bill. When the Speaker gives a certificate to this effect, this cannot be challenged. The Speaker has no obligation to consult anyone in coming to a decision or in giving his certificate" (Achary, 2015). An important implication of this is that such a move can restrict the role of the Rajya Sabha; it is this aspect that was used to pass some of the Bills stalled.

The NDA government, as mentioned earlier, has a clear majority in the Lok Sabha but struggles with the opposition in the Rajya Sabha. GST and other Bills saw several sittings disrupted and parliamentary sessions wasted. When the government decided to provide statutory backing for 'Aadhaar', it introduced it as the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill and tabled it as a Money Bill. This single action subverted the role of the Rajya Sabha and the Bill was passed by the Parliament without any hindrances; considering the riders discussed earlier in this section. The opposition in Parliament led by Jairam Ramesh pointed out at least five amendments that would have been necessary to the Bill. Given the fact that these could now be overridden, they sought legal recourse.

Despite being the Leader of the House in Rajya Sabha, Jaitley opined that while the Upper House could bring in checks and balances and question the Lower House, it could not happen repeatedly with every Bill and session. He believed that it was then a "serious question in a parliamentary democracy wherein bill after bill, the wisdom of a directly elected house is questioned by the indirectly elected house" ("RS Leader," 2015).

Jaitley had declared after the GST Bill failed to pass through Rajya Sabha that a Constitutional solution to this problem of obstructionism needs to be drawn. One such solution that he pointed out then was that "a lot of ordinary legislations will then have to be send [sic] as Money Bills…" ("Arun Jaitley seeks debate," 2015). This 'constitutional remedy' immediately saw light of the day with the Aadhaar Bill as discussed earlier. When the opposition protested this action, he pointed out Constitutional provisions which justified that it was indeed a Money Bill. He even reminded the opposition of "bills like the juvenile justice bill and the workman injury compensation bill that the Congress brought as money bills when it was in power" ("Aadhaar Bill," 2016).

Given the tit-for-tat approach that the government and opposition have towards each other on switching sides, things are bound to be unpleasant in the Parliament. So while Jaitley was systematically trying to convince the Parliament that Aadhaar Bill indeed was a Money Bill, several commentators disagreed. They stated that apart from the promised saving of some Rs 20,000 crore from underserving and leaking subsidies, Aadhaar Bill had nothing to prove that it was a Money Bill and it was a ploy to circumvent the Rajya Sabha and thus subvert the Parliamentary process. Even the Chairman of the Rajya Sabha, Vice President Mohammad Hamid Ansari "informally told political parties that the Upper House needs to be vigilant against such "liberal interpretation" of the tag of a money bill" ("RS Leader," 2015). He even underlined the fact that the dignity of the Council of States needs to be upheld and that the House should be relevant through the legislative process. However, there are significant other efforts—even from within the Parliament—recommending reduction in legislative powers invested with the Rajya Sabha and the need to reform it after all. They aim at reforming the structure and not completely doing away with the Upper House since bicameralism is a part of the basic structure of the Indian Constitution and thus cannot be completely disregarded.

Debate over reducing legislative powers with Rajya Sabha

As mentioned earlier, Jaitley had raised the issue of how the 'unelected' Rajya Sabha

could have such sweeping powers as to veto the Bills passed by the Lok Sabha time and again. He also pointed out the need to bring in reforms to that effect to reduce the obstructionist approach taken by the Upper House. The role of Rajya Sabha vis-à-vis Lok Sabha has been a matter of concern. For instance, Jay Panda, Lok Sabha MP belonging to BJD, has opined that the Upper House should not have veto powers on legislative matters although he understood the importance of checks and balances in the parliamentary system. Then again, he cited the impracticality of Joint sessions of Parliament and the impropriety of tagging all major Bills as Money Bills to bypass the Rajya Sabha. Through his consistent discussions on the subject, Panda has brought out the fact that United States of America, United Kingdom (UK) and Italy have over the years seen a change in the nature of powers with the Upper House and he believes that either of these reforms needs to be emulated in India as well.

(i) Reducing the veto power

The UK gradually reformed the nature of powers invested with the nominated membership of its Upper House—the House of Lords—over the years. All Bills except Money Bills could be vetoed by the House of Lords earlier. In 1911, amendments reduced this complete blockade to two years which was further reduced to a year in 1949. So the House of Lords can now, at the most delay a Money Bill for a month. This was done by the amendment passed by the Parliament itself.

Panda, in his newspaper column in November 2015 also cited the fact that Italy's Senate had "voted to drastically reduce its own powers, including its number of members and its power to block constitutional amendments and other key legislation [sic]" (Panda, 2015a). The Bill had received final approval from both the Senate and the Chamber of Deputies by April 2016. However, 59.11 per cent voters voted against the said reform in the constitutional referendum held on December 4, 2016.

So the first option that Panda puts forth is that the veto power of Rajya Sabha should be reduced with no other changes in the structure and functioning of the Upper House. It should be allowed to delay the process but not completely derail it. It is a matter of conjecture if the Rajya Sabha would ever vote to reduce its powers.

(ii) Direct elections to the Upper House

Panda pointed to another possible option in legislative history of the world that could be incorporated in the Indian structure. He cited the fact that the US Senate was also indirectly elected, quite like our Rajya Sabha until the reforms of 1913 when Senators came to be directly elected by the voters of each State (Panda, 2015a). It would then indeed justify the 'manifesto doctrine' discussed earlier in this paper and make their role in legislative matters less debatable.

However, Panda's views were strongly disputed. His own party—the BJD—distanced itself from what they termed as his 'personal' views. Six MPs from different opposition parties in the Rajya Sabha signed a notice alleging a breach of privilege and contempt of the Rajya Sabha. It was then submitted to the Chairman of the House Mohammad

Hamid Ansari which then requires a referral to the House of Panda's membership, i.e. the Lok Sabha.

Debate over the legislative powers with the Rajya Sabha

Media coverage to the obstructionist approach of the Rajya Sabha, failure of critical and high-profile Bills to pass through the House, the manner in which significant members of the government as also the former Chief Justice of India (CJI) K. T. Thomas reacted to it actually created an environment conducive to demand reduction of powers with the Upper House among common people as well. Online petitions addressed to the President and Vice President of India, the Chief Justice of India and the PM came up which demanded that the unelected representatives should not have legislative powers (Online Petititon, 2016). Although it has not secured too much of public response or support, it does create an environment of ill-considered public opinion. It shifted the focus of attention away from the core area of our concern which is the downslide of the Parliament as an institution.

Several commentators have severely criticised the proposal to dilute the status and powers of the Rajya Sabha. Considering the unpredictability of electoral politics, one cannot guarantee a similar numerical majority in the future Lok Sabhas. The Upper House then should be the "deliberative body that would balance what James Madison… called "fickleness and passion" of an elected Lower House" (Ramachandran, 2015). It should also bring a stabilising effect that one had envisaged for it.

Another rationale for dilution of Rajya Sabha's powers is that with the rise of regional political parties and their corresponding numbers in the Lok Sabha, there is no specific need to separately provide for a Council of States for the federating units with as much legislative powers. However, the constantly strained Centre-State relations cannot be understated. Rajya Sabha then ideally provides for such a channel of communication and should be utilised as such. To that effect, several feasible reforms are suggested such as: direct elections to the Rajya Sabha; equal representation of the federating units in the Upper House to avoid inclination or capture of decision-making by the bigger States with more members; fixed time period for the passage of Bills. Panda even went on to suggest that the total control of the party whip over the members voting should be restricted to Money Bills and the confidence motion in order to bring in a certain flexibility and use of one's discretion.

Having considered these issues at hand, it is then far more in the interest of the country that the government and opposition parties maintain the faith of the people in the parliamentary process. It is vital for any opposition to make use of parliamentary debates and procedures to bring to light the shortcomings of the government ("Parliament Deadlocked", 2015). It would then uphold the sanctity of public mandate and the standard of parliamentary affairs and stand up to the ideals of genuine parliamentary democracy.

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