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## A Declining Institution? Parliament Today

By: K K Kailash

*Despite warts, the centrality of Parliament to the working of Indian democracy has not altered. Its symbolic resources continue to play an important role in legitimising regimes.*

The “decline of Parliament” thesis is probably the one instance when the academic community and popular opinion are in sync. Not surprisingly, when Parliament is covered in the media, the decline thesis underpins the narrative, which then only reinforces the dominant thesis. This thesis implicitly assumes a bygone golden era when parliament supposedly functioned better.

The disillusionment stems from Parliament’s *practices*, rather than from its role as providing space for articulating and negotiating social and democratic transformation. In *House of the People: Parliament and the Making of Indian Democracy*, Ronojoy Sen implicitly urges us to distinguish between the institution and its role in representative democracy and the practice of Parliament. He argues that despite the warts and all, the centrality of Parliament to the working of Indian democracy has not altered.

Two sets of questions animate the discussion in this book. These questions revolve around the five characteristics one expects of any representative institution, including representativeness, transparency, accessibility, accountability and effectiveness.

|| Parliament [is] a key but flawed institution in sustaining democratic stability in India.

First, how has the Indian Parliament fared when it comes to the questions of accessibility and representation? Has it been able to represent the diverse requirements of the polity and translate those representative demands into effective legislation? Second, how has Parliament functioned in terms of accountability?

Sen relies on a wide variety of source materials, including archival sources, parliamentary reports, debates, data from [PRS Legislative Research](#), semi-structured interviews of members of parliament, as well as ethnographic observations to map the role of the Parliament as a key but flawed institution in sustaining democratic stability in India. He also creatively uses the tools of ‘biography’, as in identifying key events and markers in the institution’s life to both interrogate and make sense of Parliament’s contribution to the transformation of Indian democracy.

### Then and now

Sen helps the reader understand why the constitution makers chose the majoritarian Westminster model over other models including the presidential system. Besides familiarity and the lack of genuine alternative models, the possibility of holding governments accountable on a continual basis was a major factor.

The central leadership of the Congress went out of the way to bring in different and often opposing voices into the Constituent Assembly even if the state units of the party had different views. They included BR Ambedkar and Shyama Prasad Mookerjee of the Hindu Mahasabha (and one of the founders of the Bharatiya Jan Sangh, the predecessor to the BJP). Notably, this is in sharp contrast to the current polarised atmosphere, when there are concerted attempts to drown opposition voices. The accommodation brought multiple benefits, including getting all players into the democratic game, institutionalising parliamentary practices and institutions and reducing the chances that the system would break down.

|| Accommodation brought multiple benefits, including getting all players into the democratic game, institutionalising parliamentary practices.

Increasing political competition, the decline of the Congress, and consequent changes in the party system brought in new social groups into Parliament. This comes out most distinctly in the caste and occupational background of parliamentarians. While today’s parliament is much more representative of the polity than the earlier houses, some groups, like women and Muslims, remain underrepresented.

Nevertheless, the presence of criminals and limiting the pool of representatives to those with access to money challenges the representative function and raises questions about whom the institution is accountable to. There is a strange paradox here. Greater transparency in the form of disclosure norms has allowed the exposure of issues like increasing money power and criminality in Parliament. Over the years, the media has become more intrusive, allowing for closer scrutiny of the public and private lives of our representatives and more recently, the explosion of social media has only increased the amplitude. But this transparency has increased the distrust in parliament and its functionaries.

### **The perils of executive dominance**

Sen attributes the increasing disturbances in Parliament to the changing political culture. He notes that the intrusion of the “idiom of mass politics” inside Parliament has undermined the so-called norms of parliamentary discourse and behaviour.

Disruptions and walkouts have damaged Parliament’s reputation and given heft to the decline thesis. But Sen’s may not necessarily be the best explanation for disruptions. On the contrary, institutional design rather than political culture may hold the key.

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In an executive-dominated parliament, the government owns all aces, which incentivises the opposition to act contrary to established norms. In a system with adversarial government-opposition relations and a highly competitive party system, the opposition can neither take credit for legislation passed nor has the space to formulate or bring in its policy.

Consequently, the only way the opposition can make itself seen or heard is by opposing everything the government does and by taking protests to the floor of the house. A cultural explanation undermines the deepening of democracy in India and the social transformation that Parliament has witnessed.

Executive domination and the electoral system may also better explain another point Sen raises: that today’s members are more concerned with constituency-related rather than parliamentary and legislative work, and this has had an impact on the working of Parliament.

While we do not know if members of parliament devoted more time to legislative work in the past, we can be sure that the design of parliament only allows them to influence policymaking. In an executive-dominated system, members can only modify or reject policy proposals that the executive brings. In India, the scope for this is limited, especially when the government has the numbers and there is an anti-defection law in place.

Notwithstanding this shortcoming, there is probably a consensus that parliament has been successful when it comes to fulfilling the representative function. Sen shows us that structural changes like the adoption of the Department-Related Standing Committee (DRSC) system have given members more space to examine policy and the working of government departments more closely. He concludes that these committees work away from the public glare and are a vital element of parliament’s “efficiency and accessibility”.

### **A mixed legacy**

Sen notes that the Indian Parliament has been successful and flawed simultaneously. There has been a social and economic churning which has allowed for a deepening of democracy. At the same time, women, minorities, and those without access to huge amounts of money are unlikely to find space in parliament.

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The majoritarian and authoritarian streak one witnesses in Indian democracy is also visible in Parliament. While recent parliaments may appear more productive in legislation, they are not necessarily democratic. Over the last decade, the use of committees to scrutinise bills has reduced drastically. Ironically, despite the numbers, the government has also been regularly promulgating ordinances. The government has also often played to the gallery by pushing through crucial legislation without adequate discussion or scrutiny. Furthermore, the government has also not thought it fit to reach out to the opposition and build an understanding.

Finally, the prime minister has not necessarily used Parliament to debate and deliberate on critical issues. Unlike prime ministers who made impromptu interventions during debates and discussions, the current prime minister usually uses special occasions like replying to

the president's address and so on to address parliament. This has not necessarily done any good to parliament or parliamentary functioning.

Though pessimistic, Sen's study shows that the idea of parliament as a representative institution has been central to India's democratic project, even before it was formally institutionalised. Using insights from comparative studies, he demonstrates how institutional design matters and underscores how institutions shape behaviour and outcomes.

Parliament as an institution possess great symbolic resources and, in its functioning, it communicates, and this has played an important role in legitimising post-independent regimes. Like all institutions, it not only draws sharp boundaries when it comes to the inclusion and exclusion of actors and ideas but also provides the space and resources for decision-making that are considered legitimate and could have far-reaching consequences.

It is, therefore, clear that any change to the way Parliament functions lies in the hands of members of parliament themselves.

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