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The Lok Sabha as the House of the People- Examining Its Role in Lawmaking

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Abstract

The Lok Sabha, the lower chamber of India's bicameral Parliament, stands as the quintessential embodiment of the nation's democratic will. The constitutionally enshrined prerogative and fundamental function of the Lok Sabha lies in the conception, adjudication, and enactment of legislative measures that shape India's juridical and societal contours. This article purports to dissect and critically analyse the structural, functional, and politico-institutional facets of the Lok Sabha's engagement in the legislative process. Through an exposition of the journey of ordinary bills, money bills, the crucial instrumentality of parliamentary committees and the contemporary dynamics of legislative deliberation, the study aims at illustrating the Lok Sabha's pre-eminent position in India's governing matrix. The discussion also extends to contemporary challenges such as altering norms of parliamentary productivity, the increasing recourse to ordinances, and the implications of party discipline under the Tenth Schedule to the Constitution of India on the legislative product of the House.

Keywords:

Lok Sabha, Parliament of India, Law-making Process, Legislative Productivity, Money Bills, Parliamentary Committees.

Research Objectives

1. To explore the constitutional framework and the legislative machinery through which the Lok Sabha exercises its power of law-making in India.
2. To analyse the exclusive financial prerogatives and jurisdiction of the Lok Sabha over the Rajya Sabha, specifically concerning Money Bills.
3. To examine the role and contribution of Parliamentary Committees in refining and improving the quality of legislative statutes drafted within the Parliament.
4. To investigate and assess the Institutional and political variables that influence the performance, quality of debate and productivity of the Lok Sabha.

Introduction

The Indian Parliament is a bicameral body, consisting of the President and two Houses: the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). While the Rajya Sabha represents the States and the Union Territories, respectively serving the federal principle, the Lok Sabha is the embodiment of the popular will. The members of the Lok Sabha are elected from territorial constituencies in the States by direct vote on the principle of adult universal suffrage, and the candidate securing the highest number of votes is declared elected. A member of the Lok Sabha therefore directly represents all the people in his constituency and carries the mandate of millions.

This mandate therefore places the Lok Sabha at the apex of the legislative structure of the country. Making law is the responsibility of the Parliament, and this responsibility emanates from the fact that the Parliament represents the people. Article 246 of the Indian Constitution empowers the Parliament to legislate on any of the matters enumerated in the Union List and also in the Concurrent List. The Lok Sabha holds the most crucial role in shaping legislation that affects the citizens at large.

The Constitutional Mandate and Legislative Power

The legislative power of the Lok Sabha is defined by Articles 245 to 255 of the Constitution, pertaining to the legislative relationship between the Union and the States. As part of the Parliament of India, it shares with the Rajya Sabha the exclusive power to make laws on the subject matter specified in List I of the Seventh Schedule (Union List) and subjects listed in List III (Concurrent List) of the Seventh Schedule to the Constitution, along with the exclusive right of the Rajya Sabha to legislate on the subject specified in the said lists for the State.

In the making of legislation generally known as ordinary bills and financial bills of public importance, the Lok Sabha and the Rajya Sabha possess broadly co-equal powers. All such bills can be initiated in either of the two houses, subject to some exceptions. However, in the matters of all ordinary bills when there is difference of opinion between the two houses regarding any bill other than a Money bill, the President may summon a joint sitting of the Houses for the purpose of deliberating and voting on the bill, the provisions of Article 108 make it clear that in case of a vote the Lok Sabha (with 545 members as compared to 245 of the Rajya Sabha) would definitely win the day.

The Process of Law-Making: From Bill to Act

The transformation of any idea into a law is a multi-stage and sequential procedure. A bill must be passed through the respective stages in both the Houses of Parliament to be enacted into an act.

1. Introduction and First Reading:

A bill other than a Money Bill may be introduced in either House. It may be either a government bill or a private member's bill. The first reading stage consists of the introduction of the bill. The Minister or the member concerned seeks permission of the House to introduce the bill and explains in brief the objectives thereof, and is introduced formally if the House grants leave.

2. The Second Reading:

The second reading comprises three stages. In the first stage of this reading, the general principles and provisions of the bill are discussed in detail. Members can express their opinion for or against the bill and may make recommendations, suggesting the bill be taken into immediate consideration, referred to a Select Committee, sent to a Joint Committee of both the Houses for detailed examination and report or circulated for eliciting public opinion in addition to debate. In the second stage, the bill is read clause by clause and various amendments can be moved, discussed and passed in the House. If a bill is referred to a committee, the bill is reintroduced and goes through a second reading process again. The clause-by-clause examination would ensure all members have been given an opportunity to participate.

3. The Third Reading:

The discussion in the third reading of a bill is restricted to only such arguments as support or oppose the bill as a whole. Any amendment, either of the substance or the principle of the bill, may not be moved at this stage. This involves a final vote in the House. Upon satisfactory completion of these steps, the bill is considered as passed by the House.

The Financial Supremacy of the Lok Sabha

While the two Houses of Parliament enjoy largely co-equal power, the Lok Sabha exercises exclusive dominion over the national purse. Reflecting a foundational democratic principle, the chamber that directly represents the taxpayers holds ultimate authority on all matters of finance. According to the Constitution, money bills - comprising primarily of provisions related to taxation, government spending, borrowing and the management of the Consolidated Fund of India - may be introduced only in the Lok Sabha and only on the recommendation of the President. After the Lok Sabha approves a money bill, it is sent to the Rajya Sabha, where it is merely advisory.

The Rajya Sabha has 14 days to return the bill; failure to do so results in its automatically being deemed passed by both Houses, in the form it was passed by the Lok Sabha. It is within the Lok Sabha's sole discretion whether to accept or reject any recommendations made by the upper House, making the Speaker of the Lok Sabha the ultimate arbiter of money bill decisions as provided by Article 110 (3). Article 110(3) is another constitutional instrument in favour of the Lok Sabha for being dominant in matters of fiscal policy, and that if a question arises whether a bill is a Money Bill or not, the Speaker of the Lok Sabha will decide it, and such decision would be final; no interference of any court would be entertained. Therefore, the House not just has superior financial authority but also the supreme position in the realm of legislation.

The Role of Parliamentary Committees

The Lok Sabha being very large, it does not have adequate floor time to examine and carry out technical audits in every detail for every proposed. To perform such exhaustive scrutiny, it primarily utilises its Parliamentary Committee System, especially Department-Related Standing Committees (DRSCs) that were constituted in 1993. These Committees consist of members from both treasury and opposition benches in proportion to their strength in the Lok Sabha.

When a bill, after the first reading or during the general discussion stage, is referred to a Committee, the procedure assumes a more formalistic approach free from political discourse and grandstanding witnessed in the plenary session.

These committees study legislation, solicit comments from experts, the general public, industry, the legal fraternity, public interest groups and also take depositions from the officials of the relevant administrative departments. These committees have powers to make extensive recommendations on amendments to the proposed bills. These committees also have to provide their reports, and the executive takes note of their reports. However, no legislation is subject to a specific mandatory approval or veto by the committees, and their reports are advisory in nature.

Contemporary Challenges in the Legislative Process

Despite the strong and formidable institutional structure, certain contemporary institutional challenges often impair the functioning of the Lok Sabha as a law-making body.

1. Decline of Legislative Debates and Increasing Functionality through Proclamations

During the decades of liberalisation and coalition politics in India, there have been increased instances of political disruptions in the House and its functioning on matters of legislative importance; these have led to diminished time available to discuss and debate the proposed legislation, which are critical to our economic policy. Bills are passed through voice votes, and after nominal debate; such legislation, which has been critical to India's socio-economic agenda, such as the introduction of Goods & Services Tax (GST) or the abrogation of Article 370 of the Constitution, all were brought into the Statute Book after only a nominal legislative debate.

2. Underutilization of Parliamentary Committees

Over the decades, there has been a general decline in the legislative bills that are referred for committee scrutiny due to the perceived need to expedite the legislative processes. However, it has been the case that certain controversial legislations like the new agrarian laws in 2020 were rushed into the statute Book without an adequate review from the committees, leading to broad legislative dissatisfaction.

3. Increased Use of Ordinances

Since the 1990s, executive governance in India through the issuance of ordinances has increased and has often been used for legislative purposes that can be addressed in a bill in the

parliamentary agenda. The increasing prevalence of ordinances used as a surrogate for legislative bills reflects a legislative overreach and may undermine parliamentary legislative authority in certain areas of policy as well as governance that affect every Indian.

4. The Tenth Schedule to the Constitution and Defection

The Tenth Schedule, the constitutional provision banning defection, requires MPs to vote strictly as per the whip of their respective political parties. This has had the effect of curbing individual legislative dissent or independent-mindedness, and it has been suggested that the law would require modification so as to provide more leeway for MPs to vote according to their conscience or local interest and needs of their constituencies when such voting is on proposed legislation before the Lok Sabha.

Conclusion

The Lok Sabha acts as an indispensable institution for law-making, and it has been performing this key function through its legislative authority granted to it by the democratic process of representation that it draws from the masses. The absolute primacy in terms of fiscal powers to legislations such as 'Money Bills' can be cited as an example of this enormous power of the lower house of the Indian Parliament. But, the contemporary legislative process, through a decline of debates and discourse in the parliament; underutilization of parliamentary committees; an increased tendency to rule through ordinances instead of legislation and the anti-defection law that restrains individual members from dissenting while casting votes, can create a situation where it may fall short of its objective to achieve inclusive democracy and efficient legislation.

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