

## INTRODUCTION

The need to make the institution of Parliament more effective in overseeing the Executive can hardly be over emphasised. Parliament is a body composed of the elected representatives of the people. Its strength and effectiveness as a representative body, therefore, depends to a great extent, on the dedication, zeal and knowledge of its Members.

A legislator, in fact, is several persons in one - a representative of his constituency, a member of the Legislature, sometimes a Minister, a party man and often a member or spokesman of a particular interest or a community. His obligations are many and not always easy to reconcile. He owes loyalty to the people of the constituency that return him to the Legislature, the party to which he belongs, and above all, to the nation as a whole.

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### Participation in the work of the Legislature:

The most important problem before a new legislator is that of making a headway in the House. Though the House may be polite to a new entrant to its ranks, it is never too friendly. In order to play his role effectively, a legislator must make full use of all the available opportunities and participate actively in the business before the House. To this end, a number of procedures have been developed, some traditional and some new. A Member can ask questions, raise half-an-hour discussions, short duration discussions, give notices for adjournment motions,<sup>1</sup> calling attention, no-day-yet-named motions, and Private Members' resolutions, etc. He can also raise a matter under Rule 377 in Lok Sabha and through special mention in Rajya Sabha. A legislator can also make meaningful contribution by participating in the debate on the Motion of Thanks on the President's Address and on the Budget.

A legislator cannot effectively raise a matter in the House and follow it up unless he has done a good deal of home work and is equipped with information on the subject. The study of economic, political and social journals along with different informative documents, published through Government or non-Government agencies and, newspapers of different categories will prove useful in this regard. According to his interest he may also develop specialisation in certain fields. Describing the qualities which make a legislator successful Shrimati Indira Gandhi once said:

"For the serious minded, any career is exacting. This is all the more so for the earnest legislator, who is at the centre of political developments and must constantly face changing situations. Although the Legislator may specialise in one or two fields, it is essential for him to take interest in a number of

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1 In the Lok Sabha only.

subjects, mastering not only the essentials but also keeping in touch with day to day development".

Though in the present context, the responsibility for sponsoring legislation mainly rests with the Government, a Member can always wield influence in the shaping of legislation. There are instances when Bills introduced by Private Members have eventually found their place in the Statute Book.<sup>2</sup> At times, Bills sponsored by Private Members may fail to become laws but they may serve as the starting point for future official enactments.

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2(1) The Muslim Wakfs Bill, 1952, (2) The Indian Registration (Amendment) Bill, 1955, (3) The Parliamentary Proceedings (Protection of Publication) Bill, 1956, (4) The Code (if Criminal) Procedure (Amendment) Bill, 1956, (5) The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Bill, 1954, (6) The Hindu Marriage (Amendment) Bill, 1956, (7) the Women and Childrens' Institutions (Licensing) Bill, 1956, (8) The Orphanages and other Charitable Homes (Supervision and Control) Bill, 1959, (9) The Code of Criminal Procedure (Amendment) Bill, 1959, (10) The Indian Marine Insurance Bill, 1959, (11) The Salaries and Allowances of Members of Parliament (Amendment) Bill, 1964, (12) The Hindu Marriage (Amendment) Bill, 1964, (13) The Indian Penal Code (Amendment) Bill, 1963, (14) The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1969 were all initiated by Private Members.

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### **Scrutiny of Government's performance:**

**The dominance of the Executive in the legislative and financial fields is a common feature of modern parliamentary systems. The legislature has to see whether the enormous power and resources held by the Executive are properly and judiciously used. A vigilant member of legislature can elicit information and focus attention on specific aspects of governmental policies or activities and other important matters of public concern by making use of various procedural devices available to him under the Rules of Procedure. A Member can also keep a close and continuous check on governmental activities through his participation in the deliberations of the Parliamentary Committees.**

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### **Maintenance of Parliamentary decorum:**

**On the floor of the House, legislators are duty-bound to follow various rules and guidelines which are necessary for orderly and smooth transaction of business and for upholding the dignity and decorum of the House. These rules and guidelines lie scattered in different sources such as the Constitution, the Rules of Procedure and Conduct of Business, the Handbook for Members, etc. There also exist numerous customs and conventions and other parliamentary etiquette based on past precedents, rulings of the Chair and even unrecorded traditions, which have to be observed by the legislators. If a Member feels aggrieved in the House and wants to convey his feelings, he can convincingly do so within the framework of rules. There is no need**

for him to resort to walkouts or use unparliamentary language. Further, a Member must be time conscious and use every minute of the time of the House most economically and purposefully. The maintenance of parliamentary decorum and submission to the discipline of the House should be taken as a duty.

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#### Eloquence in Legislature:

Oratorical skill is an added qualification for an effective legislator. This talent helps him to give a good account of himself to the electorate and successfully play the role expected of him by his constituents and party. An eloquent legislator can give a different dimension to any issue and can turn the course of any debate. He can present a very common idea in the most effective way and can successfully persuade the House to view the issue from his angle. This is amply proved by several instances in the history of parliamentary institutions in our country and elsewhere. One may wonder, whether it is possible for a legislator, however eloquent he may be, to carry the House with him in modern parliamentary democracies where members are expected to vote according to party policy and party whip, irrespective of their own personal convictions. But parliamentary history is replete with instances of stalwarts with erudition and eloquence commanding influence in the House which was disproportionately high for the size of their following. Such gifted legislators can even bring the Government round to their point of view.

A legislator enjoys immunity from legal consequences for anything he may speak in the House. This privilege enables him to call a spade, a spade without fear or hesitation. There are, however, certain restrictions also. He has to speak within the purview of his party's policies. Further, even if he catches the eye of the Chair, there will always be time-limit within which he has to put forth his case. Another characteristic of legislative eloquence is the strict insistence on relevance. To be effective, the legislator should remain present in the House and follow what others speak so that when his turn comes he avoids repetition of points already made, and where he disagrees with views expressed by a Minister or a colleague earlier, he explains his stand with reasons therefor. Within these constraints, a successful legislator has to combine the emotional appeal of a leader with the argumentative skill of a lawyer and the capacity for exposition of the lecturer.

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#### Legislators -- a link between the Citizens and the Government:

A legislator is the accredited representative of his constituency. He, on the one hand, is responsible for the well-being of his constituency and on the other hand, he is one of the law-

makers also. This representative status of the legislators gives them a special position which makes them admirably suited to play the role of an intermediary between the people and the Government. A legislator has to interpret the aspirations of the people to the Government and also to convey the view-point of the Government to the people.

Nursing the constituency to which a legislator belongs, is an essential duty of a legislator. He must combine in himself the attributes of a social worker, orator and politician. He must be imbued with a spirit of service and above all, sense of sacrifice and self-denial. The constituency, being the centre of his activities, should be his first concern and his success or failure as a legislator will depend largely on the attitude that the people of his constituency have towards him. He must be thoroughly conversant with the problems of his constituency, the hopes and aspirations of its people and should have a clear grasp of the means by which he can meet the genuine demands of his constituents. In fact, a legislator is regarded by the public as a welfare officer or a 'case worker'. The common men look up to him for help and very often he has to intercede on their behalf with the public functionaries for finding solutions to their problems and redressal of their grievances. But very often, he is required to attend to individual complaints, the nature of which may vary from securing employment for an unemployed educated youth to the transfer of an erring local official. While he has to tackle the problems abilities to the best of his understanding and a line has to be drawn where self-interest ends and national interest or community interest begins. Nothing can be more gratifying or fulfilling to a legislator than the satisfaction that he has been able to contribute constructively to the welfare of the people.

By virtue of their special position as leaders of the community, legislators are placed in a unique position to mould public opinion and influence the Government. They can provide the valuable inputs/feed back as from the field and indicate the winds of change to the Government to take note of, in formulating its policies and programmes. In a country like ours, legislators can also make a real contribution to the process of development and social transformation, by mobilising the support of the people and enlightening them. Developmental activities offer legislators plenty of opportunities to work for the all-round progress of their constituencies and in the process, help the nation as a whole to advance.

It is a part of the duty of a legislator to educate his electorate and in order to be able to do that he has to educate himself first. Once he is elected, even though by a thin majority, from a constituency, the legislator must consider himself as the representative of the whole electorate. He must not make any distinction between the people who supported him and the people who did not, because he is elected to serve the entire electorate. He should regularly interact with his constituents on various issues that may crop up from time to time. Even though, for instance, a particular piece of legislation has resulted in hardship to a certain

section of the people, the legislator must explain why and how that legislation was necessary in the overall interest of the country or the State. It should be his first and foremost concern to enlighten the people about their civic duties and responsibilities, the need for discipline and restraint in public life. He is required to make concerted and conscious efforts to eradicate social evils.

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#### Conflicting demands:

One of the most important problems confronting a legislator results from a clash between his loyalties to the nation and the party. This kind of situation does not arise everyday but when it does, it puts a severe strain on the nerves of a legislator. While on the one hand, the party discipline requires that he should support a measure to which his party is committed, his own conscience may goad him to oppose it. Sometimes he may be having an uneasy feeling that his constituency is hostile to a measure and he would be failing in his duty if he supported it. Edmund Burke gave his classic answer to this major dilemma in a representative democracy in these words:

**"It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence and the most unreserved communication with his constituents. Their wishes ought to have, great weight with him; their opinion high respect; their business unremitting attention. It is his duty to sacrifice his repose, his pleasure, his satisfaction, to theirs and above all, ever and in all cases, to prefer their interest to his own. But his unbiased opinion, his mature judgement, his enlightened conscience, he ought not to sacrifice to you, to any man or to any set of men living... Your representative owes you not his industry only, but his judgement and he betrays, instead of serving you, if he sacrifices it to your opinion."**

While voting inside the Legislature, a member has to follow the directions issued by the party to which he belongs otherwise he may face disqualification from membership on grounds of defection. However, disqualification on grounds of defection shall not apply in case of split in his party (i.e. when the faction arising as a result of the split is not less than one-third of the members of such legislature party) or merger of his party with another party (when not less than two thirds of the members of the party have agreed to such merger). In resolving other conflicting demands he has to take decisions to the best of his understanding. A line has to be drawn where self-interest ends and where national interest begins. The legislator has to work for the national interest and not to the self-interest of some people. The interest of the country should be uppermost in the mind of the legislator and he need not be led by the masses when he feels that a particular step would not be in the interest of the country.

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#### Conclusion:

The legislature as a representative institution, performs a crucial role as the central arena where all the competing forces in the polity are brought face to face for organised interaction. If the corporate conscience of the community is to find voice and assert itself democratically, it can be done only in a Legislature---a forum--by the people's representatives. Who else can rightfully espouse and uphold the cause of the poor, down-trodden and the defenceless? It is often forgotten that the very object of the privileges and immunities, which legislators enjoy, is to enable them to perform these tasks freely and fearlessly. The people's representatives,

holding a standing brief on behalf of the common man work as the guarantor of the overall good of the community, and as a guardian of public interest. Thus the role which the legislator performs in our democratic polity, is very vital and very important.

A legislator has to maintain his Wit in the primacy (if moral values and ethical conduct in public life, promote civility, graciousness and a sense of fair-play in inter-personal dealings. He has to set an example and be the torch-bearer of society. To sum up, in the words of Sir Winston Churchill:

"The first duty of an M.P. is to do what in his faithful and disinterested judgement he believes is right and necessary for the honour and safety of our beloved country. The second duty is to his constituents, of whom he is representative but not delegate. It is only in the third place that a man's duty to the party organisation or programme takes rank."

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#### **SOURCES CONSULTED**

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4. Bal Ram Jakhar : Parliamentary Decorum (Journal of Parliamentary Information, Vol. 31, No. 4, March, 1985)