

**NEW YEAR ADDRESS BY THE PRESIDENT OF INDIA, SHRI PRANAB MUKHERJEE TO HIGHER EDUCATIONAL AND RESEARCH INSTITUTIONS ON THE TOPIC, "PARLIAMENT AND POLICYMAKING" THROUGH VIDEO CONFERENCING**

Rashtrapati Bhavan: Jan 19, 2015

\*\*\*\*

Vice Chancellors,

Directors,

Heads of Institutions of higher learning and research institutions,

Faculty members, and

Dear Students:

1. Let me start by wishing you and your families a very happy and prosperous New Year. I am happy to have the opportunity of sharing some of my thoughts with you at the beginning of the year. I express my appreciation and gratitude to the National Knowledge Network (NKN) team, particularly Prof. S.V. Raghavan, and the NIC team, who have made it possible for me to reach out to you in such large numbers through this video conference. Last year, it was decided that I will address you twice – once at the beginning of the New Year in January and again at the beginning of the new academic session in August.

Friends:

2. The year 2014 was an eventful year for India's polity. After three decades, Indian electorate decided to give a single party the majority to form a stable government. Outcome of the Elections to the 16<sup>th</sup> Lok Sabha provides political stability and gives mandate to the elected government to fulfill its

commitment to the people by using its majority in formulating policies and making laws to implement those policies.

Distinguished heads of the institutions, faculty members and dear students:

3. In a democratic polity, building and strengthening the nation is the collective responsibility of all the major organs of the government. In Parliamentary Democracy, all three wings - the Executive, the Legislature (Parliament) and the Judiciary - are the most important functional organs. All three derive their authority from the Constitution, which clearly defines their role of policymaking, legislation, implementation of the policies and programmes, and interpreting the law by Judiciary as and when required.
4. Today, I have chosen to speak on the theme of “Parliament and Policymaking” or, more generally, on the relationship between law and policy. You would recognize that by posing the issue on those lines, the Judiciary, along with the Parliament and the Executive, also becomes a relevant player in steering the development process in the country. All three organs are expected to operate within their limits as prescribed by the Constitution without over-stepping them.

Friends:

5. In a democracy, the Parliament has three vital functions – **representation, law-making and oversight**. Though the formulation of policy and initiation of legislation is mainly the function of the Executive, enactment of legislation or its rejection is within the domain of the legislature. Interpretation of law falls in the domain of the Judiciary.
6. The Parliament stands for the will and aspirations of the people. It is the platform where through debate and deliberations, this ‘will’ and ‘aspirations’ have to be prioritized

and translated into laws, policies and concrete programmes of action. When that does not happen, an important element in the functioning of a democracy gets compromised to the disadvantage of the people.

Friends:

7. Law refers to principles and rules, codified or enshrined in customary practices, established for mediation of social relations between people and communities in a society. It serves two important purposes. It gives shape to social values and strengthens their aspirational dimension. It also helps in guiding human behaviour towards desired social ends. Thus, by definition, law provides the normative basis and the architecture for the conduct of public policy.
8. Law-making or legislation is the exclusive domain of the Parliament and the legislative assemblies in our Parliamentary democracy. In law-making, the easy part is the act of passing a Bill (*not so easy when you do not have majority!*). The harder part is the negotiations for reconciling the interests of different groups for the legislation. A legislature is effective only if it is able to address the differences amongst stakeholders and succeeds in building a consensus for the law to be enacted and enforced. When the Parliament fails in discharging its law-making role or enacts law without discussion, it breaches the trust reposed in it by the people. This is neither good for the democracy nor for the policies anchored in those laws.

Distinguished heads of the institutions, faculty members and dear students:

9. Policy refers to a definite course of action adopted for expediting or facilitating desired results in a given situation. It is normative in nature. These norms come from laws and

social practices prevalent in a society, or from international conventions that a state becomes party to. Policies have to essentially address the concerns of different stakeholder in a society, in the larger national interest.

Friends:

10. The policymaking in India's context is guided by its Constitution. The Directive Principles of State Policy represent affirmative instructions to provide the basis for all executive and legislative action. While these principles are non-justiciable, they are fundamental in the governance of the country. In the landmark 1973 Judgment in Kesavananda Bharati vs. State of Kerala, the Supreme Court observed that both Directive Principles and Fundamental Rights are equally 'fundamental' even though Directives are not directly enforceable by the courts. In the past decade, people have been given entitlements for right to information, limited job security in rural areas, education and food through legal guarantees. Each legislative intervention has resulted in a shift in policy towards the objectives laid down in our Constitution and in furthering human well-being.

Friends:

11. The Parliament having aided policy formulation also ensures that policy and programmes that it has helped define through legislation is implemented in the envisaged manner. It exercises oversight, to ensure that programmes are carried out by the Executive legally, effectively and for the purposes they are intended. Parliamentary oversight extends also to two other important functions. Parliament enjoys exclusive power of total control on money and finance. Every taxation and every receipt and expenditure to and from the Consolidated Fund of India is subject to the approval of the Lok Sabha or

Vidhan Sabha. The other important supervisory power of the Parliament over the Executive is that the highest Executive authority i.e. the Prime Minister and the Council of Ministers function as long as they enjoy the confidence of the popularly-elected House and can be removed by a simple majority of the House through a motion of no-confidence. According to our Constitution, in certain exceptional circumstances, the Prime Minister can recommend to the President the dissolution of Lok Sabha when composition of the House is fractured and its functioning becomes erratic and in-cohesive. Therefore, these two very important functions of the Executive are subject to the total control of the popularly-elected House.

Friends:

12. The Parliament's role in policy articulation, its implementation and oversight is critical. It is, therefore, incumbent on the Members of the Parliament to discuss and undertake adequate scrutiny of all business transacted in the House. Unfortunately, the time devoted by the Members in Parliament has been gradually declining. The first three Lok Sabhas had **677**, **581** and **578** sittings, respectively. Compared to that, the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Lok Sabhas had **356**, **332** and **357** sittings, respectively. We all should hope that the 16<sup>th</sup> Lok Sabha reverses this trend.

Friends:

13. There is a growing tendency to resort to disruption as a means of Parliamentary intervention. Dissent is a recognized democratic expression, but disruption leads to loss of time and resources, and paralyzes policy formulation. The cardinal principle of Parliamentary Democracy is that the majority has the mandate to rule while opposition has the right to oppose, expose, and if the numbers permit, to depose. But, under no

circumstances should there be disruption of the proceedings. A noisy minority cannot be allowed to gag a patient majority.

My dear students:

14. To meet certain exigencies and under compelling circumstances, the framers of the Constitution deemed it necessary to confer limited legislative power upon the Executive by way of promulgation of Ordinances when the legislature is not in session and circumstances justified immediate legislation. The framers also deemed it necessary to impose certain restrictions on this extraordinary legislative power by constitutionally mandating replacement of such Ordinances within a timeframe by the legislators. Article 123 (2) provides that an ordinance must be replaced by a law not later than six weeks from the re-assembly of the two Houses. Article 85 further provides that six months shall not intervene between the last sitting of one session and the first sitting of the next session.

Distinguished heads of the institutions, faculty members and dear students:

15. India's diversity and the magnitude of its problems require that the Parliament becomes a more effective platform to build consensus on public policies and a bulwark of our democratic ideals. The proceedings in Parliament must be conducted in a spirit of cooperation, harmony and purpose. The content and quality of debates should be of a high order. Maintenance of discipline and decorum in the House and observance of etiquette and decency are necessary.
16. The Parliament must not yield its space for legislating and policymaking to mass mobilization and street-protests, for that may not always provide considered solutions to our problems. To retain the trust and faith of the people, the Parliament must

enact laws to put in place policies that address the concerns and aspirations of the people.

Friends:

17. You as educators, researchers, opinion makers and future leaders have a role to play in contributing to improve the quality of policymaking and its implementation. Many amongst you will enter public life to serve the nation. Take time to decide before entering as it is never a short-term option. But having decided once, give your best.
18. I conclude by once again wishing you all a very happy and fulfilling year ahead. Let this be a year of great opportunities and successes in all that you pursue.

Thank you.

Jai Hind.

\*\*\*\*\*