

“Mahamahim Rashtrapati ji, Hon’ble Speaker of Lok Sabha, Respected Presiding Officers of State Legislatures from across the country, friends from media, Brothers and Sisters!

I am indeed delighted to be associated with this distinguished assembly of the Presiding Officers in its 80th edition. I prefer to call the Presiding Officers the ‘high priests of the temples of democracy’. You are mandated with upholding the sanctity of the ‘sanctum sanctorum’ of these temples.

We consider our ‘State’ to be in its best state when each of the three organs of the ‘State’ performs to the best of its potential in the domain specified for each of them, in pursuit of the mandate defined and in the manner prescribed in the Constitution. Our Constitution demarcated clear domains for each of these three organs on the lines of separation of powers, though not in a very formalistic manner.

The theory of ‘Separation of Powers’ by Montesquieu in 1748 had its origins in his genuine concern to avoid autocracy and tyranny if the legislative, executive and judicial powers were to be concentrated in one organ or one individual. Still, the legislative and executive functions continued to be in the same hands till the middle of the 19th century. Ever since separate domains came into being, it has been a saga of frictions and tensions. The case of India since independence is no exception. So, it is appropriate for us to take stock of the harmonious working of the three organs.

Harmony lies in each organ doing its job without interfering with that of the others. This warrants a spirit of mutual respect, responsibility and restraint. Unfortunately, there have been several instances of crossing the boundaries.

We are familiar with the excesses of the Executive in disregard of their accountability to the Legislature on certain occasions. There have been cases when the Rules framed under the delegated ‘Subordinate Legislation’ violated the provisions of original legislation by the Parliament. Violation of rights and liberties of citizens by the Executive at times is too visible for comfort.

At times, the Legislature too has tended to cross the line. The 39th Constitution Amendment placing the election of President, Vice President and Prime Minister beyond the scope of judicial scrutiny in the circumstances in 1975 is one such instance.

There have been quite a few judicial pronouncements that gave a distinct impression of an over reach.

These actions have resulted in an avoidable blurring of the contours demarcated by the constitution. They have led to the question as to how the three organs of the State should respect the jurisdictional sanctity enshrined in the Constitution instead of arrogating to themselves a sense of supremacy?

The moot question is does our Constitution envisage any of these three to be ‘supreme’?

As early as in 1955, in Ram Jawaya Versus the State of Punjab case, the Supreme Court held that “Our Constitution does not contemplate assumption, by one organ or part of the State, of functions that essentially belong to another”. By this, it is logical to conclude that even the principle of ‘first among the equals’ does not apply to any of the three organs. In the case of P.Ramachandra Rao Versus the State of Karnataka in 2002, the apex court observed that “The

Supreme Court does not consider itself to be an imperium in imperio (an empire into an empire) or would function as a despotic branch of the State. Former Chief Justice of India Dr.A.S.Anand held that “In saying that the judiciary is the guardian of the Constitution, it is not implied that the legislature and the executive are not equally to guard the Constitution. For the progress of the nation, however, it is imperative that all of the three wings of the State function in complete harmony”.

That quest for harmony is the theme of deliberation at this august assembly.

This quest is not new for all of us in India. Many centuries ago, the Indian sages hoped for a harmonious co-existence. In the Rig Veda, they had said,

“Samani va akutih samana hrdayni vah |

Samanamastu vo mano yatha vah susahasati”

(Let us be driven by a common goal, united by a common commitment and inspired by ennobling thoughts. That will ensure we work together with harmony and in a cheerful environment)

Once each organ has that overarching goal and has the larger public interest in view, the foundation for a synergistic functioning will be laid. That spirit will have to be constantly protected and nurtured with mutual respect and a high sense of responsibility.

Since independence, the Supreme Court and High Courts have delivered several far reaching verdicts in furtherance of socio-economic objectives besides making correctional interventions. But occasionally, concerns have been raised as to whether they were entering the domains of the legislative and the executive wings. There have been debates as to whether some issues should have been more legitimately left to the other organs of the government. For example, Deepavali fireworks; cess on registration and movement of vehicles from the National Capital

Region through Delhi; banning use of vehicles of certain make after 10 or 15 years; monitoring police investigations; denying the executive any role in the appointment of judges by instituting collegium which is said to be an extra-constitutional body; invalidating the National Judicial Accountability Commission Act seeking to ensure transparency and accountability are being cited as instances of judicial over reach..

So, there are some concerns about the harmony in the working of the three organs of the State. Our Constitution provides for checks and balances to ensure playing by the rules and harmony among the three organs of the States. It is a settled position that the Constitution is supreme and none of the three organs. Since Mahamahim Rashtrapati ji would throw more light on this issue, I would now like to turn to the issues concerning the Presiding Officers and the legislatures.

The Greek philosopher Socrates said that the business of legislatures is serious in nature as they discuss the ways we ought to live. Legislatures are the corner stone of democracy as they provide the basis for the actions of the executive and the judiciary. The judicial review, declared as one of the ‘basic features’ of our Constitution imposes certain restrictions on the legislatures. Law makers have the liberty of defending their territory even by nullifying judicial decisions if so warranted.

Given the importance of legislatures, the Presiding Officers have a major role to play in furthering the cause of parliamentary democracy. Over the years, the battle of perception has tilted against the legislatures and its members. Frequent disruptions, conduct of legislators both within and outside the chambers, rising number of legislators with criminal background, rising money power in elections, flaunting of power as legislators are some of the reasons for this negative perception.

On the occasion of the Golden Jubilee of our independence in 1997, both the Houses of Parliament have unanimously adopted Resolutions asserting among other things that Question Hour should not be disrupted, members should not rush into the well of the Houses etc. But this is followed more in violation.

Citing frequent disruption of the Question Hour, it was shifted from 11.00 am to 12.00 noon in 2014 in the Rajya Sabha. During 2010-14, only 32.39% of the Question Hour time was made use of while 67.61% of the valuable question time was lost due to disruptions and forced adjournments. But, after the Question Hour was shifted, only 26.25% of question time was availed in the next year i.e 2015. For the five year period of 2015-19, only 41.39% of Question Hour time was made use of though this is an effective instrument to take the government to task by asking important questions for oral replies from the Government which is an important part of the 'oversight' function of the House. In fact, over the last 30 years, utilisation of Question Hour time has been declining. This is certainly a matter of concern.

The Conference of Presiding Officers has been regularly taking stock of the functioning of the legislatures in the country and has been making recommendations for improving their functioning. Based on the discussion in the Bhubaneswar conference of Presiding Officers in 1978 and adoption in the Lucknow Conference in 1985, the system of Department Related Parliamentary Standing Committees (DRSCs) was introduced in 1993. These Committees of Parliament, now numbering 24 have been doing a commendable job by undertaking detailed scrutiny of Bills referred to them, the Demands for Grants and other issues chosen by the Committees. I have been regularly reviewing the performance of the 8 Committees of Rajya Sabha and they have shown substantial improvement during the last three years in terms of attendance, average duration of meetings etc. I urge upon the Presiding Officers to take necessary measures to make operational such Committees in all the legislatures.

In the 'Rig Veda', 'Sabha Adhyaksha' is required to be a person well versed in the matters of State, experienced, astute, not a novice in politics, impartial, learned, righteous, benevolent and mature by advanced age and learning. I urge upon all of you to make good use of these attributes to improve the functioning of respective legislatures. As the high priests of democracy, aided and assisted by the Rules, conventions and earlier rulings of the Chair and your own wisdom and experience, you shall do everything required to uphold the sanctity of the temples of democracy. I am particularly distressed over the state of affairs in several state legislatures.

'Decency, Dignity and Decorum' of the temples of democracy will be upheld only through adherence to three 'Ds' namely, 'Debate, Discuss and Decide'. Unabated disruptions seriously erode the standing of legislatures. Lack of harmony in the functioning will seriously erode the legitimacy of all the three organs of the State.

I appreciate the Hon'ble Speaker of Lok Sabha for his personal interest in organising this importance conference close to the 'Statue of Unity' of Sardar Patel and choosing a very relevant

theme. Participation of Mahamahim Rashtrapati ji, Vice President and Prime Minister, for the first time in the Conference of Presiding Officers this year is a clear indication of the importance accorded to the harmonious functioning of the three organs of the State for nation building and the role of Presiding Officers in improving the functioning of the legislatures.

I wish you all a happy Christmas, Happy, Healthy and Prosperous year 2021, Sankranti, Pongal and Lohri. Thank you all!”
