



## Inner - Party Democracy

**For Prelims:** Indian Constitution, British Constitution, Indian Parliament, British Parliament

**For Mains:** Comparison of Indian Constitution with Constitution of other countries, Powers of MPs and hindrance to their liberty

### Why in News?

Recently, **Boris Johnson (Former UK's Prime Minister)** has been ousted as leader of the **British Conservative Party** in a series of coups periodically mounted by the party's [Members of Parliament](#) against him.

- This calls for India to seriously consider empowering its elected representatives, to ensure accountability for party leadership.

### How are Members of Parliament elected in the United Kingdom?

- **To become an MP** representing a main political party, a candidate must be **authorised** to do so by the **party's nominating officer**. They must then **win the most votes** in the constituency.
  - **They do not owe their nomination to the party leader**, but are selected by the **local constituency party**.
- The UK is divided into **650 areas called constituencies**.
  - During an election, everyone eligible to cast a vote in a constituency selects one candidate to be their MP.
    - The candidate who gets the most votes become the MP for that area until the next election.
    - If an MP **dies or retires**, a **by-election** is held in that constituency to find a new MP for that area.
- At a general election, **all constituencies become vacant and a Member of Parliament is elected for each** from a list of candidates standing for election.
  - General elections happen **every five years**.

### How are Members of Parliament elected in India?

- **Parliament of India** consists of two houses and members are elected for each one of them.
  - **Lok Sabha:**
    - It is also called [The House of the People](#).
    - **Election of Representative:**
      - For electing representatives, each state is divided into **territorial constituencies**.
        - Representatives are elected from **each constituency** using the **First-past-the-post system**, the candidate who secures the **majority of votes is declared elected**.
        - **By the Union Territories (Direct Election to the House of the**

**People) Act, 1965**, the members of Lok Sabha from the UTs are chosen by direct election.

◦ **Rajya Sabha:**

- It is also called **The Council of States.**
- **Election of Representative:**
  - The representatives of states are elected by the **members of state legislative assemblies.**
  - The representatives of each **Union Territory** in the Rajya Sabha are **indirectly elected by members of an electoral college specially constituted for the purpose.**
    - Only three UTs (**Delhi, Puducherry and Jammu & Kashmir**) have representation in Rajya Sabha (others don't have enough population).
  - **The members nominated by the President** are those who have special knowledge or practical experience in art, literature, science and social service.
    - The rationale is to provide eminent persons a place in the house without going through elections.

### **What Powers does an MP have in the UK against the Prime Minister?**

- A Prime Minister **has to be able to maintain the confidence** of his ministers at all time to run a stable government.
- If there is a sense that the **leader is no longer acceptable to the country**, then a well-structured mechanism come **into action to protect the party's electoral gains** by providing fresh leadership.
- **Individual Conservative MPs** write to the **1922 Committee (which comprises backbench MPs, and looks out for their interests)** expressing that they have **"no confidence"** in their leader.
  - If a numerical or percentage threshold (**15% of the party's MPs in the U.K.**) is breached, **an automatic leadership vote is triggered**, with the party leader **forced to seek a fresh mandate from the parliamentary party.**

### **What Powers does an MP have in India against the Prime Minister?**

- **No Confidence Motion:**
  - A **no-confidence motion** is a **parliamentary motion** which is moved in the **Lok Sabha** against the **entire council of ministers**, stating that they are **no longer deemed fit to hold positions of responsibility due to their inadequacy in some respect or their failure to carry out their obligations.**
  - No prior reason needs to be stated for its adoption in the Lok Sabha.
    - A motion of "No Confidence Motion" against the Government can be introduced **only in the Lok Sabha under rule 198.**
    - The Constitution of India **does not mention about either a Confidence or a No Confidence Motion.**
      - Although, **Article 75** does specify that the Council of Ministers shall be **collectively responsible to the Lok Sabha.**
    - A motion of No Confidence can be admitted when **a minimum of 50 members support the motion in the house.**
      - The Speaker then, once satisfied that the motion is in order, will **ask the House if the motion can be adopted.**
      - If the motion is passed in the house, the **Government is bound to vacate the office.**
    - A no-confidence motion needs a majority vote to pass the House.
      - **If individuals or parties abstain from voting**, those numbers will be **removed** from the overall strength of the House and then the majority will be taken into account.

## What can be considered as Hindrance to MPs Liberty in India?

### ▪ Anti-Defection Law:

- The anti-defection law **punishes individual Members of Parliament (MPs)/MLAs** for leaving **one party for another**.
- Parliament added it to the Constitution as the **Tenth Schedule in 1985**. Its purpose was to **bring stability to governments** by discouraging legislators from changing parties.
  - The Tenth Schedule - popularly known as the Anti-Defection Act - was included in the **Constitution via the 52<sup>nd</sup> Amendment Act, 1985**.
  - It sets the **provisions for disqualification** of elected members on the grounds of defection to another political party.
  - It was a response to the **toppling of multiple state governments by party-hopping MLAs** after the general elections of 1967.
- However, it allows a group of MP/MLAs to join (i.e., merge with) another political party without inviting the penalty for defection. And it does not penalize political parties for encouraging or accepting defecting legislators.
  - As per the 1985 Act, a '**defection**' by **one-third of the elected members of a political party** was considered a 'merger'.
  - But the **91<sup>st</sup> Constitutional Amendment Act, 2003**, changed this and now **at least two-thirds of the members of a party must be in Favour of a "merger" for it to have validity in the eyes of the law**.
- The members disqualified under the law **can stand for elections from any political party for a seat in the same House**.
- The decision on questions as to disqualification on ground of defection are referred to the **Chairman** or the **Speaker** of such House, which is subject to '**Judicial review**'.
  - However, **the law does not provide a timeframe within which the presiding officer has to decide a defection case**.

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### Prelims

#### Q. A Parliamentary System of Government is one in which (2020)

- (a) all political parties in the Parliament are represented in the Government
- (b) the Government is responsible to the Parliament and can be removed by it
- (c) the Government is elected by the people and can be removed by them
- (d) the Government is chosen by the Parliament but cannot be removed by it before completion of a fixed term

Ans: (b)

#### Explanation:

- A Parliamentary System of Government is one in which the Government is responsible to the Parliament and can be removed by it. In such a system, the role of President or monarch is primarily ceremonial and the Prime Minister along with the cabinet wields effective power.
- According to the Article 75(3) of Constitution of India, the Council of Ministers is collectively responsible to the House of the People (Lok Sabha) which is one the constituents of the Parliament. The rules of Lok Sabha provide a mechanism for testing this collective responsibility. They allow any Lok Sabha MP, who can garner the support of 50 colleagues, to introduce a motion of no-confidence against the Council of Ministers. If the no confidence motion is passed in the Lok Sabha, the government falls.
- **Therefore, option (b) is the correct answer.**

### Mains

Q. To what extent, in your view, the Parliament is able to ensure accountability of the executive in

India? (2021)

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