

The Indian Parliament and Democratic Transformation

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16 Parliament in India's foreign and security policy

From a conscience keeper to an active arbiter

Rahul Tripathi

The early years

In the early years, shaping India's foreign and security policy was deeply influenced by the then Prime Minister, Jawaharlal Nehru, who also looked after the Ministry of External Affairs himself. While Nehru's own domineering personality and his vision on India's role in foreign affairs may have been a crucial factor, as a newly independent nation, India was too much engaged with the domestic issues and concerns that inhibited either Parliament or for that matter the political parties to have a distinct view on foreign policy matters. Nehru's world view and his vision of India's global role led to the crafting of the Indian foreign policy and had a lasting influence on international relations. Therefore some of the dominant perspectives that shaped the foreign policy during the early years: peace and non-alignment in international affairs, pan Asian and African solidarity, belief in multilateralism as espoused by the United Nations principles; all were seen as a direct extension of India's own ideals and goals as set out in the freedom movement and were not really seen as a matter of debate.¹

Though seen as a preserve of the executive, foreign policy was also required to be institutionalized in the context of parliamentary democracy in India. Like all executive decisions need a parliamentary ratification in spirit and substance, foreign policy could hardly have remained an extension of government policy on external affairs, but required a strong domestic consensus as well. As M.L. Sondhi has aptly stated:

A turn towards future-oriented interdependence in Indian foreign policy requires that the Indian Parliament develop its latent capacity in the specialized field of external relations. The Consultative Committee for the Ministry of External Affairs can pursue the logic of the Prime Minister's interpretation of the social strategy of the reorientation in world affairs.²

He therefore emphasized that the political decision-making system must remain in the domain of the Ministry of External Affairs, the External Affairs Minister, and the Prime Minister, but Parliament should have a central social function in providing new norms of decision making. He argued for the Parliament in the interest of the nation, working towards institutional adjustments which could enable both the executive and the legislature to perform their respective roles more vigorously in shaping the new international environment and to which Indian foreign policy may be given a high priority.³

While there appears to be an overarching influence of the executive in both conceptualizing and implementation of foreign policy during these early years, there are some interesting interventions visible in parliamentary debates that ensued during the time, when occasional assertions by the Parliament over foreign policy matters leaves a mark. In a debate on the need for legislative control over executive relating to India's borrowings from other countries, for example, it was pointed out in the Constituent Assembly:

The House will also recollect that this House sitting as Parliament, during the last budget session and even in earlier sessions, pointedly asked the Prime Minister and perhaps the Finance Minister too whether loans borrowed from foreign countries, from America, or may be from USSR if Government will consider such a proposal, will be subject to any political economic or military strings. After all, I am sure that Parliament will ultimately decide our international relations. It is neither the executive nor the President but Parliament which will have the final word on what our foreign relations are going to be, what our international policy is going to be.⁴

The possibility of the executive being at variance with Parliament in certain matters and if the executive took into its head to pursue a foreign policy which Parliament later on may not approve or which be quite in consonance with the decisions of Parliament in this regard, a very unfortunate situation could arise when a commitment will have been made by the government of the day by the President and the executive with regard to borrowing or the raising of loans from foreign countries.⁵

The Parliament, therefore, was very much aware and keen from the inception that a necessary balance must be maintained between the legislature and the executive while framing important foreign and security policies on some key questions keeping the national interest

of the country in mind. Nehru, who was his own External Affairs Minister, made it a point to depute officers of various divisions of the Ministry of External Affairs to brief the MPs on various foreign policy concerns. He would also at times send a senior officer of the United Nations division to brief the MPs. This was in addition to his personally addressing the MPs through the Parliamentary Consultative Committee on External Affairs. As there was no standing committee of Parliament on External Affairs, these informal interactions also played an important role of training the young IFS Officers to get exposed to the working of the Parliament.⁶

In fact, the first time the Parliament actually saw a more proactive deliberation on a foreign/security policy was during the unfolding crisis between India and China beginning from the uprising in the Tibet and Dalai Lama seeking asylum in India. This also brought in the open, perhaps for the first time, divisions within the Indian political establishment (particularly the communist parties) with regard to the policy that India was adopting towards the uprising in China. While there was one view that Tibet could not be discussed in the Parliament, as it was part of China, and would set the undesirable precedent of the Indian states being discussed in Parliaments abroad, there was the other view that appreciated the Indian government's stand. The following two instances amply demonstrate this:

On 4 May 1959, the Rajya Sabha debated Tibet on the basis of a Motion for Adjournment moved by Dr. H.N. Kunzru (Independent). Initially there was a brief discussion on the admissibility of the Motion which was however allowed to be moved.

Mr. H.D. Rajah (Republican Party): Sir, before Dr. Kunzru is allowed to move his Motion, I want to raise a point of order. This Motion is not consistent with the Constitution of our country. Presumably this Motion was admitted in the House under the Seventh Schedule, item 10, 'Foreign Affairs; all matters which bring the Union into relation with any foreign country.' Now, Sir, Tibet is not a foreign country. It is a part of China. If this House is going to discuss a foreign country, it must be China; because Tibet is a part of China. If this dangerous precedent is accepted by us, I say in all humility, then Soviet Russia will have a right to discuss in their Parliament our Kerala affairs and so many other matters. . . . I, therefore, say that Tibet not being directly connected with our Constitution, and Tibet being a part of China, whose suzerainty over Tibet we have accepted. . . . It will infringe the provisions of the Panchsheel which we have accepted. The Prime Minister had

also entered into a declaration with the Prime Minister of China that domestic affairs in another's country will not be interfered with and there will be non-intervention.⁷

H.N. Kunzru (Congress) too made a statement in the Parliament on the Tibet issue on the same day:

No one can deny that the reaction in India to the situation arising out of the events in Tibet was strong and swift. Even in Parliament all parties, with the exception of the Communist Party, united in expressing their concern at what was happening and when the Prime Minister announced in the Lok Sabha that the Dalai Lama had entered Indian territory, the news was received with joy and enthusiasm in which most of the parties, except the Communist Party, shared.⁸

As the events were to turn out later, as the Sino Indian Conflict broke out in 1962 and the ignominious setback it brought to India's creatively crafted world view, the Parliament itself played a key role in dissecting and deliberating the manner and circumstances that shaped the events. In many ways, the incident brought out an epochal shift in foreign policy conceptualization and framing in the post-Nehruvian era as greater 'dispersal and decentralization' of the same gradually started taking place. While under both Lal Bahadur Shastri and Indira Gandhi, the MEA got a greater leeway from the PMO, there was at the same time a continuation of the 'consensual' approach when it came to the Parliamentary deliberations. As the two major issues that were to bring in Parliamentary position into a greater focus; the issue of Kashmir and relations with Pakistan as well as the question of nuclear policy evoked by and large greater resonance between the executive and the legislature and the trend continued. The same shall be highlighted through the two-pronged role that the Parliament envisaged for itself as discussed in the following sections: Parliamentary Oversight and Parliamentary Deliberation.

Parliamentary oversight

For most part of the initial years, the Parliament saw itself as a body of consultative character where the government would put forth the issues it felt were significant from a foreign policy perspective and it would be followed by a debate. At another level, individual members could also take up foreign policy matters and seek clarification by the

government through the raising of motions. At a more substantive level, the same was done through 'Consultative committees'. These committees, though useful, were often seen as having a limited role. The consultative committee on external affairs was no exception:

It is not unfair criticism to point out that in spite of some excellent work done by the Consultative Committee on External Affairs, there are shortcomings especially in developing new approaches and new techniques to enhance its thinking on fundamental problems of international relations. The Committee has sometimes scrutinized government policies in the light of major events which have figured in headlines even though they were proved ultimately to be of ephemeral significance from the point of view of Indian interests. Volatile public opinion often deflected the attitudes of members of Parliament to a kind of debate which did not always encourage use of academic knowledge or in-depth information of foreign policy issues.

While it is not possible to prescribe in detail the changes which should be made in order that the Consultative Committee, or Parliament as a whole, should evolve a new philosophy of the role of the legislature in foreign policy, it is clear that the relevant factual evidence on foreign affairs will elude the legislators unless they plan their work ahead. Both Parliament and the Ministry of External Affairs could profitably turn their attention to the following three matters, which would enormously improve debate on foreign policy:⁹

The essence of the consultative committee mechanism as an instrument of oversight can be gauged at three levels:

- 1 Greater Interface between Legislature and Executive: In a Parliamentary democracy, the decisions are to be seen as an extension of 'people's will'. Matters relating to foreign policy, though may be seen as impacting the external world, do have a resonance in so far as domestic audience is concerned. Policies on external economic relations relating to foreign aid and investment as well as foreign policy with regard to the neighbouring countries are bound to have an impact on the people of the country. The Parliament, seen as an extension of people's representation, therefore needs to be part of a continuing interface with the government on foreign policy matters.
- 2 Incorporating diversity in decision making: Parliament reflects diversity of the opinion across the political spectrum which may

or may not concur with the established position of the government. A foreign policy crafted after due deliberation therefore carries greater sanctity and legitimacy in the eyes of the world and people. It also ensures a certain continuity that sustains even with the change in the political executive.

- 3 Enhances the capacity of the Legislature: Very often foreign and security policy issues are seen as being too technocratic and specialized in nature, often leading to a disinterest in the legislature. This may often result in the government carrying out policies without an informed debate. The consultative process on the other hand albeit its limitations appeared best suited for a certain capacity expansion on foreign policy matters.

A loosely knit 'consultative process' therefore needs to be in place despite its limitations owing to the apparent bridges it built with the executive. In an era of coalition politics with far more competing interests, often the distinction between foreign and domestic policy gets more and more blurred as the government comes under the greater scrutiny of its own allies and the opposition. In this direction a crucial change was made with regard to the above interface by way of introducing a new system of DRSC in 1989. The DRSCs are to have the following functions:

- 1 To consider the Demands for Grants of the concerned Ministries/ Departments and make a report on the same to the Houses. The report shall not suggest anything of the nature of cut motions;
- 2 To examine such bills pertaining to the concerned Ministries/ Departments as are referred to the Committee by the Chairman, Rajya Sabha, or the Speaker, as the case may be, and make report thereon;
- 3 To consider Annual Report of Ministries/Departments and make report thereon; and
- 4 To consider national basic long-term policy documents presented to the House, if referred to the Committee by the Chairman, Rajya Sabha, or Speaker, as the case may be, and make reports thereon.¹⁰

The Standing Committee on External Affairs was constituted on 8 April 2003. The Committee since then has 31 members out of which 21 members are nominated by the Honourable Speaker from amongst the Lok Sabha MPs and ten MPs from the Rajya Sabha are nominated by its Chairman. A Minister is not eligible to be member of the Standing Committees. If a member is appointed a Minister,

he or she ceases to be member of the Committee. The Chairman of the Standing Committee on External Affairs is appointed by the Lok Sabha Speaker from amongst the Members of the Committee representing Lok Sabha. The tenure of the Standing Committee on External Affairs is one year from the date of its constitution, unless the Lok Sabha is dissolved earlier.¹¹

A cursory look at the content of some of the recent Reports of the Standing Committee on External Affairs shows that the committee not only scrutinizes some important issues relating to the Ministries needs and demands but also does a critical evaluation of some of the foreign policy initiatives in a nuanced manner. For instance some of the major issues discussed in 2012–13 report included the following:

- 1 Ministry of Finance called upon to enhance the allocation of Ministry of External Affairs;
- 2 Government asked to expedite the ongoing Projects in Afghanistan;
- 3 Government criticized for providing insufficient funds for Projects in Bhutan;
- 4 Slow Progress in implementation of Resettlement/Rehabilitation work in Sri Lanka criticized;
- 5 Slow pace of construction of SAARC University strongly criticized.¹²

The trend continued with the latest Standing Committee on External Affairs which in its latest report for 2015–16 was more scathing in its criticism of MEA for not being able to pursue its case effectively with the Ministry of Finance for increased allocation of funds for international assistance programmes as well as Indian missions abroad and their being a mismatch between the role that India was expected to play in the global affairs and the enabling financial support that was required to be given to the MEA in this direction by the government.¹³

It is apparent therefore that the DRSC on External Affairs does not confine itself to administrative issues alone, but also takes upon itself to comment and pass remarks on specific aspects of foreign policy concern even if they may of minor implications. As a follow up the government files an action taken report which gives an update on the manner in which it has been able to follow up on the recommendations given. There is still scope for further deliberation on the issue in case the opposition is not satisfied with the progress maintained as part of the action taken. But one is not too sure if there is a further follow up on the issue.

India and global parliamentary fora

The Parliament of India as an institution also has been instrumental in direct diplomacy by engaging in several multilateral parliamentary initiatives at the global level. The more prominent ones include the Inter-Parliamentary Union (IPU), set up in 1889, which acts as a multilateral body at the global level providing a platform for parliamentarians of the world to come together and promote ideas of democracy and cooperation. With a membership of 164, it acts as an important forum where states represented by their respective Parliaments exchange their views on parliamentary democracy and discuss issues of mutual concern. In a way, the forum provides an opportunity for soft diplomacy for member nations. India has been an active member of the IPU since 1989 and has always had a representation on all the important meetings of the association. India has led the IPU thrice since its association began, during the years 1969, 1993, and 1997. In addition, India has also been keenly associated with the Association of Secretaries General of Parliament (ASGP), which is a consultative body of IPU, which consists of senior parliamentary officers of member nations and discusses parliamentary rules and procedures across the member nations. The Secretaries General of Lok Sabha and Rajya Sabha are the members of this body.¹⁴

Besides, India also has been a part of Commonwealth Parliamentary Association (CPA), which has its stated objectives as 'promotion of rule of law, individual rights and freedoms and parliamentary democracy'. The CPA cell facilitates the visits of Parliamentary delegations to Commonwealth conferences and also coordinates the activities of the state cells. During the Fifteenth Lok Sabha, the CPA cell is recorded to have sent as many as 23 Parliamentary delegations across various parts of the world for the CPA related conferences, workshops.¹⁵

Such fora, though not having a direct bearing on the state policy, does act as effective tool in mobilizing public opinion on key issues and building informal understanding among law makers across the region.

Parliamentary deliberation

While the aforementioned administrative and organizational interventions do count by way of the Parliament overseeing the conduct of foreign policy and security, the significance is seen more at the deliberative or discursive level. As a forum for national debate, Parliament perhaps provides the most comprehensive platform for discussing the issue of foreign policy and national security threadbare. In an era of live news

and comments by bytes, the very fact that the proceedings are telecast live also enables the people to know what their respective leaders think and discuss on matters crucial for national security.

There is however an important rider here. A Parliamentary debate can only be as good or as bad as the inclination and the propensity of the political class to engage on a political debate is. In the absence of such an inclination at times, such debates may turn into unnecessary confrontations and postulations which benefit none. Moreover, as seen in the recent years, both the Houses have been disrupted for days together undermining the very essence of Parliamentary democracy. Besides, what makes the issue more complicated is that a Parliamentary debate (or lack of it) becomes a precursor to the domestic political tussle that moves out of the Parliament and starts determining (rather undermining) the foreign policy consensus that earlier prevailed and the same is often done on grounds of political calculus rather than inherent merit.¹⁶ Three brief examples are taken to substantiate the point:

- 1 The Indo-US Nuclear Deal: Nuclear Issue in India has always had a general consensus among political parties with the premise that the country needs to keep its nuclear options open give the peculiar regional and international nuclear environment that it faced ever since it decided to go nuclear in the 1970s. The only exception to this were some of the left parties which were always over cautious of seeing the nuclear issue become a pretext for getting closer to the United States. Therefore, once the government showed its determination to go ahead with the Indo-US Nuclear deal, the CPI(M) withdrew support to the then UPA-I Government. While such a response from the Left was not difficult to anticipate, what was surprising was the approach of the BJP and its allies whose NDA government was credited with actually initiating the process of the deal. The Parliamentary debate on no confidence motion that followed the withdrawal of support was marred by charges of 'cash for votes' unheard of in the history of Parliament in India.
- 2 The FDI in Retail Issue: Just as there appeared to be a near unanimity on the foreign policy and nuclear security issues, there was the perception of growing convergence on economic reforms between the two bimodal political alignments in India – the UPA and the NDA, with again the exception of the left parties. With the onset of financial meltdown, however, since 2008 and increasing domestic political fallout of austerity measures, the nature and pace of new reform measures were bound to create a political backlash. Caught in a difficult situation, the UPA II government

decided to give a big push to the reigniting reforms by deciding to go ahead with FDI in retail. While the opposition of the Left was expected, what was surprising was the opposition by the BJP which had spoken of in principle acceptance to FDI in retail in its manifesto. This time, it was the turn of the Trinamool Congress to withdraw support. While the matter was not put up as a vote of confidence, but the government did agree to a debate on FDI in the parliament which was thankfully not marred by the unpleasant events that had taken place during the 2008 vote.

- 3 The issue over condemnation of Sri Lanka's action during the final phase of the war against the LTTE in Sri Lanka had always been a burning issue in the context of India's domestic politics, yet it had never taken a toll on the survivability of the ruling dispensation at the centre. Just as one was coming to terms with post-LTTE stability in Indo-Lanka Relations, the revelations (most of which was already known) of the Sri Lankan Army's atrocities on civilian populations created a furor in political circles in India and abroad. Not finding the government receptive of its demand for a stringent resolution against Sri Lanka at the United Nation Human Rights Council, the DMK, an ally of UPA II, threatened and finally withdrew support. The vagaries of political compulsions were evident as the political parties in Tamil Nadu vied with each other to show greater sympathy to the Tamil cause, often putting the position of the Central government at odds on the Sri Lankan front. Here again the matter did not go through the Parliamentary rituals as the TMC suddenly rediscovered the need for national consensus on foreign policy, forgetting its own position on the FDI-in retail and the Teesta Issue with Bangladesh.

These three cases do point to the growing dissonance within coalition partners on foreign policy issues which has had a bearing on how the Parliament dealt with the issues.

Conclusion

So how does one make a sense of the unfolding dichotomy in the domestic-foreign policy linkage in the era of coalitional politics and the role that Parliament could play in the issue? It is quite apparent that the era of bimodal politics and ensuing coalitions is there to stay and therefore Parliament would continue to remain as diverse, disparate, and perhaps prone to greater disruption. Such diversity should not be seen as a challenge, but an opportunity that perhaps has the

potential of making decision making in India more democratic, plural and accountable as also the clamour in the recent civil society resurgence shows. It is also quite apparent that foreign and security policy too cannot be kept bereft of these domestic moorings any longer and will therefore have to be brought within the ambit of wider deliberations. This calls for a 'Common minimum agenda' on core national issues of strategic importance on which Parliament can still help and forge a consensus. While the Parliament can help laying down the overall perspective plan on foreign policy and security issues, the task of writing the fine print must be left to the Executive with should have a continuing interface with the various other wings of social and political life of which Parliament shall continue to be a critical one.

Notes

- 1 Sumit Ganguly, *India's Foreign Policy: Retrospect and Prospect*, New Delhi: Oxford University Press, 2011, p. 2.
- 2 M.L. Sondhi, *Parliament and Indian Foreign Policy*, 24 July 1976, <http://mlsondhi.org/Indian%20Foreign%20Policy/PARLIAMENT%20AND%20INDIAN%20FOREIGN%20POLICY.htm> (Accessed on 15 May 2015).
- 3 Ibid.
- 4 Statement by Shri H.V. Kamath, *Constituent Assembly Debates*, vol. IX, 10th August 1949, <http://parliamentofindia.nic.in/ls/debates/vol9p9b.htm> (Accessed on 15 September 2015).
- 5 Ibid.
- 6 J.N. Dixit, *Indian Foreign Service: History and Challenge*, New Delhi: Konark, 2005, p. 100.
- 7 Statement by H.D. Rajah, in the Parliament on the Tibet Issue 4 May 1959; www.claudearpi.net/maintenance/uploaded_pics/Rajya_Sabha_May_4.pdf (Accessed on 20 September 2015).
- 8 www.claudearpi.net/maintenance/uploaded_pics/Rajya_Sabha_May_4.pdf (Accessed on 20 September 2015).
- 9 M.L. Sondhi, *Parliament and Indian Foreign Policy*, 24 July 1976, <http://mlsondhi.org/Indian%20Foreign%20Policy/PARLIAMENT%20AND%20INDIAN%20FOREIGN%20POLICY.htm> (Accessed on 25 May 2016).
The three areas as listed out in the article referred to these: a) India's contribution to Peace Research, b) The Indian Image and the Socio-Cultural response to International Systemic imperatives, and c) Communication Problem of India's Foreign Policy – Intergovernmental and Intersocietal communications.
- 10 See <http://164.100.47.133/ls/committee/drsc05.htm#Functions> (Accessed on 30 May 2016).
- 11 Ibid.
- 12 For details, see Press Release on Report on the grants for Ministry of External Affairs for 2012–13 presented on 8 May 2012.

- 13 See the Tenth Report of the Standing Committee on External Affairs 2015–16, of the Sixteenth Lok Sabha, presented on 23 December 2015, http://164.100.47.134/lsscommittee/External%20Affairs/16_External_Affairs_10.pdf (Accessed on 3 June 2016).
- 14 www.parliamentofindia.nic.in/ls/ipu.htm (Accessed on 30 May 2016).
- 15 http://164.100.47.132/LssNew/CPA/visit_abroad.pdf (Accessed on 30 May 2016).
- 16 Teresita a Schaffer, *India's Foreign Policy*, www.brookings.edu/blogs/up-front/posts/2013/04/02-india-foreign-policy-domestic-schaffer-schaffer (Accessed on 1 June 2016).