

Nominated Members of The Parliament

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Abstract

In a democratic polity which places its faith in electoral democracy we also have the device of nomination of certain representatives in the two houses of the Parliament. What does this system entail, what is its rationale and how has it performed over the years, this paper shall look into many such related issues pertaining to system of nomination of certain members in the Parliament of India.

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The Constitution of India has adopted a system of representative democracy modeled on the Westminster system or the British parliamentary system of government. The system of representative democracy in India is based on principle of representation by means of

- 1) direct election by people on the basis of territorial constituencies in the Lok Sabha
- 2) indirect election by proportional representation by means of single transferrable vote in the Rajya Sabha.

There also exists a procedure of nomination of certain members to both the houses. The president nominates :

- a) 2 members belonging to the Anglo-Indian community to Lok Sabha, if the community is not adequately represented in the house.
- b) 12 members to the Rajya Sabha from among people having special knowledge and practical experience in the fields of art, literature, science and social service.

Nominated members of the Rajya Sabha

Article 80 of the Constitution deals with the composition of the Council of States i.e. the Rajya sabha, while it puts forward the principle of popular representation by means of the procedure of proportional representation by single transferable vote for most members of the house, it also makes the provision of nomination of twelve members by the President.

Article 80 (1) (a) states that there shall be 'twelve members to be nominated by the President in accordance with the provisions of clause (3)' in the Council of States and clause (3) of the same reads that 'The members to be nominated by the President under sub clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely: literature, science, art and social service'

All powers, privileges and immunities available to an elected member of the Council of States are available to nominated members as well except the right to vote in the election of the President of India, they can however vote in the election of the Vice-President of India who is the ex-officio chairman of the Council of States.

According to the MPLADS (Members of Parliament Local Area Development Scheme) each M.P. can suggest to the District Collector for local

developmental works in his/her constituency for an amount of up to Rs. 5 crore per year. The nominated members of Lok Sabha as well Rajya Sabha have the right to choose any district in India to carry out any developmental work of their choice.

Why was this system of nominated members put in place? What is the rationale of this system?

Introduction of distinguished persons into the legislative system

The professed rationale of introduction of this particular system of nomination in the Council of States was the introduction of persons with a background of distinguished service and high achievements in the fields of literature, science, art and social service who cannot cope with the pressures of the electoral system of the representative democracy as it stands but still can make a unique contribution to the legislative process of their country.

Jawahar Lal Nehru the then Prime Minister referring to this process in the House of the People said on 13 May 1953:

...The President has nominated some members of the Council of States who, if I may say so, are among the most distinguished, taking everybody in Parliament altogether – it is true, distinguished in arts, science, etc. – and our Constitution in its wisdom gave that. They do not represent political parties or anything, but they represent really the high watermark of literature or art or culture or whatever it may be.

We must take note of his sentiment in this statement, in his and indeed in the opinion of the many founding fathers the nominated members were supposed to be luminaries in their field. The nomination was not meant as a grant of patronage by the ruling party but recognition of their ability to make a meaningful contribution to the quality of legislation.

Their presence and participation was to raise the quality and tenor of the debate within the house. Has this ideal been adhered to?

Referring to this system Shri N. Gopalswami Ayyangar, said in the Constituent Assembly on 28 July 1947:

... we also give an opportunity, perhaps, to seasoned people who may not be in the thickest of the political fray, but who might be willing to participate in the debate with an amount of learning and importance which we do not ordinarily associate with the House of the People.

Bicameralism and Nominated Members

Bicameralism especially the upper house which historically originated in the special privileges of landed classes and later developed into a check on the more

radical impulses of the popularly elected lower houses were preserved in most democratic polities as a house to check hasty and ill-considered legislation.

In India too, the Upper house is not only supposed to look after the interests of the states (the federal principle) but also to bring a sobering effect on hasty legislation and to raise the level of debate and discussion. This principle of enlightened discussion and informed debate finds its highest expression in the practice of nomination of members who are experts in their various fields their erudition and learning brings to the a house an aspect of sophistication and nuance to questions being discussed and can lead to edification of other members and public about facets of legislative issues hitherto unexplored.

Field-wise categorization of members hitherto nominated

The first sitting of the Council of states was held on 13 May 1952, since then there have been 132 nominated members in the Rajya Sabha. We have categorized these members according to the respective fields of excellence for analysis. We have divided the members into the categories of Scholars, Scientists, Artistes, Litterateurs and Social Service.

Many of these luminaries defy such simplistic classification as their pursuits have always included a strong element of public service but we have tried to classify them by their primary field wherever it has been possible.

Scholars

Dr. Zakir Husain (Educationist), Shri Alladi Krishnaswami (Legal Luminary), Dr. Kalidas Nag (Historian), Dr. J.M. Kumarappa (Scholar and Teacher), Kakasaheb Kalelkar (Scholar), Dr. Radha Kumud Mookerji (Historian), Dr. Tara Chand (Historian), Sardar K.M. Panikkar (Historian), Prof. Satyavrata Siddhantalankar (Educationist), Dr. B.N. Prasad (Educationist), Shri M. Ajmal Khan (Scholar), Shri M.C. Setalvad (Legal Luminary), Shri M.N. Kaul (Authority on Parliamentary Practice and Procedure), . Prof. D.R. Gadgil (Economist), Prof. S. Nurul Hasan (Educationist), Prof. Rasheeduddin Khan (Educationist), Dr. V.P. Dutt (Educationist), Shri C.K. Daphtary (Legal Luminary), Shri Promotho Nath Bisi (Educationist), Shri B.N. Banerjee (Authority on Parliamentary Practice and Procedure), Dr. Malcolm S. Adiseshiah (Economist), Shri Madan Bhatia (Legal Expert), Shri V.N. Tiwari (Educationist), Shri Salim Ali (Ornithologist), Dr. M. Aram (Educationist), Dr. B.B. Dutta (Educationist), Dr. (Ms.) P. Selvie Das (Educationist), Shri Bimal Jalan (Economist), Shri Vidya Niwas Mishra (Educationist), Shri Fali S. Nariman (Senior Advocate), Shrimati Kapila Vatsyayan (Scholar, Arts Historian), Shri Ram Jethmalani (Legal Luminary), Shri C. Rangarajan (Economist), Shri Ram Dayal Munda (Scholar, Music Exponent), Shri B. L. Mungekar (Educationist), Dr. Mrinal Miri (Philosopher,

Educationist), Shri K. Parasaran (Legal expert), Shri K. T. S. Tulsi (Legal expert), Shri Subramanian Swamy (Economist), Shri N. D. Jadhav (Economist).

Scientists

Prof. Satyendranath Bose (Scientist), Major- General Sahib Singh Sokhey (Medical Scientist), Dr. K. Ramiah (Scientist), Prof. (Mrs.) Asima Chatterjee (Scientist), Dr. Raja Ramanna (Scientist), Dr. K. Kasturirangan (Scientist), M. S. Swaminathan (Scientist).

Artistes

Shrimati Rukmini Devi Arundale (Artist), Shri Prithviraj Kapoor (Artiste), Shri Abu Abraham (Cartoonist), Shri Habib Tanvir (Artist), Shrimati Nargis Dutt (Artiste), Shri V.C. Ganesan (Artiste), Shri M.F. Husain (Artist), Pt. Ravi Shankar (Artist), Shrimati Vyjayantimala Bali (Artiste), Shri Mrinal Sen (Film Maker), Shrimati Shabana Azmi (Artiste), Ms. Lata Mangeshkar (Artiste), Shri Dara Singh (Sportsperson and Artiste), Shrimati Hema Malini (Artiste), Shri Shyam Benegal (Artiste), Shrimati B. Jayashree (Artiste), Ms. Rekha (Artiste), Sachin Tendulkar (Sportsperson), M. C. Mary Kom (Sportsperson), Shri Suresh Gopi (Actor), Shrimati Rupa Ganguly (Actress).

Litterateurs

Shri Maithilisharan Gupta (Poet), Shri B.V. (Mama) Warekar, Dr. Gopal Singh (Author), Dr. Harivansh Rai Bachchan (Poet), Shri G. Sankara Kurup (Litterateur), . Shri Uma Shankar Joshi (Litterateur), Shri Krishna Kripalani (Author), Dr. Lokesh Chandra (Author), Shri Bhagwati Charan Varma (Litterateur), Shri Khuswant Singh (Journalist), Shri Hayat Ulla Ansari (Author), Shrimati Amrita Pritam (Litterateur), Shri R.K. Narayan (Litterateur), Dr. C. Narayana Reddy (Poet), Shri Kartar Singh Duggal (Writer), Shri Javed Akhtar (Lyricist).

Social Service

Prof. N. R. Melkani, Shri M. Satyanarayana, Shri A. R. Wadiya (Industrialist), Shri A. N. Khosla (Shri Jairamdas Daulatram, Shri Mohan Lal Saxena, Shri V.T. Krishnamachari, Shri R.R. Diwakar, Shri G. Ramachandran (Social Worker), Shrimati Shakuntala Paranjpye, Shri Joachim Alva (Journalist), Shri Ganga Sharan Sinha, Shrimati Maragatham Chandrasekhar, Shri Scato Swu, Shrimati Fathema Ismail, Shri Pandurang Dharmaji Jadhav, . Shri H.L. Kapur (Administrator), Shri Thindivanam K. Ramamurthy), Shri Ghulam Rasool Kar, Shri Purushottam Kakodkar, Shrimati Ela Ramesh Bhatt, Shrimati Syeda Anwara Taimur (Administrator), Shri Mohammad Yunus (Administrator), Shri Jagmohan (Administrator), Shri Prakash Yashwant Ambedkar, Shri Sat Paul Mittal, Shri Bhupinder Singh Mann (Agriculturist), Shri R.K. Karanjia (Journalist), Maulana Habibur Rahman Nomani, Shri Mahendra

Prasad, Shri Kuldip Nayyar (Journalist), Kumari Nirmala Deshpande, Chaudhary Harmohan Singh Yadav, Shri Nana Deshmukh, Shri Cho. S. Ramaswamy (Journalist), Dr. Narayan Singh Manaklao, Smt. Shobhana Bhartia (Publisher), Dr. Chandan Mitra (Journalist), Shri H. K. Dua (Journalist), Shri A. S. Ganguly (Industry Expert), Shri M. S. Aiyar (Diplomat), Shrimati Anu Aga (Businesswoman), Shri Swapan Dasgupta (Journalist), Shri Sambhaji Raje.

Dismal attendance record of some nominated members

The purpose of introduction of quality in the House debates by nomination of luminaries of science, art, literature and social services is defeated if those entrusted with this responsibility do not show up in the parliamentary proceedings. The nomination becomes an empty honour, a status symbol conferred on a celebrity by the ruling party if it is not utilized. The attendance records of certain celebrity nominations in the house sadly does point towards this.

The immensely popular songstress Lata Mangeshkar's attendance record stood at 3.5%. The popular cricketer Shri Sachin Tendulkar's attendance record stood at a measly 8% and that of the cine-star of the bygone era Rekha at 5%.

Though it would be wrongful to assume that people associated with the world of glamour and sport have been lacking in fulfilling their responsibilities when nominated, many like lyricist, writer Javed Akhtar have tried to do justice to their role as legislators.

Nominated Members of the Lok Sabha

According to the Article 331 of the Constitution, the President of India can nominate two members belonging to the Anglo-Indian community to the Lok Sabha if the community is not adequately represented in the House.

The Article 336 (2) of the The Constitution of India 1949 states that an Anglo- Indian is 'a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only'

The Anglo-Indian Community is spread across the country and is not centered in a particular region of India, this meant that they would not have been able to elect representatives who shall look after the peculiar interests of this community in elections based on territorial constituencies, thus this provision of nomination of members of the community to the Lok Sabha was made.

This provision is unusual if we look at the fact that the principle of direct election based on universal adult suffrage is the operative principle in the composition of the House of the People and also because of the considerable antipathy towards a system based on community representation among the majority of founding fathers

who associated it with the devious divide and rule policy pursued by British Imperialists for over a century. But this provision was wholeheartedly accepted as a genuine demand of a scattered minority which was entitled to representation in the Parliament for their participation in the new democratic setup and also to assuage their fears of neglect or worse in a democratic setup. It is an example of the detailed attention given by the founding fathers to the conciliation of minority sentiments when the country was in a transitional period.

Originally this provision was to operate till 1960 but was further extended by the 95th Constitutional Amendment Act, 2009 to the year 2020.

Shri Frank Anthony and Shri A. E. T. Barrow were the first nominated Anglo Indian members of the Parliament. Shri George Baker and Shri Richard Hay are the nominated Anglo Indian members in the Lok Sabha at present.

These nominated members enjoy all the powers, privileges and immunities due to a member of Parliament, except the right to vote in the election of the President of India.

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