

THE INTENT, CONTENT AND PRECEDENT OF THE PRESIDENT'S ADDRESS TO PARLIAMENT IN INDIA

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ABSTRACT

The Indian model of constitutional and parliamentary democracy provides that the executive power of the Union is co-extensive with the legislative power of the Parliament and the President remains a constituent and one of the most important parts of the Parliament representing the fusion of the executive and legislative authorities (Articles 53 (1), 74 (1), 75 (3), 75 (5), 77 (1) and 79 of the Constitution of India). Therefore, the President's Address to Parliament is one of the most significant mechanisms framed by the honourable Constituent Assembly members which brings the three components of the Parliament, viz. the President, the Houses of the Parliament and the real Executive (Council of Ministers) together. The constitutional scheme has tried to establish an institutional synergy among the aforementioned institutions and the present research paper tries to investigate some aspects related with the theme of the paper.

KEY-WORDS: 1. The President's Address; 2. Opening of the Parliament; 3. Parliamentary Proceedings; 4. Precedents related with the President's Address to Parliament, 5. Constitutional Harmony. 6. Parliamentary Democracy

Introduction

The President of India is an integral part of the Union Parliament which apart from his/her office consists of the two Houses known respectively as *Lok Sabha* (House of the People) and *Rajya Sabha* (Council of States) (Article 79 of the Constitution of India). The process of legislation initiated and approved in the Parliament becomes complete after receiving consent from the President. The President of India is elected indirectly by an electoral college consisting of elected Member(s) of Parliament (MP) and Member(s) of Legislative Assembly (MLA). As the constitutional head of the State, he/she is vested with a vast range of executive, legislative, judicial, financial, military, diplomatic, emergency and ceremonial powers. Unlike the British Monarch, the Indian President is an elected one and unlike the President of the United States, he/she exercises all his/her powers with the aid and advice of the council of ministers which is responsible towards the Parliament.

The Indian model of constitutional and parliamentary democracy provides that the executive power of the Union is co-extensive with the legislative power of the Parliament and the President remains a constituent and one of the most important parts of the Parliament representing the fusion of the executive and legislative authorities (Articles 53 (1), 74 (1), 75 (3), 75 (5), 77 (1) and 79). Therefore, the President's Address to Parliament is one of the most significant mechanisms framed by the honourable Constituent Assembly members which brings the three components of the Parliament, viz. the President, the Houses of the Parliament and the real Executive (Council of Ministers) together.

The Constitutional Scheme

'President's Address' and 'Motion of Thanks' are governed by Articles 86 (1) and (87) (1&2) of the Constitution of India and *Rules 16 to 24 of the Rules of Procedure and Conduct of Business in Lok Sabha and Rules 14 to 21 of Rules of Procedure and Conduct of Business in the Rajya Sabha*¹. Article 86 (1) stipulates that the President may address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members. Article 87 (1) stipulates that at the commencement of the first session after each general

election to the House of People and at the commencement of the first session of each year, the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons. Article 87 (2) stipulates that provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such address. Prior to the Constitution (First Amendment) Act, 1951 [(Section-7) (with effect from 18-6-1951)] the President's Address was to be held at the commencement of every session of the Houses of the Parliament. When a session of *Lok Sabha* is not prorogued after being adjourned sine die and subsequently re-convened to meet in the next calendar year, the President, in such cases, is not required to address both Houses of Parliament assembled together (Lok Sabha Secretariat, 2019).

According to Granville Austin,

...During its preparation of the Draft Constitution, the Drafting Committee clarified the relationship between the Council of Ministers and the President; the Prime Minister (PM) was to keep the President informed about ministerial decisions and proposed legislation and to provide the President with such information concerning administrative affairs as he should desire. On Ambedkar's suggestion, the Drafting Committee laid down that the President should address each new session of Parliament in the manner prevalent in the Parliament of the United Kingdom regarding the King's speech ...and debate there on (Austin, 1966).

In the United Kingdom, the 'State Opening of Parliament' marks the formal start of the parliamentary year and the Queen's speech set out the government's agenda for the coming session, outlining proposed policies and legislation. It is the only regular occasion when the three constituent parts of the Parliament—the Sovereign, the House of Lords and the House of Commons meet.ⁱⁱ State Opening happens on the first day of a new parliamentary session or shortly after a general election. The State Opening of Parliament following the 2019 general election took place on Thursday 19 December, 2019.

In the United States of America (USA), at the beginning of a session, the President delivers an annual 'State of the Union Address', which describes in broad terms the legislative programmes that the President would like Congress to consider.ⁱⁱⁱ

In India, the formal interaction of the President is with the Houses of the Parliament and not with its members. Such interactions are with respect to: i). Summoning the Houses of Parliament; ii). Proroguing the Houses; iii). Dissolving the House of People; iv). Addressing the two Houses together or severally; v). Sending messages to the two Houses together or severally; vi). Receiving addresses from the two Houses of Parliament demanding removal of a Supreme Court/High Court judge or the Chief Election Commissioner (Dayal, 2015).

The Historical Background

In the United Kingdom (UK), the history of the Monarch addressing the Parliament goes back to the 16th century. In the United States, President George Washington addressed the Congress for the first time in 1790. In India, the practice of the President addressing Parliament can be traced back to the Government of India Act of 1919. This law gave the Governor-General the right of addressing the Legislative Assembly and the Council of State (Roy, 2021). The Government of India Act, 1935 adopted in August 1947 after the Indian independence had the provision for the Governor-General to address the Dominion Legislature and for that purpose required the attendance of members but the later did not address the Constituent Assembly (Legislature) on any occasion during its existence from November 1947 to January 1950.

When the Constitution came into force in 1950, the President was required to address each session of the Union Legislature, three sessions of the Provisional Parliament were held and Dr. Rajendra Prasad gave an address before every session. It was realized that to have President's Address as many as three times in a year involved repetitions and expenditure of time and discussions of the Address. Besides, such a procedure involved some administrative difficulties (Kaul and Shakhder, 2016). The Constitution of India was amended by the Constitution (First Amendment) Act, 1951 so as to provide for the President's Address only at the first session after each general election to the House of the People (*Lok Sabha*) and at the commencement of the first session each year.

The Intent, Content and Precedent

Although there is not a fixed format for 'President's Address', this is known as the brief statement of the major policies of the Government being prepared by the Government itself. It contains a summary of the review of the main activities and achievements of the Government during the previous year and charters out a glimpse of major policies which it aspires to pursue and focus upon in the coming days. It also contains main items of legislative business which the Government wishes to propose in the Parliament for its future deliberation and consideration during the incoming year. Technically speaking, "the President's Address shall inform Parliament of the cause of the summons."

The Constituent Assembly, in its deliberations on Draft Constitution on 18th May, 1949 took up the subject of 'Presidential Address' (Article 71 of the Draft Constitution) in quite details. Prof. K. T. Shah wanted the 'President's Address' to be more specific and moved Amendment No. 1490 in the Constituent Assembly. He argued,

...I think that, as a non-party head of the State, for the time at any rate, representing the Republic, the President should give a general review, and not merely confine himself to the causes for which the House is being summoned. At the commencement of every session, the President shall address both Houses of Parliament assembled together on the general state of the Union, including financial proposals and other particular issues of policy he deems suitable for such address (Constituent Assembly Debates, Volume VIII).

Dr. P. S. Deshmukh opposed Prof. K. T. Shah's proposal and argued,

... I feel that nowhere, not even in the British Constitution, it is compulsory upon the King to send an address every time the Parliament meets. He is the Constitutional Head of India and to compel him that he must give an address and he must also inform the causes which have led him to call the Parliament does not appeal to me and so I am really at pains to understand a deliberate provision for compelling our President, whose place and office is more akin to that of King of England (Constituent Assembly Debates, Volume VIII).

Both the above mentioned opinions were synthesized by Dr. B. R. Ambedkar and the amendment moved by Prof. K.T. Shah was 'negatived' by the Constituent Assembly. Dr. B. R. Ambedkar argued,

...The phrase 'causes of its summons' is wide open to include everything that Prof. K. T. Shah wants and the same phrase is used in British Parliament. I thought that there was definite provision in Article 70 which we just now passed, which enables the President to address both Houses of Parliament, also to send messages and the messages may be in relation to a particular Bill or may be any other proceedings before Parliament. I do not think that anything more is required than what is contained in Article 70 so far as the independent right of the President addressing the House is concerned and that is amply provided for in Article 70.I, therefore, think that there is no necessity for the Amendment moved by Prof. K. T. Shah (Constituent Assembly Debates, Volume VIII).

Thus in present times, in the case of the first session after each general election to the Lok Sabha (and every year in a new session of the Parliament), the President addresses both Houses of Parliament assembled together after the Members have made and subscribed the oath or affirmation and the speaker has been elected. It generally takes two days to complete these preliminaries. No other business is transacted till the President has addressed both Houses of Parliament together and informed Parliament of the causes of its summons. Half-an hour after the conclusion of the 'President's Address', both the Houses meet separately in their respective chambers when a copy of the President's Address is laid on the table and brought on the record of each House (Lok Sabha Secretariat, 2014).

Further no separate summons for the 'President's Address' are issued to members. They are informed of the date, time and place fixed for the 'President's Address' through a Parliamentary Bulletin issued in advance. At the time fixed for the 'President's Address', members of both the Houses of Parliament assemble together in the Central Hall of the Parliament House where the President delivers the Address.

New members who have not already made and subscribed the oath or affirmation are admitted to the Central Hall on the occasion of the 'President's Address' on production of either the certificate of election granted to them by the Returning Officer or the summons for the session issued to them (Lok Sabha Secretariat, 2014).

In the Central Hall, the Prime Minister, Cabinet Ministers, Deputy Speaker of *Lok Sabha*, Deputy Chairperson of *Rajya Sabha* etc. are allotted seats in the first row. Other ministers are also allotted a block of seats. The leaders of the opposition in *Lok Sabha* and in *Rajya Sabha* are allotted seats in the first row. Leaders of other

parties/groups in both the Houses are allotted suitable seats. Members of the panel of Chairpersons and Chairpersons of Parliamentary Committees are allotted seats in second/third rows. The members are free to occupy other seats which are not allotted.

The 'President's Address' to both the Houses assembled together is a solemn, formal and constitutional occasion requiring the utmost dignity and befitting decorum and any action on the part of a member creating disturbance is punishable by the House to which that member belongs. Members are expected to take their seats five minutes before the President arrives while visitors are to take their seats half-an-hour before the time fixed for the Address. As per the convention, no member leaves the Central Hall while the President is addressing (Lok Sabha Secretariat, 2014). The President is conducted to the Central Hall in a procession accompanied by the Chairman *Rajya Sabha*, the Prime Minister, the Speaker *Lok Sabha*, Minister of Parliamentary Affairs and Secretary Generals of the two Houses. After the Address, the President leaves the Central Hall in a procession which is formed in the same manner as at the time of his arrival. The members remain standing till the procession leaves the Central Hall.

Scope of discussion on the President's Address

Under Rule 17 of the *Rules of Procedure and Conduct of Business in Lok Sabha*, discussion on matters referred to in the 'President's Address' takes place on a 'motion of thanks' moved by a member and seconded by another member. Similarly in *Rajya Sabha, Rules 14 to 21 of the Rules of Procedure and Conduct of Business* provide for the procedure to be followed for 'Motion of Thanks' and discussion on 'President's Address'.

On the days allotted for the discussion, the House is at liberty to discuss matters referred to it in the Address. The scope of discussion on the 'President's Address' is very wide and the members are free to speak on all sorts of national and international problems. Even matters which are not specifically mentioned in the Address are brought into discussion through amendments to the 'Motion of Thanks'. The only limitations are that members can't refer to matters which are not the direct responsibility of the Union Government and that the name of the

President can't be brought in during the debate since the Government and not the President is responsible for the contents of the Address (Lok Sabha Secretariat, 2019).

The discussion on the Motion of Thanks lasts for three or four days as may be allotted by the House itself on the recommendation of Business Advisory Committee. The discussion is initiated by the proposer of the Motion who is followed by the seconder. Names of the proposer as well as the seconder of the Motion are selected by the PM and notice of such motion is received through the Minister of Parliamentary Affairs.

Thereafter the amendments are moved. Opposition Members of Parliament (MP) have been successful in getting amendments passed to the 'motion of thanks' in Rajya Sabha on five occasions (1980, 1989, 2001, 2015, and 2016). They have been less successful in Lok Sabha. For example, in 2018, Lok Sabha MPs tabled eight hundred forty five amendments of which three hundred seventy five were moved and negated (Roy, 2021).

Time allotted for the above mentioned purpose is distributed amongst various parties and groups in proportion to their strength in the House. The discussion on the 'Motion of Thanks' is concluded by the reply of the PM or any other Minister. The mover or the seconder does not have any right of reply at the end unlike other motions. Immediately thereafter, the amendments are disposed of and 'Motion of Thanks' is put to vote and adopted (Lok Sabha Secretariat, 2019).

After the 'Motion of Thanks' is adopted, it is conveyed to the President directly by the Speaker through a letter. The President also acknowledges the receipt of the Motion through a message to the Speaker. On receipt of the message, the Speaker reads it out in the House. When the acknowledgement from the President to the 'Motion of Thanks' is received after the House has adjourned *sine die*, it is published in Bulletin – Part II for the information of the Member.

Thus it may be observed that the ‘President’s Address’ is a very important occasion being associated with detailed formal and constitutional conventions and precedents which brings various components of the parliamentary institutions together in a systematic and harmonious way.

President’s Address over the Years

As mentioned earlier, the ‘President’s Address’ is the viewpoint of the Union Government of the day, therefore, it is written and prepared by it. The Government uses the ‘President’s Address’ as a mechanism to make policy and legislative announcements vis-à-vis its major achievements over the year that has immediately passed. For example, in the first ‘Presidential Address’ made by Dr. Rajendra Prasad^{iv}, the focus of the Address was “to maintain peace and friendship with all the nations of the world (including Pakistan) and to help in every way possible in the maintenance of world peace—India had accorded *de jure* recognition to the new Government of China and welcomed the establishment of Indonesia”. The Address highlighted the Government’s intention to establish a Planning Commission and a Central Statistical Organization, construction of river valley projects, viz. the *Damodar Valley*, the *Bhakra Dam* and *Hirakund* from the point of view of irrigation and food and hydro-electric power.

Regarding the legislative enactments, the ‘Presidential Address’ referred about the enactment of Factories Act and the Minimum Wages Act, State Insurance Act of 1948 and the Coal Mines Provident Fund and Bonus Schemes Act, 1948. The Address maintained,

...Among the other legislative measures that is intended to bring before you during this session are:- a bill to amend the Indian Income Tax in the light of the recommendations made by the Income-tax Investigation Committee, a Bill to extend the duration of the Import and Export Control Act, a Bill to give protection to certain industries, a Bill to provide for Conservation of coal mining industry, and a Bill to provide for the proper regulation and development of inter-state rivers and river-valleys, and a comprehensive Representation of the People Bill for election matters under the new Constitution—these are more important measures which my Government propose to place before you (President’s Address, 1950).

In the Presidential Address delivered by Dr. S. Radhakrishnan^v on 18th February 1963, the aftereffects of the Chinese aggression got enough space. Among some important Bills to be brought before the House mentioned in the 'Presidential Address' were for example, i. a bill to provide for representation for the Union territory of Pondicherry, Karikal, Mahe and Yanam in the Parliament; ii. The Industrial Disputes (Amendment) Bill; iii. The Factories (Amendment) Bill; iv. The Delhi Development (Amendment) Bill etc.

In the 'Presidential Address' made by Dr. Zakir Husain^{vi} on 12th February 1968, some of the legislative proposals to be brought by the Government before the Parliament were for example, i. The Companies (Amendment) Bill 1968; ii. The Central Excise Bill, 1968; iii. The Central Silk Board (Amendment) Bill 1968; iv. A bill to replace the Delhi Municipal Corporation (Amendment) Ordinance, 1968 etc.

Some other examples of the policy announcement by the then Governments may be pointed out as in 1985, the President Giani Zail Singh announced that PM Rajiv Gandhi's government intended to introduce a new National Education Policy (NEP) and the anti-defection Law. In 1996, PM Atal Bihari Bajpayee's thirteen-day government announced its intention of giving statehood to Uttaranchal and Jharkhand and thirty three percent reservation to women in legislatures (Roy, 2021).

Further, during his second stint in 1999, PM Vajpayee's government mooted the idea of a fixed term for *Lok Sabha* and State *Vidhan Sabhas*. After the devastating tsunami of 2004, PM Manmohan Singh's government used the 'President's Address' to announce the creation of national law for disaster management. In 2015, President Pranab Mukherjee voiced the Narendra Modi government's plan to expedite financial sector reforms and its endeavor for the smooth conduct of legislative business and enactment of progressive laws in Parliament (Roy, 2021).

In his 'Presidential Address' the present President, Shri Ramnath Kovind^{vii} on 31st December, 2020 highlighting the government's achievements maintained,

...In the World Bank's 'Ease of Doing Business' rankings, India has leapfrogged to 63rd position, making up by 79 places. In the 'Resolving Insolvency' rankings, India has moved from 108th to 52nd position. India has improved its international rankings by ten points in the 'Logistics Performance Index'. India has moved from 52nd to 34th position in the World Economic Forum's Travel and Tourism competitive rankings (President's Address, 2020).

In the latest 'Presidential Address' on 29th January 2021, the President^{viii} highlighted the major achievements of the present Modi government and said,

...After extensive consultations, the Parliament adopted three important farm Bills seven months ago, namely, The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Bill; The Farmers' (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill; and The Essential Commodities (Amendment) Bill (Presidential Address, 2021).

He further said, "Presently, the apex court has stayed the implementation of these laws. My government respects the decision of the apex court and shall abide by it. My government wants to make it clear that the rights and facilities available under the system prevailing before the enactment of the three new laws are not effected in any way. Rather, through these agricultural reforms, the Government has provided new facilities to the farmers and has empowered them".

Conclusion

To conclude, we may say that the Indian model of constitutional and parliamentary democracy provides that the executive power of the Union is co-extensive with the legislative power of the Parliament and the President remains a constituent and one of the most important parts of the Parliament representing the fusion of the executive and legislative authorities (Articles 53 (1), 74 (1), 75 (3), 75 (5), 77 (1) and 79). Therefore, the President's Address to Parliament is one of the most significant mechanisms framed by the honourable Constituent Assembly members which brings the three components of the Parliament, viz. the President, the Houses of the Parliament and the real Executive (Council of Ministers) together. We may agree with Dr. Subhash Kashyap who maintains, "The President's Address is a very solemn occasion which is marked with great splendor befitting the dignity of the Head of State". Moreover, it remains one of the most important formal and

constitutional events of parliamentary democracy which highlights both the previous achievements and future legislative aspirations of the Government. It instills a sense of hope among the stakeholders in particular and that of a billion plus citizens of the Republic of India in general by bringing face to face with the major achievements and future course of policy actions of the Union Government by none other than the Constitutional head himself/herself

Notes:

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- ⁱ. Source: Rules 16 to 24 of the Rules of Procedure and Conduct of Business in Lok Sabha (15th Edition, 2014) and Rules 14 to 21 of Rules of Procedure and Conduct of Business in the Rajya Sabha (8th Edition, 2013)
- ⁱⁱ. Source: UK Parliament. (----). State Opening of Parliament, Available at: <https://www.parliament.uk/about/how/occassions/stateopening/>, (Accessed: February 16, 2021).
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- ^v. Source: <https://www.eparlib.nic.in/bitstream/123456789/3956/1/radhakrishnan-18-02-1963.pdf>, (Accessed: February 17, 2021)
- ^{vi}. Source: https://www.eparlib.nic.in/bitstream/123456789/3962/1/husain_12_02_1968.pdf, (Accessed: February 17, 2021)
- ^{vii}. Source: https://www.eparlib.nic.in/bitstream/123456789/787673/1/kovind_31_01_2020.pdf, (Accessed: February 17, 2021).
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