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## **PARLIAMENTS AND THE TRANSFER OF SOVEREIGNTY**

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## Parliaments and the Transfer of Sovereignty

Transfer and dilution of sovereignty of Parliament has remained an important subject for discussion for several decades. This is particularly so after the end of the cold war and emergence of numerous world bodies such as the United Nations and many other international organisations the policies of which had far reaching impact in determining the laws and legislations of many countries. The liberalisation and structural adjustment and the growing process of global integration arising out of increasing contacts among peoples across the globe, emergence of World Trade Organisation to enforce agreements on national governments, dominance of markets and diminishing role of State in many vital sectors of collective life created new conditions for further eroding the authority of Parliament in almost all countries. In the context of the efforts to create a European Union and a Constitution for the member countries of the Union it has been recommended that the sovereignty of the Parliaments of member countries has to be curtailed in the interest of the supranational body. Similarly, the conditionalities that go with the loan given by international monetary institutions like the World Bank

or the IMF also to some extent impinge upon the sovereignty of a country receiving the loan.

It is a fact that changes in law, legislations and policies of many countries have been brought about by multilateral agreements which bind national governments and commit Parliaments to introduce and pass particular legislation in consonance with the aims and objectives of the multilateral agreements. Rules of the World Trade Organisation covering new areas such as banking and insurance and intellectual property rights created unprecedented scope and opportunities for intervention of the Organisation to shape up domestic policies involving some transfer of sovereignty from the Parliaments.

Already within national governments, because of liberalisation policies, new phenomena of regulatory authorities have emerged and assumed power by dint of which vital decisions are taken without getting parliamentary approval. Actions of such authorities go beyond the purview of Parliament and, in a way, further restrict the sovereignty of people's representative bodies. However, in India, recently the Supreme Court gave a historic judgment the operative part of which directed the Government to take parliamentary approval before disinvesting public sector oil companies. Since earlier such companies were nationalised by an Act of Parliament, the court

argued that revising that decision required parliamentary approval. There is a feeling that as the quantum and quality of Government intervention is reduced the role of Parliament to examine and oversee the functions of the Government recedes. In the emerging economic situation marked by greater global integration the role of Parliament is, thus, redefined and changing.

While dealing with transfer of sovereignty, one point which needs elaboration is the tendency for devolution and decentralisation of authority and power from Parliament to local bodies. This was done by the Constitution (Seventy-third Amendment) Act, 1992 and the Constitution (Seventy-fourth Amendment) Act, 1992. These two Constitutional Amendments have added Chapter IX and IX A which deal with Panchayats, *i.e.*, local bodies from village to district levels and municipal bodies. While it is important to understand that the decentralisation is the trend of the age, it in some measure, also contributes to the transfer of sovereignty of Parliament. It has always been understood that decentralisation within the framework of the Constitution and consistent with unity and integrity of a country is a desirable step for effective participation of people at the lower levels of decision making bodies. The transfer of sovereignty or authority to elected bodies at local levels does underline the importance of

participatory democracy at the grass roots. Such transfer of power which is carried out through the process of decentralisation, in fact, deepens democracy and democratically elected bodies. In India, under the Constitution, the issue of decentralisation of power to the grassroot level bodies have been constitutionally guaranteed with 33% of seats in them reserved for women.

Safeguarding sovereignty of Parliament in rapidly transforming world where competing and powerful economic forces are reshaping the world order to their advantage has become exceedingly difficult. In the emerging scenario it is understood that Parliament should provide an enabling facilitative role which will contribute to the full flowering of potentialities for unhindered growth. People have faith in Parliament and hope that its authority is defended for improving their living conditions.