



Dormant Parliament, fading business

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(Mains GS-2: Parliament and State legislatures—structure, functioning, conduct of business, powers & privileges and issues arising out of these.)

Context:

- The Budget session of Parliament ended two weeks ahead of the original plan, as many political leaders are busy with campaigning for the forthcoming State Assembly elections.
- This follows the trend of the last few sessions: the Budget session of 2020 was curtailed ahead of the lockdown imposed following the novel coronavirus pandemic
- A short 18-day monsoon session ended after 10 days as several Members of Parliament and Parliament staff got affected by COVID-19, and the winter session was cancelled.
- As a result, the fiscal year 2020-21 saw the Lok Sabha sitting for 34 days (and the Rajya Sabha for 33), the lowest ever.

The highlights of Budget session:

- A total of 17 bills were introduced in Lok Sabha and 18 bills were passed in the Lok Sabha during the session.
- This includes the Government of National Capital Territory of Delhi (Amendment) Bill and the Insurance (Amendment) Bill among others.
- Almost 600 matters of urgent public importance were also raised by the Members of Parliament
- The fiscal year 2020-21 saw the Lok Sabha sitting for 34 days (and the Rajya Sabha for 33), the lowest ever.
- The casualty was proper legislative scrutiny of proposed legislation as well as government functioning and finances.

Constitution on meeting of the Parliament:

- The president from time to time summons each House of Parliament to meet.
- But, the maximum gap between two sessions of Parliament cannot be more than six months.
- In other words, the Parliament should meet at least twice a year.

There are usually three sessions in a year:

- The Budget Session (February to May); The Monsoon Session (July to September); and The Winter Session (November to December).
- A 'session' of Parliament is the period spanning between the first sitting of a House and its prorogation (or dissolution in the case of the Lok Sabha).
- During a session, the House meets every day to transact business. The period spanning between the prorogation of a House and its reassembly in a new session is called 'recess'.

No Bill scrutiny:

- An important development this session has been the absence of careful scrutiny of Bills.
- During the session, 13 Bills were introduced, and not even one of them was referred to a parliamentary committee for examination.
- Many high impact Bills were introduced and passed within a few days.
- The Government of National Capital Territory of Delhi (Amendment) Bill, 2021, which is the Bill to change the governance mechanism of Delhi — shifting governance from the legislature and the Chief Minister to the Lieutenant Governor was passed by both the houses in a hurry.
- Another Bill, the Mines and Minerals (Development and Regulation) Amendment Bill, 2021, amends the Mines and Minerals Act, 1957 to remove end-use restrictions on mines and ease conditions for captive mines; this Bill was introduced on March 15 and passed by both Houses within a week.
- A Bill, The National Bank for Financing Infrastructure and Development (NaBFID) Bill, 2021 to create a new government infrastructure finance institution and permit private ones in this sector was passed within three days of introduction.
- The Insurance (Amendment) Bill, 2021, the Bill to increase the limit of foreign direct investment in insurance companies from 49% to 74% also took just a week between introduction and passing by both Houses.
- In all, 13 Bills were introduced in this session, and eight of them were passed within the session.
- This quick work should be read as a sign of abdication by Parliament of its duty to scrutinise Bills, rather than as a sign of efficiency.

Consulting house panel:

- This development to pass bills in hurry also highlights the decline in the efficacy of committees.
- The percentage of Bills referred to committees declined from 60% and 71% in the 14th Lok Sabha (2004-09) and the 15th Lok Sabha, respectively, to 27% in the 16th Lok Sabha and just 11% in the current one.

Parliamentary committees have often done a stellar job.

- For example, the committee that examined the Insolvency and Bankruptcy Code suggested many changes to make the Code work better, and which were all incorporated in the final law.
- Similarly, amendments to the Motor Vehicles Act were based on the recommendations of the Committee.

Money bill classification:

- The last few years have seen the dubious practice of marking Bills as ‘Money Bills’ and getting them past the Rajya Sabha.
- Some sections of the Aadhaar Act were read down by the Supreme Court of India due to this procedure (with a dissenting opinion that said that the entire Act should be invalidated).
- The Finance Bills, over the last few years, have contained several unconnected items such as restructuring of tribunals, introduction of electoral bonds, and amendments to the foreign contribution act.
- During this session, the Union Budget was presented, discussed and passed.
- The Constitution requires the Lok Sabha to approve the expenditure Budget (in the form of demand for grants) of each department and Ministry.
- The Lok Sabha had listed the budget of just five Ministries for detailed discussion and discussed only three of these; 76% of the total Budget was approved without any discussion.
- This behaviour was in line with the trend of the last 15 years, during which period 70% to 100% of the Budget have been passed without discussion in most years.

The missing Deputy Speaker:

- A striking feature of the current Lok Sabha is the absence of a Deputy Speaker.
- Article 93 of the Constitution states that “The House of the People shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker”
- Usually, the Deputy Speaker is elected within a couple of months of the formation of a new Lok Sabha, with the exception in the 1998-99 period, when it took 269 days to do so.

- By the time of the next session of Parliament, two years would have elapsed without the election of a Deputy Speaker.
- The issue showed up starkly this session when the Speaker was hospitalised.
- Some functions of the Speaker such as delivering the valedictory speech were carried out by a senior member.

Conclusion:

- Parliament has the central role in our democracy as the representative body that checks the work of the government.
- It is also expected to examine all legislative proposals in detail, understand their nuances and implications of the provisions, and decide on the appropriate way forward.
- This will require making and following processes such as creating a system of research support to Members of Parliament, providing sufficient time for MPs to examine issues, and requiring that all Bills and budgets are examined by committees and public feedback is taken.
- In sum, Parliament needs to ensure sufficient scrutiny over the proposals and actions of the government.

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