



Parliament is abdicating its oversight role

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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 monsoon session of Parliament which ended recently was a disappointment in several ways.
- This was the fourth straight session that ended ahead of the original schedule — other than the cancelled winter 2020 session.

Issues not discussed:

- Due to disruption in parliament many important issues had not been discussed such as the COVID-19 response and strategy, the Chinese incursion into Ladakh, the economic situation, rising prices of many essential items, and farmers' problems etc.
- The news of snooping using the Pegasus system broke out just ahead of the session and has also gone undiscussed.

Shrinking work time:

- Both Houses were frequently disrupted as the Government and Opposition parties could not agree on the topics to be debated.
- The Lok Sabha worked for just 19% of its originally scheduled time, and the Rajya Sabha for 26%.
- The Government pushed through 20 Bills, mostly without any discussion.
- Of the 18 Bills passed by the Lok Sabha, only one saw discussion over 15 minutes.
- While the Rajya Sabha crossed this low bar for most Bills, only two Bills were discussed for over an hour.

- In 15 of these Bills, not even one member of the Lok Sabha spoke; each Bill was passed after a short statement by the respective Minister.
- The Lok Sabha proceedings show one Bill — the Scheduled Tribes (Order) Amendment — as being discussed for 10 minutes within which seven members spoke, two Ministers intervened, and the Minister replied.

Bill passed within the session:

- Every Bill introduced during the session was passed within the session.
- This means that there was no time for any scrutiny by members.
- While the country has seen such behaviour in State Assemblies (in 2020, 91% of all Bills in 19 Assemblies were passed within five days of introduction), this is a new development for Parliament.
- In the period of the Fifteenth Lok Sabha (2009-14), 18% of the Bills were passed within the same session.
- This rose to 33% in the Sixteenth Lok Sabha and is at 70% halfway through the current Parliament.

No time for scrutiny:

- None of the Bills was referred to a parliamentary committee for examination.
- These committees provide a forum for parliamentarians to engage with experts, stakeholders and government officials to understand the implications of Bills.
- They deliberate on the consequences of various provisions, and recommend amendments.
- In recent years, we have seen significant changes made in Bills such as the Insolvency and Bankruptcy Code and Motor Vehicles (Amendment) Bill as a result of the recommendations made by parliamentary committees.
- There has been a sharp downward trend in Bills being referred to them — from 71% in the Fifteenth Lok Sabha to 27% in the Sixteenth, and 12% in the current one till date.

Members absent during the vote:

- There was an amendment moved in the Rajya Sabha to refer the Tribunals Reform Bill to a select committee of that House, and the motion was rejected by 79 votes to 44.
- Given that there are currently 232 members, this indicates that nearly half the members were absent during the vote.
- Thus, we see that Bills are being passed without any serious examination by parliamentarians.
- Bills are most often not referred to committees, there is hardly any discussion on the floor of the House, and in most instances, Bills are passed within a few days of introduction.

The Crucial reservation Bill:

- The Constitution was amended to allow States to identify backward classes (i.e., Other Backward Classes) for the purpose of providing reservations.
- A recent Constitution Amendment has converted the National Commission for Backward Classes from a statutory body set up by an Act of Parliament to a constitutional body.
- That amendment also specified that the President of India shall specify the list of OBCs.
- Recently, the Supreme Court of India had interpreted this provision to imply that the State government cannot issue the list of backward classes.
- The Amendment passed this session clarified that States have the power to do so.

Amendment in Income Tax Act:

- In 2012, the Income Tax Act was amended with retrospective effect from 1961 to cover certain transactions.
- A Bill passed this session reversed this provision of retrospective taxation.
- Famously, Vodafone was required to pay a large sum under the now repealed provision.

The Tribunals Reforms Bill:

- The Bill replaced an ordinance which specified the process of appointment of members and their tenure and service conditions.
- It retained two provisions struck down last month by the Supreme Court: the four-year tenure which the Court changed to five years, and a minimum age of 50 years for judicial members which the Court revised to allow lawyers with experience of 10 years.
- It remains to be seen whether the Act is challenged in court, and how the Court reacts.

Other important bills:

- The Deposit Insurance and Credit Guarantee Corporation insures all bank deposits against default (currently up to ₹5 lakh).
- The Act was amended to require an interim pay-out within 90 days if a bank was going through a liquidation or reconstruction.
- The General Insurance Business (Nationalisation) Act was amended to enable the Government to bring its shareholding in general insurance companies below 51%.
- The supplementary demand for grants for ₹23,675 crore was passed by the Lok Sabha without any discussion.

Course correction needed

- Parliament appears to be quite ineffective in all its functions.
- The reason for having a legislature separate from the executive is to have a check on executive power.

- This session, the Government got every Bill that it introduced passed as an Act, without any debate, without any scrutiny by committees, and with Question Hour hardly worked.
- There was just one debate in the Rajya Sabha and none in the Lok Sabha on policy issues.
- A large supplementary Budget was passed in less than 10 minutes without even one member speaking on it.

Conclusion:

- There was no discussion in Lok Sabha on any policy issue and Rajya Sabha had just one such discussion on the management of COVID-19 which lasted nearly five hours.
- Parliament will have its 70th anniversary next year and it also plans to move to a larger building soon with many speeches celebrating these occasions.
- But they will be just empty words in a brand new building unless parliamentarians get their act together.