



Hurrying through a legislation

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The passage of the quota Bill highlights grave gaps in India's parliamentary procedures

- Parliament ended the penultimate session of this Lok Sabha with both Houses passing the Constitution (124th Amendment) Bill, 2019, that enables 10% reservation in education and employment for economically weaker sections.
- The process by which this was done illustrates the collective failure of parliamentarians to review the government's proposals and hold it to account.

Hasty steps

- The usual practice is to refer Bills to the respective standing committee of Parliament.
- This step allows MPs to solicit public feedback and interact with experts before forming their recommendations.
- In the case of this Constitution Amendment — clearly one with far-reaching implications — this scrutiny mechanism was bypassed.
- Meanwhile, the Rajya Sabha hardly functioned that day due to repeated disruptions.
- The next day, the Rajya Sabha took up consideration of the Bill.
- A motion was moved by some members to refer the Bill to a select committee, but this motion was defeated by a wide margin, and the Bill was then passed.
- The Bill was not circulated ahead of being introduced, it was not examined by a committee, there was hardly any time between its introduction and final discussion.
- Barring a few small parties, none of the larger Opposition parties asked for the Bill to be carefully considered by a parliamentary committee — even in the Rajya Sabha where they might have been able to muster the numbers to ensure this.

The British contrast

- Following are three important ways in which the British Parliament works better than ours.
- First, the absence of an anti-defection law, so that each MP can vote their conscience.
- Second, it is known exactly how each MP voted for a bill.
- In India, most votes (other than Constitution Amendments that need a two-thirds majority to pass) are through voice votes — just 7% of other Bills had a recorded vote over the last 10 years.
- Unlike in India, the independence of the Speaker is secured in the U.K. as no party contests against the Speaker in the next general election.
- Parliament has a central role to secure the interest of citizens.
- Parliament is the primary body of accountability that translates the wishes and aspirations of citizens into appropriate laws and policies.

Falling short

- However, our Parliament often falls short of goals due to some structural reasons.
- These include the anti-defection law (that restrains MPs from voting according to their conscience), lack of recorded voting as a norm (which reduces the accountability of the MP as voters don't know which way they voted on each issue), party affiliation of the Speaker (making her dependent on the party leadership for re-election prospects), frequent bypassing of committees (just 25% of Bills have been referred to committees in this Lok Sabha), insufficient time and research support to examine Bills, and the lack of a calendar (Parliament is held at the convenience of the government).
- We need to address each of these issues to strengthen Parliament and protect our democracy.