

Time to change the House rules

The dates for the winter session of Parliament for this year have not been announced yet. In the last few years, the session usually started in the third or fourth week of November and closed just before Christmas. In 2013, the last winter session of the previous Lok Sabha started in the first week of December, was adjourned after 10 sittings, and continued in early February. Given the notice period of two weeks to summon a session, it is unlikely that we will see the commencement of the session before the second week of December.

Fewer, shorter

In the past, sessions have been shortened or even 'merged'. The year 2008 presents an interesting glimpse into this process. A special two-day session was summoned in July for a confidence vote, after the Left parties support to the UPA coalition government. The government won the vote narrowly. This session was termed the monsoon session and the regular sessions held in October and December were termed as a continuation of the same session in different parts. The reason is that the government wanted to take advantage of one of the rules of procedure which stipulates that a motion cannot be proposed twice within the same session. This enabled the government to avoid having to prove its numbers again.

This brings us to the question of the key roles of Parliament. The lawmaking and financial functions of Parliament are primarily to examine and endorse government proposals. (Though the Constitution permits any member to propose a bill, private member bills are rarely enacted.) Parliament also has the important role of holding the government to account for its actions.

Defending the parliamentary system versus the presidential system, B.R. Ambedkar argued that all such systems attempted a balance between stability and responsibility. Both systems provide a periodic assessment by the electorate through elections. However, the parliamentary system provides a higher level of responsibility on the government through daily assessment by members in the form of questions, resolutions, no-confidence motions, adjournment motions and debates on addresses. He felt that daily assessment was more effective in holding governments to account, and more appropriate for India.

This argument presupposes frequent sittings of Parliament. In the initial years of our Republic, Lok Sabha sat for about 125-140 days a year. The size of the country and poor connectivity meant that MPs could not make a quick dash to their constituencies and there were planned intersession gaps to enable them to split their time between Delhi and their constituencies. Though it is far easier to travel today, Parliament has met for just 65-75 days per year in the last couple of decades. A direct consequence has been less scrutiny of the government's actions, and even that of bills and budgets. A clear requirement for a more effective Parliament would be more sitting dates and a clear plan of those dates.

The Constitution specifies that Parliament will be summoned by the President; the President shall act on the aid and advice of the Council of Ministers; and there cannot be more than six months between two sittings of Parliament. Similar provisions exist for State legislatures. Thus, it is effectively the Prime Minister (or the Chief Minister) who determines when Parliament (or an Assembly) will meet, subject to the gap being less than six months.

One can see where this could go. Indeed, in several States the situation is dire. Data for 20 Assemblies over the last five years indicate that they meet for 29 days a year on average. States such as Haryana (12 days a year) and Uttarakhand (13 days) rarely meet. There have also been some extreme cases in terms of session time. On September 25, 2015, the Puducherry Assembly

commenced a session at 9.30 a.m. and closed at 9.38 a.m., which included a two-minute silence for obituary references, just short of the record of the shortest session by the same Assembly in October 1986, five minutes. Even a large State such as Uttar Pradesh has held a 10-minute session, in November 2011, in which the resolution to divide the State into four parts was passed.

Is there a way out?

One has to address the structural issue of the government deciding when to summon the legislature, and its ability to adjust the dates in response to emerging circumstances. That is, dilute the power of the government to be the sole decider of session dates.

A simple solution is to have a calendar of sittings announced at the beginning of each year. This would help members and others plan better for the whole year. Just imagine the trouble members currently face in scheduling other engagements in the absence of any certainty of the parliamentary schedule. One also needs to build in the possibility of additional sittings that the government can require if it needs urgent parliamentary approval for action under unforeseen situations.

A variant, such as that followed by the British Parliament, is to have year-long sessions. Thus, the five-year term of Parliament consists of five sessions of a year each. This would require some minor changes in rules such as permitting no-confidence motions to be taken up multiple times in a session if a significant minority asks for it.

A different approach would be to allow a significant minority of members to call for a session. Pakistan's Constitution requires a session of Parliament within 14 days if one-fourth of its membership demands one. It also states that Parliament should meet at least 130 days every year and there should be at least three sessions.

The legitimacy of the government in a democracy is derived from constant scrutiny by elected representatives. Perhaps it is time to tweak the rules of the game to strengthen the system and ensure that key institutions such as Parliament and State legislatures are able to perform their roles more effectively.

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The definition of harassment needs to be constantly updated, and the process for justice made more robust

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