



Parliamentary Scrutiny

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This article is based on **“Pointing the finger at parliamentary scrutiny”** which was published in The Hindu on 12/12/2020. It talks about the lapses in the management of the legislative work in the Indian Parliament.

The **new Farm laws** passed by Parliament have led to a serious confrontation between the government and the agitating farmers.

Although the government is reportedly willing to amend these Acts, the protesting farmers want these laws to be repealed and if necessary, fresh laws to be enacted after discussions with the farmers and other stakeholders.

The demand for the repeal of the laws passed by Parliament only recently essentially points to a serious lapse in the management of the legislative work in Parliament. These lapses can be witnessed in frequent bypassing of **parliamentary committees** and **use of ordinances**.

As the parliament is the symbol of democracy, it is the responsibility of the government to check the decline of parliament and restore the people’s trust.

Parliamentary Committees: Background

- Improving the pieces of legislation through detailed scrutiny by Parliament through its committees is historically an ancient practice.
- In fact, the British Parliament has been doing it since the 16th century.
- The Indian experience of legislative scrutiny of Bills goes back to the post-Montagu–Chelmsford Reforms.
- It is interesting to note that the Central Legislative Assembly which was the Parliament of British India, had set up three committees:
 - Committee on Petitions relating to Bills,
 - Select Committee of Amendments of standing orders
 - Select Committee on Bills.

- Thus, even the colonial Parliament recognised the need and usefulness of parliamentary scrutiny of Bills brought to the House by the government.
- Free India's Parliament established a vast network of committees to undertake scrutiny of various aspects of governance including the Bills.

Prior to the formation of **Departmentally-related Standing Committees (DRSCs)**, in 1993, the Indian Parliament used to appoint select committees, joint select committees, etc. for detailed scrutiny of important legislative proposals of the government.

Significance of Parliamentary Committee System

- **Inter-Ministerial Coordination:** They are envisaged to be the face of Parliament in a set of interrelated departments and ministries.
 - They are assigned the task of looking into the demands for grants of the ministries/departments concerned, to examine Bills pertaining to them, to consider their annual reports, and to look into their long-term plans and report to Parliament.
- **Instrument For Detailed Scrutiny:** Committee reports are usually exhaustive and provide authentic information on matters related to governance.
 - Bills that are referred to committees are returned to the House with significant value addition.
 - Besides the standing committees, the Houses of Parliament set up ad hoc committees to enquire and report on specific subjects that are assigned the task of studying a Bill closely and reporting back to the House.
 - Also, in the discharge of their mandate, they can solicit expert advice and elicit public opinion.
- **Acting As Mini-Parliament:** These committees are smaller units of MPs from both Houses, across political parties and they function throughout the year.
 - Also, Parliamentary committees are not bound by the populist demands that generally act as a hindrance in working of parliament.
 - As committee meetings are 'closed-door' and members are not bound by party whips, the parliamentary committee work on the ethos of debate and discussions.
 - Moreover, they work away from the public glare, remain informal compared to the codes that govern parliamentary proceedings, and are great training schools for new and young members of the House.

Marginalization of Parliament Committee System

- **Bypassing the Parliament Committee System:** According to data by PRS Legislative Research, while 60% of the Bills in the 14th Lok Sabha and 71% in the 15th Lok Sabha were referred to DRSCs concerned, this proportion came down to 27% in the 16th Lok Sabha.
 - Apart from the DRSCs, there are negligible bills referred to Select Committees of the Houses or Joint Parliamentary Committees.
 - The last Bill referred to a Joint Parliamentary Committee was The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, in 2015.
- **Role of Speaker or Chairman:** The reference to the committees is within the discretion of the Speaker or the Chairman. The Rules of the house held that important Bills should go before the committees for a detailed examination.
 - However, many times, the speaker or chairman have exercised their discretion not to refer to the committee an important Bill which has serious implications for society.
 - For example, in the recent farm bills which were enacted through ordinances, were passed from Lok Sabha within three days without being referred to a Standing Committee.

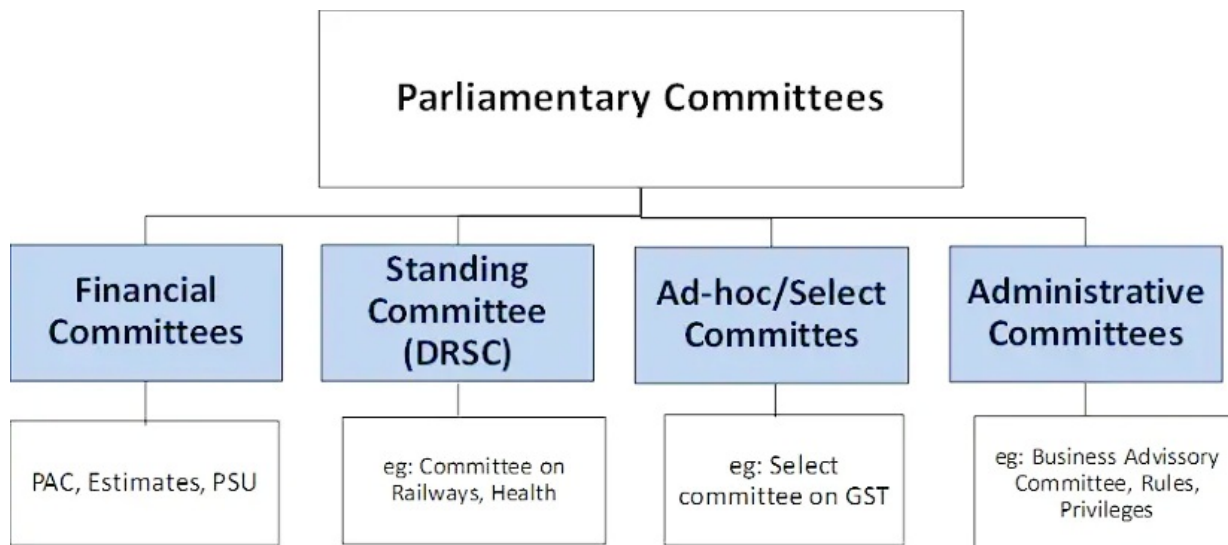
Way Forward

- **Revitalising Parliamentary Committee System:** Parliament should revitalise its committees to enable wider public participation.
 - It should insist that every Bill is deliberated upon in a committee, much like what the British Parliament does.
- **Acting With Responsibility & Amending Rules:** Apart from the Speaker or the Chairman acting with probity, there is need to amend rules of procedure in both Lok Sabha and Rajya Sabha, so that all major Bills should be referred to DRSCs.
- **Setting Up New Committees:** Given the increasing complexity in matters of economy and technological advancement, there is a need for setting up new parliamentary committees. For example:
 - Standing Committee on Federal issues to provide analysis of all the matters that overlapping in the Union List, Concurrent List and State List.
 - Standing Constitution Committee to scrutinise Constitutional Amendment Bills before they are introduced in Parliament.

Conclusion

The primary role of Parliament is deliberation, discussion and reconsideration, the hallmarks of any democratic institution. However, Parliament deliberates on matters that are complex and therefore needs technical expertise to understand such matters better.

Thus, Parliamentary Committees help with this by providing a forum where members can engage with domain experts and government officials during the course of their study. There is a need to strengthen the parliamentary committees rather than bypassing them for the betterment of the parliamentary democracy.



Drishti Mains Question

Discuss the significance of the parliamentary committee system in India and recent issues relating to their functioning.



Watch Video At:

https://youtu.be/lpeMG2fW_OA

This editorial is based on **“A Harsh lesson: Five years after the Paris Agreement, the world gets serious again”** which was published in The Times of India on December 10th, 2020. Now watch this on our Youtube channel.
