

Briefing note

Context

Practices set precedents and once solidified, become the norm. Wrong practices can set dangerous precedents leading to hollowing out of our institutions. This briefing note highlights such practices which have resulted in an undermining of our parliamentary democracy, particularly in recent times. The purpose of undertaking this exercise is to collectively think of reforms through which the right norms can be set. Therefore, this briefing note acts as the starting point and as the resource pool to prepare the People's Demands to 'Make Parliament Great Again'. It is also acknowledged that similar problems, likely to a much greater extent, plague our State Assemblies as well. It is hoped that the reforms proposed in this People's Demands, if adopted by Indian Parliament will inspire State Assemblies to undertake similar procedural reforms as well.

Process

The following process was followed to prepare the Manifesto:

- Initial research, as reflected in this document
- Two rounds of online consultations were held with experts and other stakeholders interested in and working on these issues
- All the inputs received through the consultations as well as from those who separately sent their comments have been incorporated into this document
- Finally, 15 demands were distilled from this document and included in the People's Demands

Issues	Recommendations for reforms
<p data-bbox="201 1472 773 1549">Decreasing number of Parliament sittings in a year.</p> <p data-bbox="201 1602 773 1717">Presently Article 85 only provides that there shouldn't be a gap of more than 6 months between one session and the next.</p>	<p data-bbox="824 1472 1408 1801">In the Constituent Assembly, a critical debate took place discussing how Parliament at that time, and the legislatures in some provinces, worked for very few days in a year. This prompted some members to demand <u>continuous sessions</u>, and to <u>reduce the time period between one session and next</u> (will possibly require constitutional amendment).</p> <p data-bbox="824 1854 1408 1885"><u>Mandate a minimum number of sittings of</u></p>

	<p><u>Parliament in a year - 120</u></p> <p>The Parliament (Productivity Enhancement) Bill, 2022 - a private member bill by MP Prof. Manoj Jha provides the same.</p> <p>Notably, this would not require a constitutional amendment. Can be mandated through a law.</p>
<p>Executive alone decides when to convene a Parliament session and when to adjourn a session.</p> <p>This results in delayed sessions or short sessions when Govt is busy with state elections, or early adjournments if government has managed to exhaust its agenda.</p>	<p><u>A multi-party committee of Parliament should decide its own calendar, at least, a year in advance.</u></p> <p>Parliaments like that of the United Kingdom, Canada, Australia, South Africa and some European countries follow this procedure.</p> <p>This can be achieved by suitably amending the rules of procedure.</p>
<p>No power sharing between Government and Opposition leads to stalemate</p> <p>The Government unilaterally decides the agenda for each day and the Business Advisory Committee allots time for it, but the government has more presence and almost a 'veto' in the BAC.</p> <p>Since the Govt alone decides agenda, any demand for debate on controversial / uncomfortable issues by the Opposition is stonewalled, leading to protests and disruptions by the Opposition.</p>	<p>The National Commission to Review the Working of the Constitution had recommended- "In order to ensure better scrutiny of administration and accountability to Parliament, Parliamentary time in the two Houses may be suitably divided between the government and the opposition."</p> <p><u>Opposition days, a common practice in some other parliamentary democracies (United Kingdom, Canada), will help achieve that.</u></p> <p>This can be achieved by suitably amending the rules of procedure.</p> <p>The Parliament (Enhancement of Productivity) Bill, 2017 - a Private Member Bill by MP Naresh Gujral had also proposed</p>

	<p>for the <u>convening of a special session every year for which the agenda would not be decided by the government but by other political parties</u> who should seek inputs from <u>people on what should be discussed</u>. Such a special session would be devoted to discussion of such issues of public importance only and no government legislative business to be taken up.</p> <p>This can be mandated through a law.</p>
<p>Passing Bills without debate, amid protests and through voice vote. Passing Bills without quorum in the House</p>	<p><u>Bills can only be passed through mandatory recorded vote</u> (except on Appropriation Bills).</p> <p>No Bill can be taken up for discussion and / or voting when the House is not in order.</p> <p>As suggested by the National Commission to Review the Working of the Constitution, the discussion and voting of a Bill may be separated and <u>a fixed day be kept for voting to ensure that no Bill is passed without quorum. This will also reduce the time spent on executing recorded vote and make it more acceptable as a routine practice.</u></p> <p>This can be achieved by suitably amending the rules of procedure.</p>
<p>Standing Committee related issues:</p> <ul style="list-style-type: none"> - Bills not being referred to Standing Committees for deliberation. As per research by PRS, from 71% of all bills being referred to Standing Committees between 2009-2014, since 2019, only 16% of bills have been referred - Bills being referred to Joint Parliament Committees instead of Standing 	<p>Suggestions:</p> <ul style="list-style-type: none"> - <u>Mandatory referral of every Bill to relevant Standing Committee / JPC</u> (other than Appropriation Bills), unless a motion, providing reasons, is moved and passed by the House to not send a Bill to the Standing Committee. - If a relevant Standing Committee exists, the Bill cannot be referred to a

<p>Committees</p> <ul style="list-style-type: none"> - Committees not inviting comments from public on Bills 	<p>Joint Parliament Committee.</p> <ul style="list-style-type: none"> - Any Committee to which a Bill has been referred has to <u>mandatorily undertake public consultations.</u> - Livestreaming of proceedings when the Committee is consulting external experts or taking evidence from Ministry officials. <p>This can be achieved by suitably amending the rules of procedure.</p>
<p>Parliament Questions related issues:</p> <ul style="list-style-type: none"> - No Prime Minister Question Hour - Questions of suspended MPs getting deleted 	<ul style="list-style-type: none"> - <u>Mandatory PM Question Half Hour, once a week</u> (a common practice followed in some other parliamentary democracies like United Kingdom, Canada, Australia) - A Question once admitted and listed for answering cannot be deleted, irrespective of whether the MP asking the Question has been suspended <p>This can be achieved by suitably amending the rules of procedure.</p>
<p>Inadequate scrutiny of the Budget</p> <p>Government has the sole prerogative on how many days to allot for discussion on Budget, when to guillotine.</p>	<p>Having a multi-party Committee set the calendar in advance, which can help design better, longer Budget sessions; providing more time to the Standing Committees to study budgets, and more time for Parliament to debate budgetary proposals.</p> <p>Additionally, <u>a Parliamentary Budget Office can be set up to provide timely analysis of budget proposals to MPs.</u> This practice is also followed in many democracies - United States, United Kingdom, Canada, South Africa etc.</p> <p>This can be achieved by making a law under</p>

	<p>Article 119 which empowers Parliament to legislate to provide for procedure to be followed for timely completion of financial business.</p>
<p>Inadequate allowance being given to MPs for research assistance.</p> <p>As per PRS “While the US and the UK provide office space at Capitol Hill/Westminster, Indian MPs are not allocated any office space. Legislators are also provided with allowances to hire support staff including researchers. A US Senator gets about \$500,000 a year for hiring legislative staff (sufficient for a legislative director and about five legislative assistants); a British MP gets about £177,000 a year (sufficient to have 3-4 legislative assistants); whereas an Indian MP is provided Rs 40,000 per month (which will not cover the cost of even one legislative assistant).”</p>	<p>There is a need to <u>increase the allowance that MPs get to hire secretarial / research assistance.</u></p> <p>This will require amending the existing law which provides for salaries and allowances of MPs.</p>
<p>Censoring of opposition by Sansad TV</p> <p>Sansad TV not just censors protests by Opposition MPs, but even when Opposition MPs are speaking, the focus is more on Speaker / treasury benches. The channel also dedicates a lot of time to showing political activities by Prime Minister, President, Speaker, Vice President etc.</p>	<p>As a public broadcaster, Sansad TV needs to be independent of Government control as well as control by Speaker / Chairperson, who are also political appointees. <u>A multi-party committee of MPs + independent experts in the board must supervise the appointments, functioning of Sansad TV including taking editorial decisions.</u></p> <p>Sansad TV should not also be entirely dependent on grants from the Govt and must be able to raise funds independently from individual (not corporate) donors.</p>
<p>No penalty for violation of rules / procedures / conventions</p>	<p>There are some rules which provide that if Speaker / Chairman directs, the requirement</p>

<p>This enables Govt to introduce Bills without prior circulation, suddenly add any Bill to the agenda, suspend Q Hour if it wants some Bills to be passed etc.</p>	<p>of that rule can be waived. Instead of providing the Speaker / Chairman the power to waive rules, <u>if a rule has to be suspended / waived / any deviation from set procedures has to be undertaken, it can only be done after taking the consensus of the House, through a vote.</u></p>
<p>Pre Legislative Consultation Policy is currently not being followed</p> <ul style="list-style-type: none"> - There is no official database on Bills put up for public consultation. Also, according to independent research, only 74 out of 301 i.e. 24.5% of Bills introduced in Parliament were circulated for consultation between 2014 and 2021. Of these 74 Bills, at least 40 were not circulated for 30 days, as specified in the Policy. - The 2014 Policy stated that the Manual for Parliamentary Procedures, and the instructions on writing Cabinet Notes would be modified to enable public consultation. This has not been done. - Public participation in consultations have been vastly different depending on the subject matter, the amount of publicity and media coverage received, and the duration that the consultation was open for. - There is no apex body responsible for ensuring compliance, the measure of effectiveness and the extent to which Departments and Ministries are taking the efforts towards meaningful public consultations remains a question <p>References in Parliament:</p> <p>Member of Parliament from Baramati Shrimati Supriya Sule's Private Member Bill</p>	<p>Suggestions:</p> <ol style="list-style-type: none"> 1. <u>The Pre-Legislative Consultation Policy should be expanded from a directive to a mandatory step</u> (through a law) in the policy formulation and review process, and that the ambit of the policy be expanded to cover all Central Ministries and Departments, State Governments, Municipal governments, Regulators, and Policy-making Bodies. 2. To make public consultation binding on all Ministries, the Manual for Parliamentary Procedures in the Government of India and the instructions issued by the Cabinet Secretariat on writing Cabinet Notes should be modified to incorporate guidelines and procedures to be taken in case of non-compliance. 3. The <u>establishment of a National Consultation Commission for public consultations</u> to ensure compliance with and oversight of the consultation process be undertaken. The Committee must not be partisan or controlled by the Executive. (with reference to Forest Conservation Bill) 4. <u>To designate officers as Consultation Officers (similar to officers in-charge of RTI requests)</u>

called The Pre-Legislative Consultation Bill, 2019

Member of Parliament from Domariyaganj
Shri Jagdambika Pal's Private Member Bill
called The National Consultation Commission
Bill, 2019

in each
Department/Ministry/State/Body to
effectively carry out the consultation
process.

5. To make it mandatory to undertake public consultations in all scheduled languages.
6. To make it mandatory to publish the process of public consultations in the public domain - including stakeholder identification and mapping, public notices, draft bill, explanatory notes, and the responses received by the parliamentary committees during public consultation and whether they were adopted or not to ensure transparency and accountability in the process.
7. An independent and rigorous study be made of the extent of compliance to the Pre-Legislative Consultation Policy among the Central Ministries/Departments in the past ten years to ascertain the effectiveness of the policy.

This will require bringing a law with suitable provisions.