

Parliamentary Scrutiny on the Back Burner

Syllabus- GS 2: Structure, Organization and Functioning of the Judiciary

Why In News:

- ❖ According to the **PRS Legislative Research**, the percentage of Bills referred to Parliamentary committees has fallen from **60%** and **71%** in the **14th Lok Sabha (2004-09)** and **15th Lok Sabha (2009-14)** to **27% in the 16th Lok Sabha (2014-19)** and an **even lower 12% in the current Lok Sabha** (since 2019).
- ❖ Many important bills including the three farm laws that were repealed recently did not get discussed in parliamentary committees.
- ❖ The Government has also shown reluctance to refer Bills to Select Committees of the Houses or Joint Parliamentary Committees. The last Bill referred to a Joint Parliamentary Committee was Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, in 2015.
- ❖ Parliamentary Committees are **smaller units of MPs from both Houses**, across political parties and they function throughout the year.
- ❖ While fewer bills have been going to committees, data also shows that **Parliament has been working more in recent years**, discussing bills for longer durations and passing more bills than before. The 16th Lok Sabha (2014-19) for instance, worked for over 1,615 hours, **20% more** than the previous Lok Sabha, and passed 133 bills, 15% more than the 15th Lok Sabha.

Significance Of Parliament Committees System:

There is rarely enough time for a thorough analysis of any legislation on the floor of Parliament. Most **MPs are also not subject matter experts** on the topics being discussed — they are **generalists** who understand the pulse of the people but rely on advice from experts and stakeholders before taking decisions. That's why parliamentary committees come into picture.

Committees are:

- ✚ *guardians of the autonomy of the House,*
- ✚ *not divided on party lines,*
- ✚ *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.*

- ❖ In the discharge of their mandate, committees **can solicit expert advice** and **elicit public opinion**. Hence, the Bills that are referred to committees are returned to the House with significant value addition.
- ❖ The Committees **aid and assist the Legislature** in discharging its duties and regulating its functions **effectively, expeditiously and efficiently**. Through Committees, Parliament exercises its control and influence over administration.
- ❖ Parliamentary Committees have a **salutary effect on the Executive**. The Committees are not meant to weaken the administration, instead they **prevent misuse of power exercisable by the Executive**.

Although **committee recommendations are not binding** on the government, their reports create a public record of the consultations that took place and **put pressure on the government to reconsider its stand** on debatable provisions. **The Companies Bill, 2009**, is an **example** of a legislation that was withdrawn, and later reintroduced with significant changes, due to the issues flagged by the committee that examined it.

Suggestions:

- ❖ According to the **National Commission to Review the Working of the Constitution (NCRWC)**, DRSCs should be **periodically reviewed** so that the committees which have outlived their utility can be replaced with new ones.
- ❖ Given the increasing complexity in matters of economy and technological advancement there is a need for setting up new parliamentary committees.
- ❖ Major reports of all Committees should be discussed in Parliament especially in cases where there is disagreement between a Committee and the government.
- ❖ **Adopting better practices:** In countries such as **Sweden and Finland**, **all bills are sent to committees**. In Australia, a selection of bills committee, which includes members from the Opposition, is tasked with identifying the bills that should go to committees.

Way Forward

It is perhaps time for India **to mandate a better requirement** to avail the benefits of the committee system that we have taken for granted so far. By giving discretionary power to the Chair, the system has been especially rendered weak in a Lok Sabha where the ruling party has a brute majority. Mandating scrutiny for every bill passed is not a big task. It is necessary to uphold the quality of legislation, and by extension, the quality of governance in the country. A strong committee system is probably the only way to ensure Parliament's relevance in the law-making process.