

THE NEEDLE'S EYE



This Parliament should improve its last track record

Those Whom We Voted In



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The dust has settled, and a new government will take oath this evening. We have just elected the 17th Lok Sabha. Can we expect a more dynamic Parliament as we head towards New India?

There are some encouraging signs: the average age of the 542 newly elected Lok Sabha members is 54; 12% are below 40; 267 are first-time MPs and 230 were re-elected, affirming this vote for incumbency.

The number of women in this Lok Sabha is 78, or 14% of the total, 41 of them from the BJP. This is higher than any previous Lok Sabha, but we are still way behind other countries like Rwanda (61%), South Africa (43%) and even Bangladesh (21%).

The Women's Reservation Bill, a.k.a. the Constitution 108th Amendment, which seeks to reserve 33% of seats in Parliament and state legislatures for women, has been languishing in the Lok Sabha since 2008. It was promised by the BJP in its 2014 manifesto. Despite its majority in the last Lok Sabha, the BJP did not try to get the Bill passed, in contrast with the alacrity with which it pushed through the 10% reservation for poor upper castes earlier this year. The party has pledged again in its 2019 manifesto to get the Bill passed.

The last Lok Sabha met fewer times than any other full-term lower house: 331 days compared with an av-

erage of 468 days. It worked for 1,615 hours, 40% less than the average of all full-term Lok Sabha. Still, it passed 133 Bills, a third of which were discussed for more than three hours. But 46 bills lapsed, including the Triple Talaq and Consumer Protection Bills, data from PRS Legislative Research shows.

Debating Bills

More worryingly, the number of Bills going to parliamentary committees for discussion and review has fallen drastically under the NDA. It is the sole discretion of the Speaker of the Lok Sabha, in consultation with the concerned minister, to refer the Bill to committee. The number of Bills going to committee plunged to 25% in the 16th Lok Sabha (2014-19) from 71% in the 15th Lok Sabha. There are 24 standing committees; they summon witnesses and experts, and are typically non-partisan. There is no grand-standing. Usually, the government accepts the committee's recommendations on changes to the Bill, so that there is broad consensus by the time the Bill comes up for further readings, and then the vote.

Over its first term, the Narendra Modi government repealed a total of 1,420 outdated laws on our statute books. But, instead of debating important central legislation more democratically, parliament is over-legislating on matters in the Concurrent List. Legislation like Ayushman Bharat or land acquisition reforms ought to be set out centrally in skeletal form to be fleshed out by state assemblies.

The goods and services tax (GST), however, was a virtuous exception. Both the Centre and the states have given up some financial autonomy to the GST Council; each state has equal representation, unlike in the Lok



An MP gesture?

Sabha. Every GST decision so far has been by consensus, not by vote.

The most dangerous precedent the Modi government set was the important legislation, like the Aadhaar Bill, that it slipped in under the guise of Money Bills, which are scarcely debated and avoid a vote in the Rajya Sabha where the NDA is still in minority.

Anti-Defection Law

For instance, the 2018-19 budget of ₹24.4 trillion was passed in the Lok Sabha without any debate. The Finance Bill after every budget has become a carapace for legislation by stealth. In 2018, more than half of the 200-odd clauses of the Finance Bill had nothing to do with money matters. In 2017, as many as 40 amendments were tacked on to the Finance Bill at the last minute; they included the shutting down or merger of a number of tribunals and removal of the cap on political donations.

Do the lawmakers we have just elected truly represent us? Nominally yes, but in reality, they cannot really speak for their constituents or vote their consciences. MR Madhavan, president of PRS Legislative Research, told me the single biggest issue is the anti-defection law: "On-

ce you have voted for the person, the MP has zero agency in representing you." Why is this so?

The Tenth Schedule of the Constitution, otherwise known as the anti-defection law, was enacted in 1985 by the Rajiv Gandhi government ostensibly to curb the 'Aaya Ram-Gaya Ram' brand of political horse-trading. It gives the presiding officer of a legislature the power to disqualify a lawmaker if she or he voluntarily quits a party or defies the party leadership by either abstaining or dissenting on a vote.

Populist legislation like the UPA's Right to Food Act or the NDA's 10% reservations for poor upper castes ought to, but does not, have room for any dissent. MPs have to willy-nilly vote en bloc in line with the party whip. A party with a brute majority, like the BJP with its 303 seats, can push through legislation without internal debate. To put it bluntly, Parliament is reduced to a rubber stamp.

Madhavan suggests either repealing the anti-defection law, or restricting it to no-confidence motions or crucial votes where the stability of the government is at stake — and removing the Rajya Sabha from its purview. Will Modi make Parliament truly democratic?

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