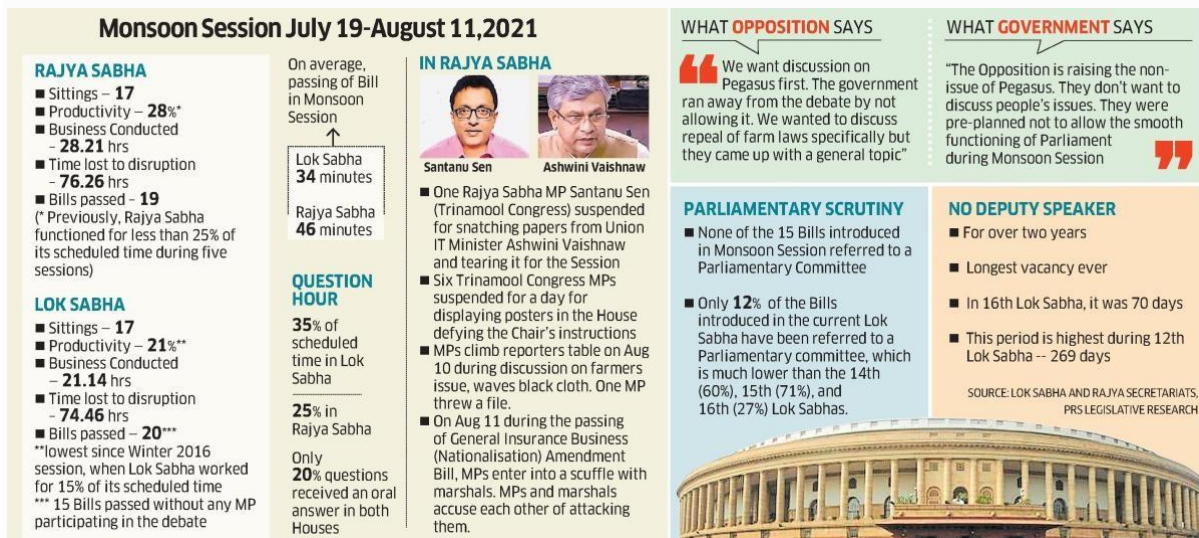




The Big Picture: Monsoon Session of Parliament

CONTEXT:

- Monsoon session of Parliament **ended, two days ahead of schedule** amid continued standoff between the government and the Opposition parties.
- During the session, proceedings of both Houses were interrupted regularly due to protests by Opposition members over several issues.
- Statistics show that the Parliament **functioned for less than a quarter of the scheduled time**.
- **Productivity of the Rajya Sabha was 29%**, while the Average Productivity of the previous 5 sessions has been 95%.
- The **Lok Sabha saw a productivity 22.00%** during the just concluded session.
- More than 74 hours were lost to disruptions.
- Amid protests, some Bills were passed.
- **'Sorry state of affairs' in Parliament: Chief justice says there is no clarity in laws**



SLUMBERING PARLIAMENTARY SYSTEM:

- The monsoon session of Parliament was a disappointment in several ways. This was the fourth straight session that ended ahead of the original schedule
- This meant that many important issues had not been discussed such as the COVID19 response and strategy, the Chinese incursion into Ladakh, the economic situation, rising prices of many essential items, and farmers' problems, to name a few. And of course, the news of snooping using the Pegasus system broke out just ahead of the session.
- **Shrinking work time:** The Lok Sabha worked for just 19% of its originally scheduled time, and the Rajya Sabha for 26%.
- **Absence of the Deputy Speaker of Lok Sabha:** Article 93 of the Constitution provides for the Lok Sabha to select two of its members as the Speaker and Deputy Speaker. The current Lok Sabha is in the absence of the Deputy Speaker, which is elected within a couple of months of the formation of a new Lok Sabha.
- **Discussion on budget:** A large supplementary Budget was passed in less than 10 minutes without even one member speaking on it.
- **Gradual Marginalisation of Parliamentary Committees:** According to data by PRS Legislative Research, the percentage of Bills referred to Departmentally Related Standing Committees (DRSCs) declined from 71% in the 15th Lok Sabha (2009-14) to 27% in the 16th Lok Sabha and just 11% in the 17th Lok Sabha (2019-present).
- **Weakened legislature scrutiny:**
 - The Government pushed through 20 Bills, mostly without any discussion.
 - Of the 18 Bills passed by the Lok Sabha, only one saw discussion over 15 minutes.



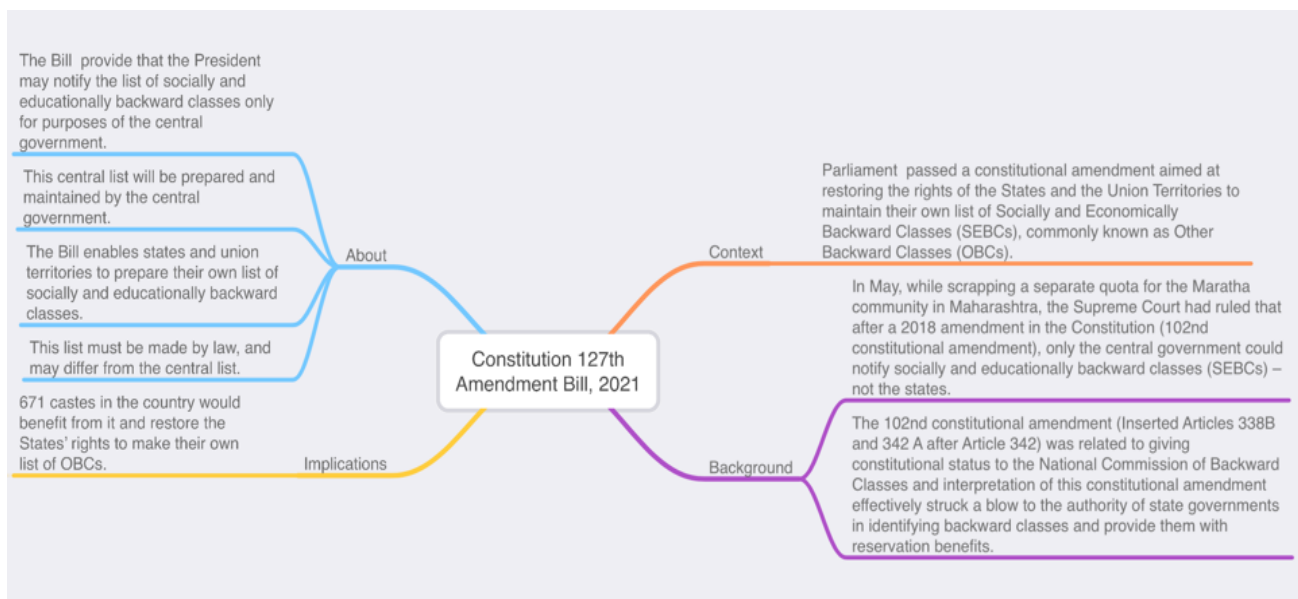
- Every Bill introduced during the session was passed within the session. This means that there was no time for any scrutiny by members.
- In the period of the Fifteenth Lok Sabha (2009-14), 18% of the Bills were passed within the same session. This rose to 33% in the Sixteenth Lok Sabha and is at 70% halfway through the current Parliament.

REASONS FOR DISRUPTIONS:

- **Discussion on matters of controversy and public importance:** a number of disruptions in Parliament stem from discussions on either listed topics that are controversial, or unlisted matters that are of public importance.
- **Grandstanding by the leaders and members of the opposition:** Since live telecast of the debates on television can be viewed by any member of the public, several MPs, it appears, use parliamentary disruptions as a tool for gaining greater visibility in the public eye.
- **Privileging Party over Member:** Due to the application of the anti-defection law, an MP can be forced to tolerate or actively support disruptions by the leaders and other members of his party.
- **Disruptions may help ruling party evade responsibility:** allow governments to avoid answering questions that are posed to them.
- **Lack of dedicated time for unlisted discussion:** disruptions also get triggered due to lack of adequate time for raising questions and objections in respect of matters that are not listed for discussion in a particular, or during a particular session, in general.
- **Scarce resort to disciplinary powers:** There has been scarce resort to disciplinary powers by the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha. As a result, most members engaging in disorderly conduct are neither deterred nor restrained from engaging in such conduct.

HIGHLIGHTS OF IMPORTANT BILLS PASSED:

The Constitution (One Hundred and Twenty-Seventh Amendment) Bill, 2021:





Essential Defence Services Bill 2021:

- The Bill aims to prevent the staff of the government-owned ordnance factories from going on a strike.
- It is meant to provide for the maintenance of essential defence services.
- Essential Defence Services include any service in any establishment or undertaking dealing with production of goods or equipment required for defence related purposes or any establishment of the armed forces or connected with them or defence.
- The Bill also empowers the government to declare services mentioned in it as essential defence services.
- The Bill amends the Industrial Disputes Act, 1947 to include essential defence services under public utility services.
- Besides, the bill has also defined strikes and punishments for violations.

Tribunals Reforms (Rationalisation and Conditions of Service) Bill, 2021:

- The Bill seeks to provide for uniform terms and conditions of the various members of the Tribunal and abolish certain tribunals, as a part of its bid to rationalize the tribunals.
- It seeks to dissolve certain existing appellate bodies and transfer their functions to other existing judicial bodies.
- It seeks to empower the Central Government to make rules for qualifications, appointment, term of office, salaries and allowances, resignation, removal and other terms and conditions of service of Members of Tribunals.
- It provides that the Chairperson and Members of the Tribunals will be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee.
- It also provides the composition of the Committee, to be headed by the Chief Justice of India or a Judge of Supreme Court nominated by him.
- For state tribunals, there will be a separate search committee.
- The Union government has to 'preferably' decide on the recommendations of the search-cum selection committee within 3 months of the date of the recommendation.
- Tenure: Chairperson of a Tribunal shall hold office for a term of 4 years or till he attains the age of 70 years, whichever is earlier. Other Members of a Tribunal shall hold office for a term of 4 years or till he attains the age of 67 years, whichever is earlier.

Insolvency and Bankruptcy Code (Amendment Bill), 2021:

- It introduced an alternate insolvency resolution process for Micro, Small and Medium Enterprises (MSMEs) with defaults up to Rs 1 crore called the Pre-packaged Insolvency Resolution Process (PIRP).
- In March 2021 a sub-committee of the Insolvency Law Committee (ILC) recommended a pre-pack framework within the basic structure of the Insolvency and Bankruptcy Code (IBC), 2016.

Deposit Insurance and Credit Guarantee Corporation (DICGC) Bill, 2021:

- It will cover all types of banks, which also include regional rural banks and co-operative banks.
- It will cover banks already under moratorium and those that could come under moratorium.
- It will provide funds up to Rs 5 lakh to an account holder within 90 days in the event of a bank coming under the moratorium imposed by the Reserve Bank of India (RBI).
- Earlier, account holders had to wait for years till the liquidation or restructuring of a distressed lender to get their deposits that are insured against default.
- It permits raising the deposit insurance premium by 20% immediately, and maximum by 50%.

The Limited Liability Partnership (Amendment) Bill 2021:

- Bill amends the Limited Liability Partnership (LLP) Act, 2008.
- The aim is to facilitate the Ease of Doing Business and encourage startups across the country.



- The current law has 24 penal provisions, 21 compoundable offences and 3 non-compoundable ones. The bill seeks to decriminalise 12 of these offences.
- Central government may appoint adjudicating officers for awarding penalties under the Act. These will be central government officers not below the rank of Registrar.
- Central government to establish special courts for ensuring speedy trial of offences under the Act.
- Appeals cannot be made against an order that has been passed with the consent of the parties. Appeals must be filed within 60 days (extendable by another 60 days) of the order.
- The Bill provides for formation of a small LLP where: (i) the contribution from partners is up to Rs 25 lakh (may be increased up to five crore rupees), (ii) turnover for the preceding financial year is up to Rs 40 lakh (may be increased up to Rs 50 crore).
- The central government may also notify certain LLPs as start-up LLPs.
- The central government may prescribe the standards of accounting and auditing for classes of LLPs, in consultation with the National Financial Reporting Authority.

The General Insurance Business (Nationalisation) Amendment Bill, 2021:

- It proposes amending the General Insurance Business (Nationalisation) Act, 1972 to remove the requirement for the Centre to hold at least 51 percent of equity in an insurer.
- The Bill also makes a director, who is not a whole-time director, liable only for acts of omission or commission committed with his knowledge and connivance by the insurer.

The Taxation Laws (Amendment) Bill, 2021: The Bill amends the Income Tax Act, 1961 (IT Act) and the Finance Act, 2012. The 2012 Act had amended the IT Act to impose tax liability on the income earned from the sale of shares of a foreign company on a retrospective basis (i.e., also applicable to the transactions done before May 28, 2012). The Bill proposes to nullify this retrospective basis for taxation.

Inland Vessels Bill:

- It **provides for a unified law for the entire country, instead of separate rules framed by the States.**
- The certificate of registration granted under the proposed law will be deemed to be valid in all States and Union Territories, and there will be no need to seek separate permissions from the States.
- The Bill **provides for a central data base for recording the details of vessel, vessel registration, crew on an electronic portal.**
- It requires all mechanically propelled vessels to be mandatorily registered. All non-mechanically propelled vessels will also have to be enrolled at district, taluk or panchayat or village level.

Marine Aids to Navigation Bill:

- The Marine Aids to Navigation Bill is **replacing an almost 90 year-old law named the Lighthouse Act, 1927.**
- The Lighthouse Act, 1927 was providing for the regulation of lighthouses and other techniques which would allow ships to safely guide into a port.
- To **aid the ships to reach the ports, some kind of guidance is required, which is known as the marine aids to navigation.**
- The Bill proposes to update the legal framework for new technologies used in vehicle navigation like radar, radar beacons, vessel traffic service (equipment used to monitor vehicle locations), and Long Range Identification and Tracking systems also used for monitoring ship locations.
- The Bill provides for punishing those who knowingly damage a lighthouse as well as equipment in a lighthouse.
- The Bill also proposes to legally synchronize norms in India with the International Association of Marine Aids to Navigation and Lighthouse Authorities Maritime Buoyage System. India is a member of the association.
- Additionally, the Bill provides for the administration and safety of this equipment.



Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021:

- The Bill seeks to amend the Juvenile Justice Act, 2015.
- The amendments include **authorizing District Magistrate including Additional District Magistrate to issue adoption orders under Section 61 of the JJ Act, in order to ensure speedy disposal of cases and enhance accountability.**
- The District Magistrates have been **further empowered to ensure its smooth implementation, as well as garner synergized efforts in favour of children in distress conditions.**
- Any **Child Care Institution shall be registered after considering the recommendations of the District Magistrate.**
- The **DM shall independently evaluate the functioning** of District Child Protection Units, Child Welfare Committees, Juvenile Justice Boards, Specialized Juvenile Police Units, Child Care Institutions, etc.
- The **eligibility parameters for appointment of Child Welfare Committee (CWC) members have been redefined. Disqualification criteria for the same have also been introduced.**
- It has been decided that offences where the maximum sentence is more than 7 years imprisonment but no minimum sentence has been prescribed or minimum sentence of less than 7 years is provided, shall be treated as serious offences within this Act.

The National Commission for Homoeopathy (Amendment) Bill, 2021:

- It amends the National Commission for Homoeopathy Act, 2020.
- The 2020 Act replaced the Homoeopathy Central Council Act, 1973. The 1973 Act set up the Central Council of Homeopathy for regulating homoeopathic education and practice.
- The 2020 Act replaced the Council with a national commission for regulating homoeopathic education and practice.
- Since, the setting up of the National Commission was taking time, the 1973 Act was not repealed immediately with passage of the 2020 Act.
- Till the Council was reconstituted, its powers would be exercised by a Board of Governors, constituted by the central government.
- The 2021 Bill specifies that all powers and functions of the Board of Governors will be deemed to have been done under the 2020 Act and will continue to remain in force.

The National Commission for Indian System of Medicine (Amendment) Bill, 2021:

- It amends the National Commission for Indian System of Medicine Act, 2020.
- The 2020 Act replaced the Indian Medicine Central Council Act, 1970. The 1970 Act set up the Central Council of Indian Medicine to regulate the education and practice of the Indian Medicine system (includes Ayurveda, Yoga, Naturopathy).
- The 2020 Act replaced the Council with a National Commission for regulating education and practice of the Indian medicine system.
- Since, the setting up of the National Commission was taking time, the 1970 Act was not repealed immediately with passage of the 2020 Act.
- Till the Council was reconstituted, its powers would be exercised by a Board of Governors, constituted by the central government.
- The 2021 Bill specifies that all powers and functions of the Board of Governors will be deemed to have been done under the 2020 Act and will continue to remain in force.

The Central Universities (Amendment) Bill, 2021: It amends the Central Universities Act, 2009. The 2009 Act provides for the establishment of Central Universities for teaching and research in various states. These states include: (i) Andhra Pradesh, (ii) Bihar, (iii) Kerala, and (iv) Haryana. The 2021 Bill provides for the establishment of the Sindhu Central University in the union territory of Ladakh.



The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2021: The Bill amends the Constitution (Scheduled Tribes) Order, 1950. The Constitution empowers the President to specify the Scheduled Tribes (STs) in various states and union territories. Further, it permits Parliament to modify this list of notified STs. The Bill removes the Abor tribe from the list of identified STs in Arunachal Pradesh. Further, it replaces certain STs with other tribes.

The Commission for Air Quality Management in National Capital Region and Adjoining Areas Bill, 2021: provides for the constitution of a Commission for better co-ordination, research, identification, and resolution of problems related to air quality in the National Capital Region (NCR) and adjoining areas. Adjoining areas have been defined as areas in Haryana, Punjab, Rajasthan, and Uttar Pradesh, adjoining the National Capital Territory of Delhi and NCR, where any source of pollution may cause adverse impact on air quality in the NCR. The Bill also dissolves the Environment Pollution Prevention and Control Authority established in the NCR in 1998.

The Coconut Development Board (Amendment) Bill, 2021: The Bill amends the Coconut Development Board Act, 1979. The Act established the Coconut Development Board for the development of the coconut industry. The Bill seeks to amend the composition of the Coconut Development Board to improve its management and administration.

WAY FORWARD:

- **Shadow cabinet:** In order to strengthen the role of the opposition, the institution of 'Shadow Cabinet' can be formed in India.
- **Parliamentary Scrutiny:** Parliament must ensure sufficient scrutiny over the proposals and actions of the government. So, create a system of research support to Members of Parliament and provide sufficient time for MPs to examine issues.
- **Transparency in Legislative Procedures:** Ensuring that Bills and budgets are examined by committees and public feedback is taken.
- **Legislative Impact Assessment:** A detailed framework for pre and post Legislative Impact Assessment (LIA) is needed.
- **Parliamentary Committee Reforms:** Measures for the effective functioning of Department Related Standing Committees (DRSCs) like longer tenure, promoting specialization, etc are needed.
- **Reduction of salaries of suspended Members as a deterrent against misbehaviour:** can serve as an effective deterrent for members to prevent them indulging in behaviour that could result in suspension from the House.
- **Provision for Opposition-led discussion in the House:** serve as an effective tool for the Opposition to discuss issues of policy and implementation with the government.
- **Provision for Prime Minister's Questions:** A provision which ensures the presence of the leader of the Cabinet/government in a House of Parliament would also ensure that the members of the Opposition can avail of the opportunity to address policy issues by engaging directly with the Prime Minister.
- **Need to increase the no of sitting of parliament:** The House of Commons also sits for about 150 days in a year with an average sitting lasting for seven and a half hours.

ANALYSIS:

- The conduct of the Monsoon session **underlines a trend that has been underway for some decades now: the complete devaluation of both state and Union legislatures in Indian democracy.**
- Naturally, **an erosion in the importance of Parliamentary democracy has meant a rise in the politics of personality.**
- This **personality-based democracy means that even as Indian elections largely remain free and fair, critical checks and balances in the period between elections stand severely weakened.**
- While elections are a necessary part of democracy, they are not sufficient. A system of checks and balances is critical. Parliament is supposed to be a crucial part of those checks in the Westminster system.



- But with Parliament being attacked by the rise of presidential-style personality politics, it is clear that Indian democracy is in a significant amount of distress.
- With disruptions eating into the **time available for Parliamentary business, adequate time is not available for debating legislation. As a result, Bills** get passed without effective debate.
- **Deliberative law making is compromised** and we are moving towards disruptions and chaos. There is also vulgarism, hate talks inside this temple of democracy-lowering its image
- This gives a bad message to lower bodies like panchayats, municipality and people at large.
- There is a need to **urgently find to disruption in this focal part of democracy.**
- Even after speaker and chairman of RS tried to cool down the conflict : they didn't succeed. This is **total disregard for the chair of the house**
- it is due to **lack of sense of responsibility of members regarding their role as a leader.**
- This should also be a **common platform for same ideology, consensus building, for regular conversations.**
- **Deliberation and law making are bulwark of parliamentary functioning, if this will not takes place: then very intention of law will wither away**

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