

A
Background Paper*
on

WORKING OF PARLIAMENT AND NEED FOR REFORMS

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1 **Introduction:** That representative democracy and parliamentary institutions have endured in India for five decades is a great tribute to their strength and resilience. There has, however been in recent years quite some thinking and debate about decline of Parliament, devaluation of parliamentary authority, falling standards of debate, deterioration in the conduct and quality of Members, poor levels of participation and the like. A certain cynicism towards parliamentary institutions and an erosion in the respect for normal parliamentary processes and the parliamentarians present a disturbing scenario. Very little effort, seems to have been made to examine and analyse what really plagues Parliament or to find out the reasons for the erosion of the traditional authority, high esteem and pristine glory of the institution of Parliament.

1.1 During the last nearly 50 years, the structure and functions of Parliament had developed under the shadow of the Fabian slogans of democratic socialism, economic democracy and distributive justice. The information explosion, the technological revolution, the growing magnitude and complexities of modern administration and the concept of Welfare State cast upon Parliament vastly extended responsibilities of social engineering through legislation and of managing the lives of citizen from the bedrooms to the cremation or burial grounds. Inadequacy of time, information and expertise with Parliament resulted in poor quality legislation and unsatisfactory parliamentary surveillance over administration. As B.K. Nehru once said, during the entire period of nearly 200 years of their rule in India, the British passed only some 400 laws while in the first 40 years, Parliament had passed nearly 4000. The big difference was that the 400 laws were obeyed or had to be obeyed while the 4000 pieces of legislation were not obeyed. Those to whom many of these laws relate did not even know or understand them.

1.2 Little effort has been made to develop the essential prerequisites for the success of parliamentary polity - discipline, character, high sense of public morality, ideologically oriented two party system and willingness to here and accommodate minority views.

1.3 In a situation where the government lacked comfortable majority of its own and the opposition was too weak to emerge as an alternative, the options were very limited and the Parliament was bound to remain less effective. This is what happened during the 1989-1999 decade. Members irrespective of their party affiliations had themselves become a new caste and parts of the establishment and co-sharers in the spoils. Politics and Membership of Parliament had emerged as a whole-time, highly lucrative, hereditary profession. Following the changed composition of the successive House, there was faster devaluation of all the old values and increase in disorders and pandemonia on the floor during the so-called "Zero Hour" and at other times. There was general apathy among Members, Ministers and public at large towards the work of Parliament. Absenteeism among Members had assumed alarming proportions and defections for money and office were a common phenomenon.

1.4 Several of the archaic practices and time-consuming procedures most unsuitable for present-day needs continued. Legitimacy of government and of representative institutions under the system were inextricably linked to free and fair elections and to the system being able to bring to power persons who truly represented the people's will and had the necessary abilities to govern. Recent efforts notwithstanding, due to the role of mafia gangs, muscle power and money power, free and fair elections continued to be difficult in some parts of the country thereby affecting the representative credentials of our elected representatives. Therefore, it would be necessary to reform the electoral system and the political party system before parliamentary reforms could be thought of.

1.5 Reforms and urgent remedial action seem imperative for making parliamentary institutions and processes effective and potent instruments of ensuring sustainable economic growth so vital for the success of the new economic policy also. Role expectation of Parliament is linked with the role perception of the State. NEP should lead to cutting back on Government involvement and drastic reduction in the role of the State in national economy. This should naturally get reflected in the reduced role for Parliament and its Committees. Also their processes, control mechanisms, debating and decision making procedures would have to be revamped and made faster. Floor management techniques would have to be professionalized at the level of whips, parliamentary officials and the Presiding Officers.

1.6 For Parliament, it is of the utmost importance constantly to review and refurbish its structural-functional requirements and from time to time to consider renewing and reforming the entire gamut of its operational procedures to guard against putrefaction and decay. The case for reforming Parliament is unexceptionable and, in a sense, has always been so. The real question is of how much and what to change to strengthen and improve the system. We have to be clear about the precise need, the direction and the extent of the reforms that would be desirable at present. It is obvious that mere tinkering first-aid repairs and trifling cosmetic adjustments would not anymore be enough. What is needed is a full-scale review. We have to be prepared for fundamental institutional - structural, functional, procedural and organisational - changes. The overriding guiding norm and purpose of all parliamentary reforms should be to make both Government and Parliament more relevant to meet the challenges of the times and the changing national needs in the context of the objective of faster economic growth.

1.7 Both the Parliament and the Government should be collectively concerned with concurrent and contemporaneous monitoring and evaluation of the implementation of economic reforms, scrutiny of the overall performance of the economy, targets, achievements, shortfalls etc. Some serious thinking is called for in the matter of reforming the budget procedure in Parliament and bringing it closer to the needs and constraints of the new situation. The number of occasions on which voting by divisions may be needed during a budget session is very large. Also, the defeat of any demand for grant is deemed to be tantamount to expression of lack of confidence in the Government. There is every possibility of a division being asked for more often only to embarrass the Government. It would be unrealistic to expect all the Members to be present all the time through the session. It would, therefore, be wise to reduce to the barest minimum the number of days on which voting by division is considered imminent. Also, the time may be fixed by agreement and announced in advance with appropriate whips issued and attendance ensured otherwise.

2. **Nodal Standing Committee on Economy** : It may be advisable to have a nodal Standing Committee on national economy with specific subject-oriented study groups aided by experts and concerned with economic policy formulation and implementation. The study groups would make internal study reports to the main Committee based on operational research in performance evaluation against physical targets. The Committee would in its turn make annual reports to Parliament. These reports would prove valuable to various Ministries and Departments of the Government. Also, they would serve the purpose of constant vigilance and constructive appraisal directed to preventing erosion of credibility, plugging loopholes and strengthening the system as a whole. The Committee recommendations would help to evolve and adopt better means of monitoring, analysing and evaluating performance in implementing policies and prescribing correctives to ensure the best use of available resources. The reports would provide valuable feedback to Parliament and should be discussed by the two Houses each year.

3. **Building a better image of Parliament** : Parliament is the communication link between the people and the government. Bad public relations job has resulted in a poor image of Parliament and of its members. People talk of happenings in Parliament and of the Members of Parliament as things quite remote and different from themselves. There is little consciousness of Parliament being their own and Members being from among themselves. It is necessary to establish a new rapport between the people and the Parliament. The two must be brought closer to each other. Parliament belongs to the people and not the M.Ps. The latter themselves are responsible to Parliament and to the people outside. It is ordinary people who have to be enabled to feel that they are participants in the decision-making and legislative processes and that through Parliament their voice can reach the Government and that it counts. Parliament must have access to public opinion and public must have access to Parliament. If corruption is suspected inside the portals of legislatures, the press and the public must be free to question it and expose it without being threatened under the law of parliamentary privileges. In its own long-term interest, Parliament as an institution cannot afford to place itself beyond all scrutiny by anyone. There is every need for a parliamentary Ombudsman. If stories that are current about payments demanded, offered or paid for favours like gas connections, telephone connections, questions etc. or of subletting of official residences, or of misuse of coupons and passes these need to be thoroughly investigated and, if untrue, publicly contradicted.

3.1 Deliberate and concerted efforts are needed also at the professional level to rebuild Parliament's image as the supreme institution of the people. The people should know what their representatives are doing for them. Better press and public relations job and image-building for Parliament are legitimate and necessary and there should be no hesitation to use the latest tools and techniques for the purpose. The mass media - the radio, television, newspapers, films etc. - should all be suitably harnessed to the service of Parliament. These, particularly the print and electronic media can play a vital role in building a healthy image of Parliament.

3.2 The recent innovations of televising the Question Hour and other important debates would go a long way to bring Parliament to the door-steps of the people. Even if the level of debate has not improved much, parliamentary politics has become more alive. Conscious of the fact of the people watching them, members find it difficult to be absent during the Question Hour. Also, they are better dressed and more careful about their behavior before the camera. But much remains to be done. To give a faithful and complete picture of what actually happens in the Houses of Parliament, it is necessary to telecast nationally other important debates live. The edited version becomes stale, ceases to be newsworthy and remains suspect for having omitted the most 'interesting' parts of the proceedings. Care also has to be taken to see that televising of proceedings does not turn some members into demagogues and mountebanks playing more and more to the gallery and to the vast number of viewers and listeners all over the country.

3.3 It is necessary that the press and public relations in Parliament are suitably reoriented and developed as a highly specialized and dynamic service charged with the responsibility *inter alia* of educating public opinion in regard to Parliament and its activities through :

- (i) publication and distribution of handy monographs, folders and handouts;
- (ii) attending to enquiries from the public, publicising the telephone numbers and addresses from which information about Parliament and its activities may be sought and providing some public computer terminals and an internet website from which any citizen can hope to get any information he may need regarding the Parliament and its activities.
- (iii) Managing publication of write-ups in newspapers and periodicals;
- (iv) arranging interviews, talks and discussions on Radio and T.V.;
- (v) using audio-visual means like audio and video cassettes to publicize the work of Parliament;

- (vi) issuing Press Notes and supplying backgrounders; and
- (vii) having regular briefing sessions for the Press, as is done in some countries.

4. **Panchayats and Parliament:** The role of M.P. must undergo change as a result of Panchayati Raj. The functions of Parliament and role expectation from Parliament should be transformed. Meticulous caution has to be taken to avoid any role conflicts between the Panchayats and Members of Parliament. Ideally, Members of Parliament are Members for the whole of India and should concern themselves basically with the national issues leaving the local problems to the care of Panchayats and Nagar Palikas. Schemes like those placing two crores of rupees each year at the discretion of each Member of Parliament to be spent on local projects are bound to create role conflicts and tensions.

5. **Improving the quality of Members:** Quality of Members is the most important variable in the working of any Parliament inasmuch as a Parliament would be what its Members make of it. It is the primary duty of every Member irrespective of his party affiliations to maintain and project a good image of Parliament by his conduct both inside and outside the Houses of Parliament. Corporate image of Parliament is bound to remain poor unless the quality and conduct of individual Members improve and every Member is imbued with a sense of purpose and responsibility. Also, every backbencher should be enabled to feel relevant and that he matters in what goes on in Parliament. Members of important parliamentary committees need to lay down a strict code of conduct for themselves, never to ask the senior Government officers appearing before the Committee for personal favours, avoid Committee tours unless really necessary and never accept any gifts, dinners, free transport, five star hospitality and the like while on tours.

5.1 Politics has become a highly professionalised business and should be understood as such. Irrespective of one's talents and professional background, every new member when he first enters a legislature feels completely lost in the dense forest of the mass of conventions, traditions, rules, regulations and formalities of the highly sophisticated parliamentary procedures, processes and practices. Institutionalized arrangements are, therefore necessary to provide the much needed professional training and orientation to every newly elected Member irrespective of his ideological or party affiliations. The curriculum should include, among other things, adequate knowledge of the political system, the Constitution, the Rules of Procedure and Conduct of Business, the practices and precedents, mechanisms and modalities of the working of the Houses and the Parliamentary Committees, the do's and don'ts for Members, the rules of parliamentary etiquette and the like. The emphasis should be on the practical know-how, the technicalities and the operational realities and the concrete situations and not the rule book.

5.2 Inadequacy of education and training in the sophisticated operational mechanics of parliamentary polity and the working procedures of modern parliamentary institutions has adversely affected the performance of both the legislators and the bureaucracy. The orientation seminars for new members that are now arranged have become too routinized, insipid and more in the nature of a ritual both for the participants and the organizers.

6. **Reducing the expenditure:** Financial cost of parliamentary democracy have been skyrocketing. During the last five decades they have gone up by over 100 times. Also, the figures of costs e.g. on Parliament seem fudged inasmuch as much of the expenditure gets reflected under other heads.

6.1 A matter often raised is that of the salaries, allowances, amenities, facilities etc. extended to Members. While for some, entering Parliament involves financial sacrifice, for many others it provides much sought for rewards and benefits. There are two extreme views on whether Members are heavily pampered and overpaid or they misunderstood and grossly underpaid. Much can be said on either side. According to one guess, if every member is paid Rs.100,000 to 200,000 per month in cash and all perks and direct and indirect financial benefits from the State are withdrawn, the public exchequer would be a gainer. This would imply that at present, a member on an average gets in cash or in kind not less

than Rs. One lakh (One hundred thousand) per month. If the State Legislators are included, the total numbers comes to above 4000. Besides, we have Ministers, Chairmen of Boards, Public Undertakings etc. and politicians occupying innumerable offices with Minister's status at the State and Union levels, each one costing ten to fifty times the cost of an M.P. All this put together makes the cost of maintaining our huge army of whole-time professional politicians very heavy and hardly commensurate with the returns to society. While stressing the need for cutting down the administrative expenditure under SAP, we have to think of cutting down the staging cost of democracy as well. There is need to drastically slash parliamentary spending under various heads. Even if the resultant economy in the context of the overall national budget may not seem very large, the psychological impact is bound to be massive. Strictest self control is necessary also because parliamentary budget, by convention, is not questioned or debated.

6.2 A strict limit needs to be placed on the number of Ministers and equivalent posts both at the Union level and in the States. In countries like U.K., the number and names of departments are fixed. Ministers may change but not the departments. In India, on the other hand, departments are created, merged or split from time to time to suit the whims of the Prime Minister or the changes in the Ministers in charge. This causes confusion, instability, uncertainty and wasteful expenditure.

7. **Improving information supply:** Information is power. For any effective surveillance over administration, Parliament needs information. Members need information. They have to be fed with latest information and kept upto date in regard to developments in all areas of parliamentary concern and more particularly in matters coming up before their House or Committees. Instead of depending almost entirely on published documents – which are almost always outdated and - other official sources, Parliament must build its own independent national information reservoir with a network of feeding and retrieval points. In this connection, computerization of storage and retrieval of information in Parliament was well conceived. But much depends on the data files that are built and what is actually fed into the computer or the internet. Unfortunately, it seems there has been no qualitative change in information gathering processes. Members need first hand information and fresh inputs on various subjects of interest to Parliament and particularly in regard to the activities of the Ministries and Departments of the Government so as to facilitate monitoring and evaluating progress, performance and efficiency and lead to better surveillance of administration as a whole. Even if no other parliamentary reform was brought about, the single step of developing an infrastructure of information support system in Parliament would have been profound effect on revitalizing and transforming the institution of Parliament.

7.1 Some of the modern tools and techniques that may be used to keep our Members better informed may be:-

- (a) briefing sessions by experts on topics of current parliamentary concern;
- (b) provision of audio-visual aids, setting up of separate well-equipped audio-visual rooms, loaning of cassettes of Seminars, Conferences, Briefing Sessions and the like;
- (c) problem and practice oriented quickies (quick studies) – current awareness series, background notes, issue briefs, information bulletins, fact sheets, digests, etc. on parliamentary, procedural and other immediate or anticipated problems of concern; and
- (d) Selective Dissemination of Information (SDI) on selected subjects to members in their respective interest areas.

7.2 An essential prerequisite for any such assistance being available in satisfactory measure would be the presence of highly qualified and competent staff in the Library, Research and Reference Services of the Secretariats of Parliament.

8. **Planning Legislation and improving its Quality:** Our legislation has often been criticized for hasty drafting and for its being rushed through Parliament in an *ad hoc* and haphazard manner. There is need for a dynamic – not mechanical – approach to legislative engineering and systematic programming of laws which may be proposed for enactment over a period of time. This can be done by:

- (i) streamlining the functions of the Parliamentary and Legal Affairs Committee of the Cabinet;
- (ii) making greater use of the Law Commission;
- (iii) setting up a new Legislation Committee of Parliament to oversee and coordinate legislative planning; and
- (iv) referring all Bills to the newly set-up Departmental Standing Committees for consideration and scrutiny, consulting concerned interest groups and finalization of the second reading stage in the relaxed atmosphere of Committees aided by experts thereby reducing the burden of the House without impinging on any of its rights and improving the quality of drafting and content of legislation.

9. **Setting up a Constitution Committee:** While executive power of the Union is co-extensive with its legislative power, the constituent power under the Constitution belongs exclusively to Parliament. The responsibility of Parliament, therefore, become much greater in the case of Constitution (Amendment) Bills. As such, instead of the Constitution Amendments being presented to Parliament like ordinary pieces of legislation in the form of Bills for introduction sometimes at very short notice, it would be desirable if Parliament is associated right from the initial stages of formulation of proposals for constitutional reform, i.e., the actual drafting of a Constitution Amendment Bill may be taken up only after the principles involved have been thrashed out in a parliamentary forum and subjected to appropriate *a priori* scrutiny by the constituent power. The proposed involvement of Parliament and a *priori* scrutiny can be achieved through the device of a Constitution Committee of Parliament which may be constituted by resolution or otherwise as a standing joint Committee of the two Houses. The members of the Committee may be elected by the respective Houses. Rather than delay, this might expedite the process of constitutional reforms besides bestowing greater authority, legitimacy and wider acceptability to the reform proposals. As an alternative, after a Constitution Amendment Bill has been formulated but before it has been introduced, it may be subjected to a *priori* scrutiny of the 'Constitution Committee'. If this is done, even the Government would be saved many an embarrassment.

9.1 Also, where an enactment is placed beyond the power of judicial review by being included under the Ninth Schedule, it may be desirable for Parliament itself to provide an alternative forum and remedy by way of review, etc. to any aggrieved citizen. The proposed Constitution Committee may perform this function as well. In view of the fact that several laws are struck down by courts as being *ultra vires* the Constitution, it would be desirable to subject all legislation to prior scrutiny from the point of view of constitutional validity. Scrutiny by a Parliamentary Committee should help in ensuring that legislation purporting to be in furtherance of the Directive Principles does, in fact, have a reasonable nexus with the objectives in view and does not curtail the Fundamental Rights of the citizens beyond a measure that can be considered to be reasonable and strictly necessary.

10. **Departmental Committees and Improving Accountability:** The setting up of the 17 subject based Standing Committees has been the most historic development in recent years in the area of parliamentary reforms. Seventeen, however, is perhaps too many. Three such Committees were set up in 1989 on an experimental basis. Subsequently, the Rules Committee recommended ten Committees to cover all the Ministries and Departments. But, perhaps hard bargaining and needs for compromise and accommodation of various interests and considerations raised the number to seventeen. Although it may not be easy to reduce the number now, it is strongly felt that 7 to 10 such Committees would be enough and in fact might prove more effective than the 17. Also, it is important from the angle of reducing the overall costs and need for economy.

10.1 Parliamentary oversight of administration is not an end in itself. It is never intended to adversely affect administrative initiative, effectiveness and discretion. It is meant to galvanize, not supplant action. The purpose of accountability mechanisms is to strengthen efficient functioning of administration and not weaken it. It is reasonably well established that parliamentary scrutiny over public finance is at

present inadequate and patchy and there is need for simplifying presentation of the budget and strengthening executive control and parliamentary scrutiny of expenditure.

10.2 If the Subject/Ministry based Standing Committees have to have real meaning and fulfill the purposes for which they were conceived and not to become merely part of a spoils system and distribution of perks and benefits, they should embrace the entire spectrum of administration for an in-depth and continuous study to provide:

- (i) close pre-budget scrutiny of the estimates and complex expenditure plans (Demands for Grants) before they are voted on the floor of the House;
- (ii) concurrent and contemporaneous examination of the activities of Government departments and matters of national concern in cool, non-partisan atmosphere;
- (iii) monitoring and evaluation of performance, relating to financial input to the policy objectives and actual results to measure effectiveness, and detailed examination of supplementary estimates;
- (iv) feed-back of valuable insight and information to Parliament and to the Government to reappraise economic proposals;
- (v) closer and more competent scrutiny of all legislative proposals – all Bills introduced in the House may automatically stand referred to the appropriate Committee for detailed consideration and discussion;
- (vi) review of the implementation of laws passed by Parliament in respective subject areas;
- (vii) leadership recruitment and training ground for higher responsibilities in Government, participation by backbenchers and building a second line of leadership; and
- (viii) development of specialization and expertise among members.

10.3 The Committees could, in fact, strengthen the Government by providing valuable insights into its own working, provide to Parliament sharper and more effective surveillance tools and restore the balance between Parliament's legislative and deliberative functions and its role as a representational body, and, above all, save valuable parliamentary time to the advantage both of Parliament and the Government. Working away from the glare of publicity, in a truly corporate sense, free from the normal partisan spirit that often characterizes the debates in the House, the new parliamentary committees could play an important, substantial and useful role. These Committees could provide a potent mechanism for a meaningful multilateral dialogue between the Government and the Members of Parliament enabling a proper appreciation of each other's views, reasonable accommodation of varying viewpoints and harmonization of conflicting interests. In the ultimate analysis, such parliamentary committees alone can ensure that we are making the best use of parliamentary system of Government.

10.4 Since the functions of every Ministry and Department are covered by the Departmental Standing Committees and also in view of the proposed new Constitution Committee, Legislation Committee and the Committee on National Economy, it does not seem at all necessary to continue the existing Committees on Estimates, Public Accounts, Public Undertakings and Subordinate Legislation. Their functions should also be most appropriately handled by the Departmental Standing Committees. This would rationalize the new Parliamentary Committee structure, streamline the functions of each individual committee, prevent overlapping and duplication of roles and above all lead to greater economy of expenditure under the head of Parliament and various Ministries of the Government.

10.5 The development of an integrated system of committees would reduce the pressures on floor time – cost of floor time was estimated several years ago as being over Rs. 900 per second (later, Sangma put it only Rs. 7000 per minute) – and strengthen parliamentary surveillance over administration

and contribute to economy, speed, efficiency and smooth working both for Parliament and the Government. Scrutiny of the Committees should be based on developed information collection, retrieval and management techniques and research tools and methods of enquiry and supported by independent study and assimilation of information and analysis of data. The approach of committees would have to be one of internal achievement audit or modern management efficiency study strengthening the system as a whole. The reports that have recently come out from the 17 Committees unfortunately do not bear much evidence of such an approach or effort.

10.6 The role of the Committee staff is vital. It should constantly and concurrently monitor the working of the concerned Ministries. The professional staff member should have the necessary competence in his Committee's subject area. He has to scientifically feed the committee with all the relevant information and data. To avoid diffusion of responsibility, there should be just one competent professional staff with one secretarial support in each Committee.

10.7 Success of the committees and strengthening of accountability mechanisms through them would, however depend on (i) quality of members, (ii) willingness of government to provide timely, factual and full information and (iii) the orientation, independence, objectivity and research expertise of the Committee staff.

10.8 If, however, the Joint Parliamentary Committees on Bofors and on the multicore Bank/Securities scam were any indication, the portents for the system were not very encouraging.

11. **Parliamentary Control Over Borrowing:** While the budgetary demands for grants of various ministries may now be examined by the concerned standing committees, still there is no provision for a parliamentary scrutiny or control of public borrowing. Unlike U.K., in India, the Constitution and the laws place no limits on the borrowing powers of the Executive. Parliamentary approval for any amount of internal or external borrowings as such is not required except that it is a part of the budget. This is a significant lacuna and must be plugged. For, public borrowing is a charge on the future generations and must be duly controlled. Beyond certain prescribed limits, borrowing proposals should also be subjected to scrutiny by the proposed parliamentary committee on National Economy or the Standing Committee for the Ministry of Finance.

12. **Discussing Committee Reports on the Floor of the House:** Under the present practice regarding not discussing on the floor of the House reports of some of the important Committees like Financial Committees, some very useful recommendations remain unappreciated and infructuous. It is time for modifying the practice. It would be most desirable to discuss as a regular feature all important reports of Parliamentary Committees particularly in cases of disagreement between the Committee and the Government.

13. **Codifying Parliamentary Privileges:** In a democratic society, any privileges for a section or class of the people are anachronistic, any undefined privileges like the privileges of Parliament are even more so. It is, therefore of the utmost importance that the weapon of parliamentary privileges is used with great circumspection. As a great institution, Parliament should be able to take in its stride, a great deal of the criticism and adverse comments against it. Privileges of Parliament are intended to be privileges enjoyed by Parliament on behalf of the people, to enable members to function freely and fearlessly, in the interest of the people.

13.1 These privileges should not be allowed to be used in such a manner as to nullify themselves and become rights against the people. The specific parliamentary privileges which may be deemed to be in conformity with contemporary thinking and absolutely necessary for the free and independent functioning of the institution of Parliament should be clearly defined, delimited and simplified. There is a strong case for codifying privileges and ending the necessity of every time referring to the 1950 position in the House of Commons in U.K.

13.2 Time is now ripe for removing the existing uncertainty and anxiety of the press and the people through early codification. A joint Committee of the two Houses may be set up to lay down the privileges in precise terms and to recommend appropriate piecemeal or comprehensive legislation.

14. **Reforming the functions of Parliamentary Parties:** It is the duty of Parties in Parliament to train and guide their members and to advise and inform them on political, economic, social and procedural problems coming up before Parliament from time to time. This should be done by the Party Secretariat providing party position papers, speech notes and write-ups and arranging issue discussion or briefing sessions and the like.

14.1 Inside Parliament, recognition may be given to the Government and to the official opposition only. No recognition may be given separately to other parties and groups. Inside the Houses of Parliament, there would thus be only two recognized bodies: one, the majority party or coalition of parties forming the Government and two, the Official Opposition comprising the parties, groups and persons in Opposition. The Rules of Procedure, Directions from the chair and the anti-defection law (10th Schedule to the Constitution) may be amended accordingly.

14.2 Further, party whips may be issued on very vital matters of policy only. It would be desirable to allow free vote on most of the issues and discussions on the floor of either House thereby giving weightage to the real views of the majority of members on specific issues of national concern and possibly leading to the emergence and consolidation of national will and consensus on most matters. Only defeat on a No-Confidence Motion proper may be deemed to be defeat of the Government calling for resignation of the Council of Ministers. This might incidentally reduce the incidence of unprincipled defections and instill a new sense of responsibility, relevance and importance in each member irrespective of ruling party or opposition affiliation.

15. **Other Procedural Reforms:** Each House of Parliament is complete master of its procedure. The Rules of Procedure and Conduct of Business are intended to be merely for guidance, for regulating the business of the House and for facilitating the orderly expression of members' views. Precedents and conventions may not be allowed to become shackles to imprison and destroy the institution. Procedures must keep pace with the changing needs of the national economy, composition of Membership and the prevailing mood of the Members. On the other hand, it has to be appreciated that the use of various procedural devices to engage the attention of the House calls for a certain restraint. Sometimes, completely unrestricted and unlimited right of discussion can itself become a weapon of tyranny. It is in this context that the adequacy of the existing parliamentary procedures in the context of the need to help the new economic reforms and liberalisation policies needs to be examined.

15.1 **(i) Reorganising Parliamentary Time Table:** Houses of Parliament are proverbially hard pressed for time and find difficulties in completing their business despite long sessions and late hours. While Parliament must perform its oversight role and its weapons of open debate, scrutiny and accountability should not be blunted in any way, it has also to be seen that time consuming procedures do not hamper the smooth transaction of public business. As it is, much of the valuable time of the House is taken up by a variety of local and other unimportant issues. The House as a whole can ill-afford the time for lengthy discussions on such issues which drag on for day after day. It may, therefore, be in the fitness of things to suitably amend the Rules of Procedure in order to more firmly prevent Members raising in the House matters of local or limited interest with which the Houses as a whole is not vitally concerned. These may be raised in the committees. Similarly, the many controversial issues which are now usually raised during question time or soon thereafter in what has now come to be known as the 'Zero Hour' could better be dealt with in the Committees. Incidentally, in the Committees they could be discussed in greater detail. It can hurt only those who may be anxious to hog newspaper headlines by creating scenes during the 'Zero Hour'. The floor time ought to be better utilised for major policy matters, matters of vital national interest and important legislative and financial business. There is an urgent need for a reorganisation of the parliamentary timetable and rationalisation of the methods and procedures of the House. This is of the utmost importance inasmuch as many a problem of reforming the parliamentary system, in one way or the other, concern the question of the proper use of the very limited parliamentary

time that is available. As John Freeman once said, in every parliamentary democracy, "the clock and the calendar are the most dreaded enemies of ministers and back-benchers alike".

15.2 Several items of business like the Questions, Adjournment Motions, Calling Attention Notices, Motions of No-Confidence, etc. initiated by Private Members are at present taken up during the time allocated for Government business and not in the time already reserved for Private Members' business on Fridays. A better alternative would be to allocate time on a weekly basis between the Government and the Private Members and to leave the priorities to be decided within each.

15.3 (i) While parliamentary sessions may continue to be held thrice in a year as at present and for the same duration, the parliamentary business can itself be shared between the House on the one hand and the Committees on the other. The time during the sessions could be divided in such a way that the Committees have also enough time to meet and complete their task. The forenoons could be reserved for the sitting of the Houses and the afternoons for Committee meetings or there could be a three day week for Parliament, with the Houses sitting on, say, Tuesdays, Wednesdays and Thursdays for 7 hours daily from 11 to 6 without lunch break. The Committees could sit on Mondays and Fridays, if necessary, on Saturdays as well. In the 21-hour week, 11 hours of floor-time could be set apart for government business i.e. legislation and other matters initiated by the Government, and the remaining 10 hours of floor-time could be made available to Private Members for Questions, Calling Attention Notices, Private Members Bills and Resolutions, No-Day-Yet-Named Motions, Privilege Issues and other non-official business.

15.4 (ii) **Freedom of Expression:** It is perhaps the most fundamental parliamentary right of a Member of Parliament. Every member is entitled to freely and fearlessly express himself on the floor of the House *inter alia* on burning issues of the day and matters of urgent public importance. If a member fails to do so under one of the available procedural devices, he often takes recourse to what has come to be known as the "Zero Hour". While unparliamentary or objectionable expressions may be expunged from the proceedings of the two Houses of Parliament by their respective Presiding officers under the existing rules, 'shutting off' or 'blinding' the proceedings of any House under the presiding Officer's direction that 'nothing of what is said without his permission would go on record' may be of questionable desirability inasmuch as in that case the reports of the Proceedings cannot really be regarded any more as a faithful record of all that happened. This applies equally well to the expurgated and edited version of the selected proceedings that may be telecast. In any case, when the Question Hour or any other part of the proceedings is telecast live, how can the Presiding Officers' expunction orders operate? Also, those sitting in the Public, Press and other Galleries do hear and know in full, what is said on the floor of the House. The entire matter may need to be examined in depth and reconsidered.

15.5 (iii) **The Petitions Committee:** It needs to be strengthened and put to greater use. It has tremendous potential as a substitute or supplementary to the Ombudsman institution. It may be advisable to pay greater attention to publicising the committee's existence and the scope of its functions.

15.6 (iv) **The Question Hour:** Each of the two Houses of Parliament devote an hour each day to questions. Referred to as the showpiece of parliamentary democracy, the Question Hour nevertheless reveals an inadequate appreciation among members of its real purpose and scope and of their own responsibility in the matter. Thus, instead of being an hour during which questions are asked to elicit information from the government, it has, in practice become a discussion hour. While 20 questions are listed for oral answers each day, usually not more than 4-5 are covered. Lengthy arguments and orations are made in the name of supplementaries with the actual questions being preceded by introductions and preambles. Often replies by Ministers also tend to be evasive or an exercise in the art of giving technically correct answers without 'giving away' any information.

15.7 Notices of many questions may be without any public purpose or general or national interest being involved in getting replies thereto. Scrutiny of Question lists would show that many of the admitted Questions are also on matters of local interest and trivial or routine in nature. It is not unknown that very often Questions are suggested or drafted by persons other than the Members themselves. Sometimes, the Member giving notice is himself absent from the House when his Question comes up for answer. In

some cases, very extensive information involving considerable expenditure and effort in collection may be called for even though the benefits, if any, may not be commensurate with the costs. Also, the necessary top priority given to parliamentary Questions causes serious dislocation of normal work in the Ministries and offices of the Government. All this is not satisfactory and involves considerable waste of public money and parliamentary time.

15.8 **(v) Adjournment Motions:** The purpose of an adjournment motion is to bring before the House for immediate discussion a matter of urgent public importance which is not already included in the List of Business for the day and in regard to which a motion or resolution with proper notice will be too late. An adjournment motion is admissible if the matter sought to be raised is definite, urgent and one of public importance. The Speaker may, however, in his 'absolute discretion', refuse to give his consent to moving of an adjournment motion without giving any reasons. When consent is so refused, Members nevertheless try to raise the subject-matter of their notices before the House and what follows often gives the impression of a tug-of-war between the Speaker and the Members. This is unfortunate and can perhaps be avoided if the Speaker concerns himself only with seeing if the cardinal conditions for the admissibility of an adjournment motion are satisfied. That is, if the matter sought to be raised is definite, urgent and of public importance, he should give his consent to the moving of the motion. Instead of taking it upon himself to be arbiter of the relative merits or otherwise of the various adjournment motions of which notices are received and which are in order under the rules, he may leave it to the House to decide if any of them and if so which one should be taken up for discussion by leave of the House being granted. After all, adjournment motions need no more be viewed as expressions of no-confidence in the Government. Since, after independence, the device of No-confidence Motion itself has become available, stiff resistance to admitting any Adjournment Motions at all may be perhaps somewhat misplaced, overdone and unnecessary.

15.9 Discussions in the House, on a motion of adjournment, of a matter of urgent importance which may in any case, be upper most in the minds of the members and of the people at large outside at a particular time, can do no harm. It may, in fact ease tensions and help to create a better and healthier atmosphere both inside and outside the House.

15.10 **(vi) Absenteeism of Members:** Absenteeism of Members threatens to become a serious malady. Members for whom the quorum bells ring too often have many pressures on their time and energy outside the House. In practice, the quorum requirement is often ignored by not questioning the quorum. Suggestions have sometimes been made for reducing the present minimum (1/10th) to constitute the quorum. What is required is ensuring better and longer attendance by the Members in the Houses of Parliament. The citizens have certain claims on their representatives and perhaps expectation of some minimum hours of presence in the house and some minimum hours of parliamentary work each day would be quite legitimate. Those Members who are not so present in the House may, therefore, under their own self-regulatory procedures, lose their salary and allowances for the day.

15.11 **(vii) Secretariats of Parliament:** Independence and impartiality of the secretariats of the two Houses and their officers and staff are absolutely necessary for the success of the system. The Secretariats of Parliament need the very best staff. The second best is not good enough. But, developing a large legislative bureaucracy may be dangerous, it must never become a rival to executive bureaucracy. Parliamentary staff must be small but of high quality and calibre e.g. each Committee should have only one professional staff and one secretary.

15.12 It is most unfortunate that no law has so far been passed under article 98(2). Desirability of doing so at the earliest may be considered and efforts made to reorganise the Secretariats as dynamic instruments with stress on independence, efficiency, economy and promptness. Suitable arrangements may be made on a regular basis for providing to all parliamentary officials special training and orientation in parliamentary political science and legislative management techniques and tools.

16. **Conclusion :** While we can legitimately be proud of the reasonably successful working of Parliament during the last five decades, Parliament is relevant only as a dynamic institution ever adjusting its functions and procedures to the changing needs of the times. If democracy and freedom are to

endure, if representative institutions are to be made impregnable and if the new economic reforms and an all round effort at liberalisation are to bear fruits, it is essential to restore to Parliament and its Members their traditional esteem and honour in the affections of the people. Reforming the Parliament in essential respects is already a categorical imperative. An integrated approach to political and economic systems reforms is necessary. No single reform can provide a miracle cure. Also, parliamentary reforms cannot be effected in a hurry. We must proceed with care and caution and begin by setting up a Parliamentary Reforms Commission or a 'Study of Parliament Group' outside parliament as was done in U.K. before the procedural reforms. Finally, of course, the Rules committee or a Special Procedure Committee of the House should report on the matter.

16.1 Parliamentary reforms, political party reforms, electoral reforms, judicial reforms, etc., all have to be taken up together in an integrated approach to political and economic reforms and as part of the overall review of the working of our Constitution. No single reform can provide a miracle cure and no reforms should be effected in a hurry. We must proceed with utmost care and caution and evolve a national consensus on desirable changes.