

mintessay

Vibrant democracy, dormant Parliament

Decades after the Indian republic's founding, its Parliament, which should have been at its heart, has diminished in stature rather than evolving and maturing

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The monsoon session of Parliament starts on 17 July. It is almost 70 years since independence. As an institution, Parliament is central to the very idea of democracy and was assigned a pivotal role in our Constitution by the founding fathers of the republic. Yet, so many decades later, it has neither evolved nor matured as it could, might or should have. If anything, slowly but surely, it has diminished in stature and significance. Indeed, it is now more a symbol than the substance of a vibrant democracy that has taken deep roots among our people. The time has come for citizens, whom it represents, to evaluate that performance.

There are three designated roles for Parliament in a democracy. It is responsible for legislation—laws of the land—by which people govern themselves. It must ensure accountability of governments—on policies or actions—to the people. It should engage in discourse and debate on issues that concern the nation and the citizens. How has it fared in performing these roles?

The process of legislation is slow and lagged. There are times when it extends from one Parliament to the next. Laws are often passed in a rush through loud voices or large numbers. There is little scrutiny of draft legislation. And there is almost no follow-up on rules when laws are put in place.

It would appear that governments are more accountable to people at election time than they are to Parliament in session. The examination, analysis and evaluation by Parliament, so essential for invoking accountability, are not quite there. The only means, it seems, are questions asked by MPs, many of which are pedantic, unclear or on behalf. For searching or probing questions, governments do their best to provide as little information as possible in answers.

Discourse and debate on issues of national importance were an attribute and highlight of Parliament during the first two decades of the republic, until around 1970. But this has eroded and diminished with the passage of time. There is discussion but it is often partisan—sometimes a dialogue of the deaf—between groups where party lines are sharply drawn. Thus, differences lead to protests in the form of walk-outs or rushing to the well of the house.

There are two reasons for this decline. Parliament does not meet or work long enough. And there are institutional constraints on its performance while working.

The chart ("Parliament in India") sets out the number of sittings and the time lost in disruptions, in days per year, for the Lok Sabha and the Rajya Sabha during the period from 2012-2016. This straddles the tenure of two governments in equal parts. The time lost due to disruptions, reported in hours and minutes, has been converted into days on the premise that, as a norm, Parliament meets for 6 hours per day. In these five years, on an average per annum, the Lok Sabha met for 69 days of which 20 days were lost to disruptions, while the Rajya Sabha met for 68

days of which 20 days were lost to disruptions. In the total number of sittings, disruptions took away 30% of the time in the Lok Sabha and 35% of the time in the Rajya Sabha. Both houses did sit for extra hours but that made up for a very small proportion of the time lost. Even when the Parliament sits and meets, there is more noise than debate, more shouting than listening, and more statements than engagement or debate.

The duration for which Parliament meets in India, compared with other democracies, is short. In the UK, both the House of Commons and the House of Lords meet for more than 150 days per year. In the US, both the House of Representatives and the Senate meet for 133 days per year. In Japan, as a norm, the Diet meets for 150 days per year and this is often extended.

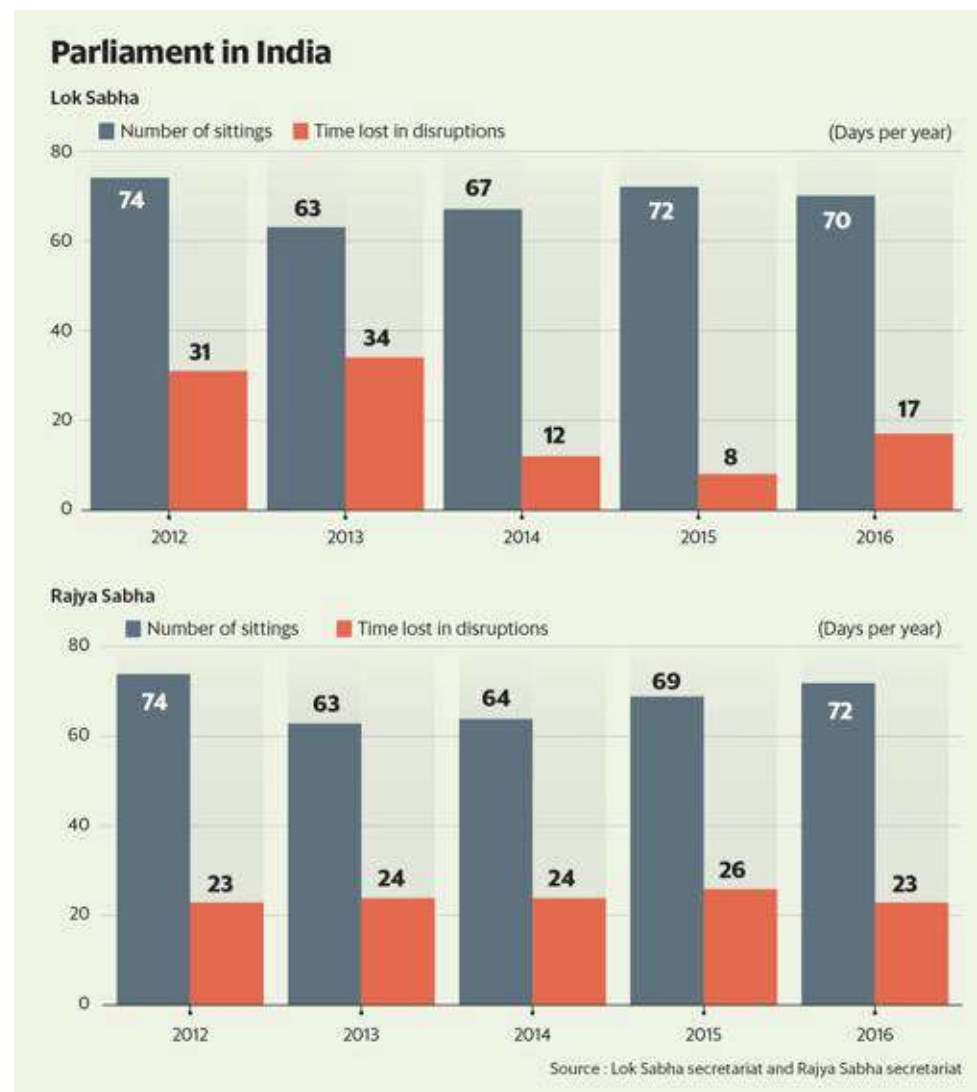
It is not as if our members of Parliament (MPs) are not paid enough. The salary, constituency allowance and office expenses paid to each MP are Rs1.4 lakh per month. In addition, there is a daily allowance for presence in Parliament or its committees, plus free housing, furnishing, electricity, water, telephones and healthcare, which taken together add up to Rs1.52 lakh per month. Thus, the cost-to-country of an MP is more than Rs35 lakh per year, which is almost 40 times the per capita income of the nation. In addition, there are lifetime pensions.

Incomes apart, there are assets of MPs. The Association for Democratic Rights (ADR), which analyses the election affidavits filed before the Election Commission, reports that in the 2014 Lok Sabha, as many as 82% of the MPs have assets worth more than Rs1 crore each, as compared with 58% in 2009 and 30% in 2004. In the present Lok Sabha, on an average, a Bharatiya Janata Party (BJP) MP is worth Rs11 crore while a Congress MP is worth Rs16 crore. The assets of the 165 MPs from the 2009 Lok Sabha who were re-elected to the 2014 Lok Sabha jumped from Rs5 crore to Rs12.5 crore per MP in just five years. The Rajya Sabha is a similar story. It is reported that two-thirds of its members have declared assets of more than Rs20 crore each.

It is clear that the elected representatives of our people are not representative of the people. Incomes and assets apart, the criminalization of politics is a reality that stares us in the face. ADR reports that 34% of the MPs in the 2014 Lok Sabha faced criminal charges, as compared with 30% in 2009 and 24% in 2004. The ADR data also show that, across parties, candidates facing criminal charges were more than twice as likely to win as compared to those with a clean record.

The story of state legislatures on sittings, disruptions, assets, criminal charges, and what is described as unparliamentary behaviour—that extends to smashing furniture and physical violence in the house—is far worse. This, too, needs exposition.

The factors underlying these developments and deterioration are not rocket science. The barriers to entry in politics are formidable. The only access comes from kinship or money. And muscle power matters as a determinant of suc-



SANTOSH KUMAR SHARMA/MINT

Parliament does not meet or work long enough and there are institutional constraints on its performance

cess. However, any meaningful analysis of this reality would need another column.

In fairness, there are institutional constraints on the performance of MPs as well. The allocation of time for MPs to speak is proportional to the strength of their political party in the house and its leadership decides who gets to speak and for how long. The speaker of the Lok Sabha or the chairman of the Rajya Sabha have little discretion in the matter. The only other opportunities for MPs are during question hour or zero hour. Answers to unstarred questions are simply laid on the table of the house. Starred questions are too many. Only a few come up for discussion. And these are just not taken up if the concerned MP is not present at the time. In zero hour, the speaker or the chairman have the discretion to invite an MP to speak, but time is too little and speeches are often drowned out in pandemonium.

It is not only time. MPs do not quite have the freedom to speak in our Parliament as in other democracies. For one, they are afraid of what

the party leadership might think, which could affect their future. For another, party whips, of three types, are a problem. A one-line whip is non-binding, informing members of the vote. A two-line whip requires attendance in the house for the vote. A three-line whip is a clear-cut directive to be present in the house during the vote and cast their vote in accordance with the party line. Any violation of this whip could lead to an MP's expulsion from the house. In India, the anti-defection law stipulates that a three-line whip can be violated only if more than one-third of a party's MPs do so. This is the unintended consequence of a law that might have mitigated one problem but created another, which is emasculating our Parliament as an institution.

It is not beyond redemption at least yet. The constitutional provisions are impeccable. Yet, these remain unused and are sometimes misused by the political system. There is also a redeeming feature in our parliamentary process. The standing committees and select committees can be diligent and are often not partisan. Alas, these committees are often used in form than substance. Moreover, their recommendations are not binding.

It is essential to recognize the complexity of this problem before we can find or design solutions. The answers lie, inter alia, in electoral reform through public funding of elections, combined with political reform that mandates disclosure on the sources of financing for political parties, and sets rules for elections within political parties to foster intra-party democracy that has been stifled not only by dynasties but also by oligarchies.

In conclusion, I can do no better than invoke R.K. Laxman, the legendary cartoonist who often depicted what ailed India with perception, wit and satire. I recall a wonderful cartoon about Parliament and democracy, in his strip "You Said It". The then prime minister, Indira Gandhi, had her arm around the shoulder of a visiting Prince Charles, the monarch in-waiting even now (watched by Laxman's iconic common man with a wistful smile on his face), saying, "The difference dear Prince is that, while you are a parliamentary monarchy, we are a hereditary democracy". This syndrome is now much more widespread than it was then. The hereditary principle of dynastic families in politics has spread much beyond the Congress Party, cutting across party lines, to most regional parties in India. The BJP is a little different at present but it is no exception to the rule. And it cannot be immune from what happens in our polity and society.

Almost 70 years after we began life as a republic, there is a clear and present danger that we could be the world's most vibrant democracy with the world's least effective, perhaps, most dormant Parliament. It is time for MPs in India to reclaim their rights in Parliament as representatives of the people.

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