



Part I

Seeking Accountability – Parliament Watch

There is no precedent in history in which a nation of such colossal size, complexity and population adopted the parliamentary form of government and used democratic methods and processes for the development of a country of such stark poverty, illiteracy and ill-health and historical economic stagnation. We have made steady and substantial progress in this endeavour without sacrificing the freedoms of our people and imposing on them intolerable hardships. But much more needs to be done in consolidating and extending democracy and in resolving some of the major problems.

'However theoretically good' Jawaharlal Nehru once said of parliamentary democracy, 'it has to answer the questions put to it by the age. If it answers the questions, it is well-established.' In the present age when both India and the world have changed and are changing, new questions are being put to it on the top of the old ones and the system has got to address them if it is to succeed.

—K R Narayanan

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Given the importance of Parliament as a key institution of governance and policy creation within the framework of Indian Constitutional democracy, it becomes imperative to debate its working. In this regard this audit looks at the performance of the two Houses in the year 2002. This chapter essentially takes a look at the time spent by Parliament qualitatively on businesses that it ought to carry out viz. legislation, check on executive functioning etc. and the report critically evaluates the quality of business conducted by both the Houses in each Session. The report studies the functioning of the various parliamentary organs including various committees. There is also an attempt at a cost benefit analysis of the Parliament. The functioning of the Parliament also has ramifications vis-à-vis the functioning of other branches of governance and so there are certain overlaps in subject matter with other parts of this report.

Introduction

The year 2002 marked the Golden Jubilee of the two Houses and also a change of guard in both Houses. Mr. Bhairon Singh Shekhawat took over as Chairman of the Rajya Sabha following his election as Vice-President. In the Lok Sabha, Mr. Manohar Joshi was elected Speaker following the tragic demise of his predecessor Mr. Balayogi in a helicopter crash.

While there is general disappointment over the

performance of the two Houses, which constitute the apex legislature in the country, there is no gainsaying the fact that the Lok Sabha and the Rajya Sabha have played a critical role in nurturing the democratic ethos in the country. They have also made a signal contribution in upholding and strengthening the Constitution and ensuring that it has remained a living, vibrant document that ensures equity and equality.

Social Composition of Parliament

Lok Sabha today is far more representative of the Indian people than it was fifty years ago. The socio-economic profile of members of the Lok Sabha since 1952 shows the dramatic changes that have taken place in regard to the empowerment of many disadvantaged groups. For example, in the First Lok Sabha, 51 per cent of the members were lawyers, doctors, journalists and writers. In fact, lawyers occupied one-third of the seats in the House. The representation of these professionals has fallen to 14.65 per cent in the Twelfth Lok Sabha. Similarly, traders and industrialists who had 12 per cent representation in the First Lok Sabha were down to just 2.25 per cent. On the other hand, though India is almost wholly an agrarian society, agriculturists had

just 22.5 per cent of the seats in the First Lok Sabha. Their share in political power rose over the years and touched a respectable 49 per cent in the Twelfth Lok Sabha.¹² (Annexure II and III).

These figures reveal the process of occupational democratisation of the Lok Sabha that has been on and this has in to large extent equalised opportunity for political representation and power. What is true of the professions is also true of the castes. Though the Lok Sabha Secretariat does not maintain records on the caste composition of the House, the growing assertiveness of the intermediate castes and Dalits, and the increasing presence of their representatives in Parliament is all too obvious.

There is a marked improvement in the educational qualifications of MPs, and many of them come

from families, who are setting their first exposure to university education.¹

Time Management

Parliament is always a study in contrast and the year 2002 was no exception. As against the budget and the Monsoon Sessions that saw a record number of hours wasted by Members of Parliament in slogan shouting, storming the well of the House and adjournments caused by disruptions and disorderly behaviour, the Winter Session witnessed none of these. Strangely enough, this Session found the members conducting parliamentary business in the way they ought to. According to the Lok Sabha Secretariat,² in the last 30 years, no Winter Session had transacted as much business or achieved as much as the Eleventh Session of the Thirteenth Lok Sabha. Among the achievements were the passing of a record number of 37 Bills, many of them extremely important and pending for long. In addition, unlike the earlier Sessions, the average number of questions that came up daily for answers in the Lok Sabha doubled from two to four. Similarly, several issues raised by the Opposition were taken up for detailed discussion in both the Houses during the Winter Session.

The work in both Houses of Parliament is often disrupted by the disorderly behaviour of members. This is a phenomenon that began in the 1970s and has continued over the last three decades. The problem appears to have worsened, in recent years. For example, in the Eleventh Lok Sabha, 5.28 per cent of the time was lost in disruptions. The percentage rose to 10.66 in the Twelfth Lok Sabha. (Annexure I) In the first eight Sessions of the Thirteenth Lok Sabha, members of the House squandered away 22.40 per cent of the time in disorderly conduct.³

Further, the time devoted by Parliament to budget

discussions and questions has declined over the years. For example, between 1952 and 1979, the Lok Sabha devoted an average 23 per cent to discussing the budget. This has now declined to about 10 per cent. Though the constitution of Departmentally Related Standing Committees in the 1990s resulted in the transfer of some of this responsibility from the House to the Committees, the Lok Sabha's declining interest in budget discussions was visible even before the Committees came into being. While the Lok Sabha spent about 15 per cent of its time on questions between 1952 and 1979, the time available for this activity has dropped to just over 10 per cent since the 1990s. Since questions are key instruments to ensure the accountability of the Executive to Parliament, this trend is an indicator of the weakening of Parliament in some ways.⁴

There is also a fall in the number of sittings per year. Since its inception, in 1952, the Lok Sabha has sat for 123 days in a year. In subsequent years, it has averaged 138 sittings. It is now 14 years since the number of sittings per year crossed hundred days. The Lok Sabha sat for 102 days in 1988. Since then the average is around 80 sittings per year. As a result, the time available for debating matters of public concern stands curtailed.⁵

During the Budget Session (195th Session) in the Rajya Sabha, 50 hours were lost to disruptions and pandemonium that broke out on three issues: Ayodhya imbroglio, the communal violence in Gujarat and the storming of the Orissa State Legislature by a mob. The same issues came up during the Monsoon (196th) Session. The continuing violence in Gujarat and the issue of irregularities in the allotment of petrol pumps should have got the

1. *Members of the Twelfth Lok Sabha – A Socio-Economic Study*, LARRDIS Parliament Library and Reference, Research, Documentation and Information Service.
2. Lok Sabha Secretariat press release, 20 December, 2002.
3. Time spent on various kinds of business in Lok Sabha-An Analysis, Lok Sabha Secretariat, June 2002. (Tables in Annexure-I), pp.18-19.
4. *Ibid*, pp. 13-16.
5. *Ibid*, pp. 9-11.

attention of the House to discuss at length immediate remedial measures. Instead, over 35 hours were spent, not in debates and discussions, but in shouting and slanging matches and disrupting the smooth conduct of the House, resulting in repeated adjournments. Finally, the Winter Session saw some welcome change.

Usually, during the Zero Hour, that is, the time between the Question Hour and legislative business, one only hears unruly exchanges and slanging

matches, all amounting to very little—a large part of the Zero Hour being a fruitless exercise in parliamentary proceedings. Yet it takes up as long as one to two hours of parliamentary time. Since the Rule Book does not provide for the Zero Hour, successive Lok Sabha Speakers have tried to put a stop to this practice or at least regulate it. In the Winter Session of 2002 however, Zero Hour too saw a remarkable change—a number of issues were not just raised, but actually discussed during the Zero Hour, which is really an achievement!

Quorum

In fact, despite the explicit wording of Article 100(4), Presiding Officers of both Houses do not take suo moto cognisance of a lack of quorum. This practice gets support from the Handbook for Members published by the Lok Sabha Secretariat, which says that ‘The quorum to constitute a sitting is 55 members including the Speaker or the person acting as such. Before the Speaker takes the chair in the morning and the House commences its sitting, the Marshal ascertains that there is quorum and after he has reported to the Speaker that there is quorum, the speaker takes the chair’. It says further: ‘The Speaker presumes that there is quorum at all times but his attention may be invited to lack of quorum or he may himself notice the lack of quorum. In either case, the bell is rung and if the House is made within the first ringing of the bell, or if necessary within the second ringing of the bell, as the speaker may direct, the business of the House proceeds.’⁶

Usually, the attendance goes down during the post-

lunch period, but by convention, the House carries on with its business even when the number falls below the quorum mark, unless a member brings this to the notice of the Presiding Officer. The Winter Session two, despite its good record of business transacted, could not boast of excellent attendance. When the LS passed the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Bill 2002, only 38 members were present in the House, which has a strength of 542 MPs!⁷

On Friday afternoons, when private members’ bills are taken up, one sees many empty chairs, with a large number of MPs having left for their constituencies. Since 6 December, a Friday, was a holiday on account of Id, both Houses had fixed Thursday afternoon for private members’ bills. However, MPs decided to leave for their constituencies a day earlier, because the afternoon session on 5 December had such thin attendance that both Houses had to be adjourned for want of quorum.⁸

Even when social issues of great importance are discussed, the situation remains the same. On 18 November, at 4.15 p.m. when a debate on Gujarat was in progress, BSP MP Rashid Alvi pointed out that there was no quorum, to which Devendra Prasad Yadav, who was in the Chair, said the quorum bell had been rung! When the House discussed the drought in various parts of the country, there was quorum, but the number of MPs present were less than 100, showing their lackadaisical attitude towards issues that concern the common folk.⁹

6. *Handbook for Members*, Lok Sabha Secretariat, 1991.

7. *The Indian Express*, New Delhi edition, 6 December, 2002.

8. *Ibid.*

9. *Ibid.*

On 5 December, Law Minister Jana Krishnamurthy requested that a private member's Bill, seeking to amend the Constitution to enact a Common Civil code be withdrawn. Since the MP, Adityanath, was not present in the House, Deputy Speaker, PM Sayeed, called for a division, but had to abandon it for lack of quorum. However, the attendance was good on 27 November, not because of any discussion of importance scheduled for the day, but because the group photograph of MPs was being taken.¹⁰

During the Winter Session, even some ministers played truant, forcing Ramanand Singh of the BJP to request the Speaker to ensure that ministers did not disappear after the Question Hour, but stayed back during the Zero Hour. But one minister who came up for special mention for his frequent absence from the House was (then) Health Minister Shatrughan Sinha. On 11 December during Question Hour, several MPs pointed out that Sinha was busy shooting for a film and was not attending the House. In response, Speaker Manohar Joshi said members had raised this issue a number of times and he had asked the government to ensure that the minister is present in the House. He also assured the members that he himself would speak to the minister.¹¹

Cost of Parliament

When MPs squander away precious time in Parliament, Tax-payers see good, hard-earned money going down the drain, specially because a truly representative, multi-tier democracy is an expensive affair. Inflation, high salaries and perquisites for MPs and Parliament's widening scope of activities have together pushed up the cost of Parliament, resulting in a steady increase in the annual budget of Parliament.

Over the years, some attempt has been made to determine the cost of Parliament on a per minute or per hour basis. The earliest such assessment was made in 1951 when the Provisional Parliament was informed that Question Hour cost the exchequer Rs 6,000 or Rs 100 a minute.¹²

In 1966, Prime Minister Indira Gandhi told Parliament that based on the budgetary allocation for the Lok Sabha, the hourly cost of the proceedings in that House was Rs 18,000, or Rs 300 a minute.¹³

This was calculated by dividing the annual budgetary allocation for the Lok Sabha by the number of

sittings per year. Since then the formula applied to determine the cost of Parliament has undergone a change. The formula now in vogue is to divide the total budgetary allocation for the two Houses by the notional number of working days in a year. Applying this formula, it was estimated that the per minute cost of Parliament (both Houses) was Rs 2,570 in 1992-93.¹⁴

Since the ratio of the budgets of Lok Sabha and Rajya Sabha is 6:4, the per hour cost in fiscal 1992-93 was Rs 92,520 for the Lok Sabha and Rs 61,680 for the Rajya Sabha. This works out to approximately Rs 1,500 per minute for the Lok Sabha and Rs 1,000 per minute for the Rajya Sabha.

More recently, the Lok Sabha Secretariat has estimated that the cost of Lok Sabha in the fiscal year 2000-01 was Rs 15,700 per minute.

Over the last decade, the budgetary allocations for the two Houses of Parliament has been on the rise. In 1990-91, it was Rs 277.20 million. This had risen in the fiscal year 2000-01 to Rs 1.73 billion—a 700 per cent jump over a ten year period.

10. Ibid.

11. Ibid.

12. Provisional Parliament Debates, 24 February, 1951.

13. RSQ 547, Rajya Sabha Debates, 6 December, 1966, Cols 4285-89.

14. *What Ails Indian Parliament*, A Surya Prakash, Indus, 1995, pp.154.