

THE HINDU EDITORIAL

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How the 16th Lok Sabha fared

Important bills were passed; but going forward there must be debate on the anti-defection law

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The 16th [Lok Sabha](#) had its final sitting last Wednesday, marking an end to a disappointing five-year period. This Lok Sabha was surpassed only by the preceding one in terms of the low number of hours it worked.

It met for 1,615 hours, 40% lower than all full-term Parliaments. This shows a decline in the number of sitting days over the decades as well as a significant part of the scheduled time lost to disruptions. This Lok Sabha sat for 331 days (against a 468-day average for all previous full-term Lok Sabhas), and lost 16% of its time to disruptions.

Though there were no extreme incidents — an MP used pepper spray in the 15th Lok Sabha — MPs often broke the rules. The House was often disrupted by MPs carrying placards, entering the well, and even on occasion, blocking their colleagues from speaking. A big casualty was Question Hour — the Lok Sabha lost a third of this time and the [Rajya Sabha](#) 60%; consequently, just 18% of the starred questions in each House got an oral reply.

Another notable event was the Speaker blaming unruly behaviour for her inability to count the required number of MPs demanding a no-confidence motion but allowing the Union Budget to be passed in the interim. There was a similar episode at the end of the 15th Lok Sabha when the Speaker was unable to conduct a no-confidence motion but let the House pass the Act to bifurcate the State of Andhra Pradesh.

Key legislation

However, [Parliament](#) made some important laws. The Goods and Services Tax was implemented and the bankruptcy code was enacted. The IIM Act gave premier management educational institutions a level of autonomy not available to other public educational institutions.

The Juvenile Justice Act allowed children (between 16 and 18 years) accused of committing heinous crimes to be prosecuted as adults. New Acts were passed: for treatment of mental health patients, and those with HIV/AIDS. Another Act was passed to ensure the rights of persons with disabilities.

There was some effort to address the issues of corruption, black money and leakages. The Prevention of Corruption Act was amended to make bribe-giving an offence. Laws were made requiring a declaration of assets held outside India, and

to declare as fugitives those economic offenders who had fled the country. The Aadhaar Act was passed to create a biometric-based identity system.

Bill passing

This brings us to the manner in which some Bills were passed. The Aadhaar Act was passed as a Money Bill — and upheld (incorrectly in my opinion) by the Supreme Court. The Constitution defines a Bill as a Money Bill if it contains provisions that exclusively relate to taxes or government spending. Importantly, such Bills need majority support only in the Lok Sabha, with the Rajya Sabha having just a recommendatory role. Arguing that Aadhaar was primarily a subsidy delivery mechanism, and not an identity system seems like a stretch, but that was the majority decision of the Supreme Court. However, there has not been much conversation on the various Finance Bills that have been passed as Money Bills.

The Finance Bill is traditionally introduced with the Budget, and contains all the legislative changes to tax laws. Therefore, it is usually a Money Bill. However, Finance Bills, in the last few years, have included items which have no relation to taxes or to expenditure of the government. The Finance Bill, 2015 included provisions to merge the regulator of commodity exchanges with the Securities and Exchange Board of India. The Finance Bill, 2016 included amendments to the Foreign Contribution (Regulation) Act which relate to donations to non-profits.

The Finance Bill, 2017 went further and changed the compositions of 19 quasi-judicial bodies such as the Securities Appellate Tribunal, the National Green Tribunal and the Telecom Disputes Settlement and Appellate Tribunal (TDSAT), and repealed seven other bodies including the Competition Appellate Tribunal.

About half the clauses of the 2018 Bill were on issues unrelated to taxes. Even the Finance Bill, 2019 presented with the interim Budget amended the provisions related to attaching property under the money laundering law. It is difficult to see how these Bills would fall within the narrow definition of Money Bill, as defined in Article 110 of the Constitution.

A few other Bills, such as the Triple Talaq Bill and the Citizenship Bill, were passed by the Lok Sabha but will lapse as they were not passed by the Rajya Sabha. It is evident that the government was able to have its way on every issue in the Lok Sabha and was held in check only due to a lack of majority in the Rajya Sabha; even this check was bypassed occasionally using the Money Bill route. The government could do this as a result of the anti-defection provision which gives complete control of all party votes to the party leadership. This law has converted MPs from being representatives of the people to delegates of the party. If the party in government has a majority of its own, it can have any provision passed; even coalition governments have to convince just a handful of leaders of their alliance partners.

Review the anti-defection law

Parliament plays the central role in our democracy by holding the government to account and scrutinising proposed laws and financial priorities. With the end of the 16th Lok Sabha, it is time to ponder on how to make this institution more effective. An important step will be by reviewing the anti-defection law that has hollowed out the institution.

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THE HINDU VOCABULARY

- Fare(v.)- to be successful/unsuccessful, to perform
- E.g. The party fared very badly in the last election.
- Surpass sb/sth- to do better than sb/sth श्रेष्ठ होना
- E.g. Its success surpassed all expectation.

- Lose sth to sb/sth – to have taken away by sb/sth
- E.g. A significant part of scheduled time was lost to distribution.
- Placard(n.)- a large written notice that is carried on a stick in a march. पोस्टर
- Bifurcate(v.)- to divide into two parts दो भागों में बाँटना
- Premier(adj.)- most important, famous or successful
- Premiere(n.)- the first public performance of a film/movie/play पहला प्रदर्शन
- heinous(adj.)- morally very bad घृणित, जघन्य
- Uphold (v.) sth- to support sth that you think is right and make sure that it continues to exist कायम रखना,
- Exclusive(adj.)- only to be used by one particular person/group एकमात्र
- Lapse(v.)- to be no longer valid
- E.g. The treaty lapsed in 1995.
- Hold in check- to keep sth under control so that it does not spread or get worse. नियन्त्रण में रखना, रोकना
- E.g. The epidemic was held in check by widespread vaccination.

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