

Who Gains from Parliamentary Disruptions?

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Parliamentary disruptions have stalled several important policy decisions over the last few years. Instead of going the ordinance route, the government should rethink how changes can be implemented in the functioning of the Parliament and the role of the Opposition in bringing about those changes.

The end of the 2015 Monsoon session of Parliament with one of the worst records in its history—productivity of Rajya Sabha and Lok Sabha were 9% and 48% respectively—has resulted in the usual hue and cry over such disruptions (PRS Legislative Research 2015).

But this was anticipated before the session started given the scandals that erupted in the days running up to the session, namely Vyapam scam and the Lalit Modi issue controversy, and the fact that the government does not have a majority in the Rajya Sabha. It was unlikely that the Opposition would let the session run smoothly since the newly elected Modi government seemed unable to explain these serious allegations. Furthermore, the United Progressive Alliance-II's (UPA II) term was marked with similar stalemate over a range of issues, notably the Comptroller and Auditor General (CAG) reports on coal allocation and 2G spectrum allocations, Foreign Direct Investment (FDI) in retail and statehood for Telangana.

Most of the discussion surrounding disruptions revolve around a few issues—how the Speaker handles the disrupters, how much is the cost to the exchequer in terms of losses and why the government is unable to manage the floor and coordinate properly with Opposition members. There is also a view that this is business as usual for any party in the Opposition since it gives them the excuse to play to the galleries. There is a lot of chest beating about the inability of the ruling party to do proper floor management or build consensus across parties on important issues (Madhavan 2015).

Who Capitalises on Disruptions?

It may be time to examine the issue a little differently. Who gains the most due to these disruptions? Conventional wisdom says it is the Opposition which gains because it can grandstand on issues to grab voter attention, not let crucial bills get passed and force the

government to take action (or not) on certain issues. The government and the Opposition generally blame each other for the stalemate, each pointing to the adamant attitude of the other.

But is that really the case? In India, the executive has the upper hand in deciding the timing of a Parliamentary session and the agenda of a session. The legislature, by abdicating its responsibilities of oversight and representation, actually plays into the hand of the executive.

Take for example the disruption of Question Hour. The purpose of the Question Hour is to ask tough questions about any aspect of administrative activity. In case of a starred question, which is asked orally, the relevant minister has to answer on the floor of the House. However, according to data provided by PRS Legislative Research, only 2% of questions were answered orally in the Rajya Sabha and 13% in the Lok Sabha. Unfortunately, this is not the first time when Question Hour was a washout. Previously, hardly any questions could be asked during the Question Hour of the winter sessions of 2010 and 2013.¹

Zero Hour, the time allotted for raising issues of importance by the Members of Parliament (MPs) and getting replies from ministers, did not fare much better. Only one adjournment motion was discussed in Lok Sabha regarding the Indian Premier League (IPL) controversy and related matters. This discussion was held for nearly five hours, and accounted for 22% of the time spent on non-legislative business. Other discussions included a Calling Attention related to farmer suicides in Karnataka, and Sustainable Development Goals.

The purpose of these tools is to allow the MPs to hold the government accountable for its action and to raise issues related to their constituencies and regions. By holding the Parliament ransom to one or two issues (however important they may be perceived to be) the MPs are allowing the government to get away with not having to justify its actions (or non-action) in many crucial areas such as health, education, employment, food security, infrastructure and law and order. While the actions of Sushma Swaraj on the Lalit Modi visa issue may require some answers, is it really worth it to push aside the opportunity to question the government on developmental issues that affect a far larger number of the population?

Empowering the Opposition

One of the problems pointed out by experts is the lack of avenues for the Opposition to either force the government to convene a parliamentary session or set the agenda of Parliament (the government decides the bills it wants to introduce; the schedule of a day in the Lok Sabha is thereafter decided by the Business Advisory Committee whose members represent all major political parties).

What can be a possible solution? The government may be forced to engage with the Opposition more if there is a rule for Parliament to sit for a minimum number of days in a year. Also, if a certain number of days are reserved during a session when the Opposition members can set the agenda of the session. This practice is followed in the United Kingdom where 20 days in a session are reserved for the Opposition to set the agenda.

The Position of the Speaker

The role of the speaker is also crucial for managing a parliamentary session without disruptions. However, in India, speaker's rulings are seen as biased and politically motivated because s/he does not resign from the party. According to convention that has developed in the recent past, the speaker is chosen from the majority party, and the deputy speaker from the Opposition side.

There are structural reasons for the speaker not resigning his/her party membership. First, the speaker's re-election to the House is not secure. All political parties campaign in the constituency of the speaker. Second, even if the speaker is re-elected to the House, the office of the speaker in India is still open for elections. In the UK, where speakers resign from their party membership, major political parties, including the speaker's, do not field candidates in the speaker's constituency during general elections. During the election, the speakers do not campaign on political issues, and instead stand as "speaker seeking re-election." There is a presumption that the speaker, if re-elected to the House would continue as the speaker, unless s/he shows unwillingness to do so. This system could be adopted in India to ensure that the speaker can renounce his/her party membership and do his/her job without fear of political repercussions because of his/her decisions as a speaker (Kalra 2015).

Manifold Increase in Parties

The increase in the number of political parties and the challenge of coalition politics since the 1980s has diversified demands and competing interests. During the years of one-party majority governments, house management was comparatively easy and primarily the task of the minister for parliamentary affairs. With the increase in representation of other political parties—the 16th Lok Sabha represents 37 parties, a jump from the first Lok Sabha where there were 27 parties—and fall in the number of treasury members, house management became a shared responsibility. Time allocation for debates on legislation and speeches on other issues is decided as per party strength. The increase in the number of parties has adversely impacted the time allotted to each party to represent its interests, aggravated by the decrease in the number of annual sittings of Parliament.

There could be different ways to address this problem. For example, the method devised by Speaker Mavalankar of managing time allocations for speeches in the House was innovative. When the States Reorganisation Committee Report was tabled in the House, there was a furore and every member from every political party wanted to speak. A day before the

debate was scheduled, the speaker asked members to specify the arguments they wished to raise, so that he may club them and ensure that the discussion was creative and members did not rehash each other's statements.

Another method could be to make the party strength rule of time allocation more flexible and accommodative of other parameters. Alternate parameters such as those based on participant's prior engagement with the subject, professional expertise, and local knowledge (allowing more time for representatives of constituencies most affected by a particular issue) may result in more informed debates.⁵

Other Solutions

The speaker also needs to ensure that certain rules regarding introduction and passage of bills are strictly followed in order to facilitate more effective participation by members. Notice of introduction of a bill has to be given at least seven days before the bill is introduced. Two days prior to introduction of a bill, it has to be circulated amongst members, except in certain circumstances. For example, in August 2014, the Modi government introduced two bills—the Factories (Amendment) Bill, 2014 and the Apprentices (Amendment) Bill, 2014—without circulating it among the members two days prior to introduction. The introduction was allowed by the Speaker although Mallikarjun Karge, leader of the Congress in the Lok Sabha, objected to this relaxation in norm saying this was “not an urgent matter (BS Reporter 2014).”

Lastly, the government should exercise the ordinance making power with utmost caution. Ordinance is a misuse of the power since it is in the nature of an emergency power and can be used only when Parliament is not in session and “immediate action” is required. Parliamentary process and democratic checks are circumvented when an ordinance is issued. Therefore, there is need for a stricter test of “emergency” for issuing an ordinance, which should be open to assessment by the legislature (Kalra and Sanyal 2013).

Conclusion

A parliamentary government is described as government by discussion. Therefore, by allowing for wider and more impactful participation in parliament, it is possible that some of the causes of disruptions would get addressed. Simultaneously, it may improve the quality of debates if members with more expertise on a given subject are allowed to speak longer in the House. All of these measures would have to be coupled with other capacity building activities such as providing office space to all MPs, access to institutional research support and quality training programmes in order to both deepen and broaden our democratic polity.

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