



## Parliament stifled, business, and a word of advice

### Context:

- Due to coronavirus pandemic, several States have held very short sessions in which they ratified a number of ordinances and hardly questioned any executive action over the last few months.

### What is the role of Parliament and Court?

- The government has the mandate to **take decisions and perform various public tasks**.
- Government in turn is **accountable to the legislature** which can question it, and, as an extreme step, even replace it.
- The **legislature is accountable to citizens** through regular elections.
- Finally, constitutional courts are expected to ensure that all actions are made within the boundaries of the Constitution and laws made by the legislature.

### Dilution of the role of Parliament in India:

- Indian Parliament has allowed its role to be diluted **over the last few decades**.
- It has not questioned and monitored the activity of the executive.
- **Comparison with British Parliament:** The United Kingdom's joint parliamentary committee on human rights examined the proposals of a contact tracing app.
- The committee recommended that an app could be used only if there was **specific primary legislation to enable it**.
- India, in contrast, rolled out **Aarogya Setu through executive decision**, and has created a grey zone on whether it is mandatory or not.
- Parliament should recover lost ground by fulfilling its constitutionally mandated role.

### Lack of parliamentary oversight during pandemic:

- Parliament will be meeting **after 175 days**.
- 175 days' is the longest gap without intervening general elections and just short of the **six-month constitutional limit**.

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- During the pandemic, over 900 central and nearly 6,000 State government notifications have been issued
- Parliamentary committees did not meet for about four months.
- This is unlike many other countries where both the plenary and committees have **adopted technology** to enable members to participate from home.

### Judicial intervention in policy issues:

- The lack of parliamentary oversight has been compounded by judicial intervention in many policy issues.
- For example, the government's actions related to the lockdown should have been questioned by Parliament.
- However, this was taken to the Supreme Court, which is not equipped and mandated to balance policy options.
- Directions of the Court have to be followed which removes flexibility needed to tackle evolving issues with implementation.
- Consider another case, Court decided to **limit the period** in which telecom companies have to pay their dues to the government, and **overruled a cabinet decision**.
- This is a policy matter that balances interests of telecom companies, consumers and banks.
- This issue is best judged by the government with oversight by Parliament.
- And court should step in if there is an illegality.

### Way forward:

- Several events have taken place over the last six months that need thorough discussion.
- This includes ways to tackle the spread of the coronavirus, economic growth which has had a sharp fall in the first quarter of this fiscal year.
- This has far-reaching implications for creating jobs, stability of the banking system, and government finances.
- The government is likely to bring in a supplementary budget; indeed, a fresh look at the Union Budget may be required given the changes in basic assumptions since January.
- The situation at the China border also needs to be discussed.



## Conclusion:

- Parliamentarians have a duty towards Indian citizens to fulfil their role in scrutinizing the work of the government and guiding policy. Despite the curtailed session and the constraints due to the coronavirus, they should make the best of the limited time to do so. They need to wrest back their rightful role in our democracy.