



In-house secrets

SC must waive the confidentiality rule and disclose reasons for rejecting AP CM's charges.

Highlights:

1. The Supreme Court has dealt with a grave matter concerning issues of judicial propriety with characteristic opaqueness. It has dismissed a complaint from Andhra Pradesh CM, containing explosive allegations against CJI-designate Justice N.V. Ramana but declined to disclose the findings of an in-house inquiry.
2. The lack of transparency is based on a 2003 judgment of the apex court that any inquiry under this procedure is meant only for "the information and satisfaction" of the CJI, and is not meant for the public.
3. However, this may be an instance when not many will agree with the confidentiality norm. The allegations came from a person holding the high office of CM, and the crux of his grievance was that the A.P. High Court was hostile to him and his regime due to the influence wielded by Justice Ramana.
4. Further, he accused the judge of proximity with Mr Reddy's political rivals and the alleged involvement of his family members in a land scam that involved prior knowledge that Amaravati was to be declared the State's capital and speculative buying of land there.
5. There is little to commend the requirement of confidentiality in a probe of this nature, as the dismissal of the complaint ipso facto means that a serving CM has levelled false and motivated charges against a senior Supreme Court judge as well as those in the High Court.
6. Mr Reddy is surely in contempt of court if the committee found no merit in the allegations that he raised in a signed affidavit.

Serious Allegations

1. Should the confidentiality rule always hold the field? Is it possible to dismiss the allegations without disclosing who were heard as witnesses and what material was considered as evidence? Was Mr Reddy given an opportunity to substantiate his charges? And, does he get to know the conclusions?



2. The unsavoury charges are bound to come up in some form or the other again. The A.P. government has appealed against a High Court judgment that stayed a police investigation in the Amaravati land issue.
3. Mr Reddy faces prosecution in corruption cases himself. A key allegation against him is that his animosity towards Justice Ramana arises from an order that a Bench headed by the latter had passed, that cases involving elected representatives be expedited.
4. In a separate development, the High Court had also ordered a CBI probe into social media posts targeting judges. The charges being bandied about are overtly political, and the episode has become unpleasant.
5. Notwithstanding the confidentiality norm laid down for in-house probes, it behoves the Court to demonstrate that justice was both done and was seen to be done.

Dormant Parliament, fading business

The gradual deterioration in Parliament's functioning has to be stopped if it is to fulfil its constitutional mandate.

No more Parliamentary deliberation:

1. The Budget session of Parliament ended on Thursday, two weeks ahead of the original plan, as many political leaders are busy campaigning for the forthcoming State Assembly elections.
2. This follows the trend of the last few sessions: the Budget session of 2020 was curtailed ahead of the lockdown imposed following the novel coronavirus pandemic and the winter session was cancelled.
3. As a result, the fiscal year 2020-21 saw the Lok Sabha sitting for 34 days (and the Rajya Sabha for 33), the lowest ever. The casualty was proper legislative scrutiny of proposed legislation as well as government functioning and finances.
4. While COVID-19 was undoubtedly a grave matter, there is no reason why Parliament could not adopt remote working and technological solutions, as several other countries did.



No Bill scrutiny

1. An important development of this session has been the absence of careful scrutiny of Bills. During the session, 13 Bills were introduced, and not even one of them was referred to a parliamentary committee for examination.
2. Many high impact Bills were introduced and passed within a few days. The Government of National Capital Territory of Delhi (Amendment) Bill, 2021, which is the Bill to change the governance mechanism of Delhi — shifting governance from the legislature and the Chief Minister to the Lieutenant Governor — was introduced on March 15 in the Lok Sabha, passed by that House on March 22 and by Rajya Sabha on the March 24.
3. The Insurance (Amendment) Bill, 2021, the Bill to increase the limit of foreign direct investment in insurance companies from 49% to 74% also took just a week between introduction and passing by both Houses.
4. In all, 13 Bills were introduced in this session, and eight of them were passed within the session. This quick work should be read as a sign of abdication by Parliament of its duty to scrutinise Bills, rather than as a sign of efficiency.

Consulting House panels

1. This development also highlights the decline in the efficacy of committees. The percentage of Bills referred to committees declined from 60% and 71% in the 14th Lok Sabha (2004-09) and the 15th Lok Sabha, respectively, to 27% in the 16th Lok Sabha and just 11% in the current one.
2. Parliamentary committees have often done a stellar job. For example, the committee that examined the Insolvency and Bankruptcy Code suggested many changes to make the Code work better, and which were all incorporated in the final law. Similarly, amendments to the Motor Vehicles Act were based on the recommendations of the Committee.

Money Bill classification

1. The last few years have seen the dubious practice of marking Bills as 'Money Bills' and getting them past the Rajya Sabha. Some sections of the Aadhaar Act were read down by the Supreme Court of India due to this procedure (with a dissenting opinion that said that the entire Act should be invalidated).



2. The Finance Bills, over the last few years, have contained several unconnected items such as restructuring of tribunals, the introduction of electoral bonds, and amendments to the foreign contribution act.
3. During this session, the Union Budget was presented, discussed and passed. The Constitution requires the Lok Sabha to approve the expenditure Budget (in the form of demand for grants) of each department and Ministry. The Lok Sabha had listed the budget of just five Ministries for detailed discussion and discussed only three of these; 76% of the total budget was approved without any discussion.

The missing Deputy Speaker

1. A striking feature of the current Lok Sabha is the absence of a Deputy Speaker. Article 93 of the Constitution states that "... The House of the People shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker...." Usually, the Deputy Speaker is elected within a couple of months of the formation of a new Lok Sabha, with the exception in the 1998-99 period, when it took 269 days to do so.

Parliamentary scrutiny is key

Parliament has a central role in our democracy as the representative body that checks the work of the government. It is also expected to examine all legislative proposals in detail, understand their nuances and implications of the provisions, and decide on the appropriate way forward.

In order to fulfil its constitutional mandate, it is imperative that Parliament functions effectively. This will require making and following processes such as creating a system of research support to Members of Parliament, providing sufficient time for MPs to examine issues, and requiring that all Bills and budgets are examined by committees and public feedback is taken. In sum, Parliament needs to ensure sufficient scrutiny over the proposals and actions of the government.