

and 58 minutes spent during six LS Sessions, 45 hours and 20 minutes were squandered away by MPs, taking the percentage of time wasted to 5.28 per cent.<sup>25</sup> During the Twelfth Lok Sabha, 68 hours and 37 minutes or 10.66 per cent was wasted out 643 hours and 32 minutes of Parliament time last-

ing four Sessions of the 12th Lok Sabha. The percentage however doubled to 22.40 per cent during the first eight Sessions of the Thirteenth Lok Sabha, wherein, out of a total of 1287 hours and six minutes, the MPs wasted 288 hours and 40 minutes. (Annexure I)

The Lok Sabha Secretariat, in a press release said the five-week Session did not see any of the Members entering the Well of the House and neither was the House adjourned for any reason. It also claimed that in the last 30 years, no Winter Session had ever transacted the amount of business that this particular Winter Session has been able to achieve.

## Working of Parliament: An Analysis

### Question Hour

Questions are instruments of accountability. Questions facilitate an MP to pull up the government of the day for its failures—be it with reference to promises made or governance, or implementation of laws. The Question Hour thus gives the MP an opportunity to take an issue forward or pin down the government. However, if questions are to serve the true purpose for which they are meant, they must be specific and precise. But that requires some basic homework and unfortunately not all MPs are willing to put in that effort. Questions then become monotonous and meaningless and the answers more so. The year 2002 was no different.

Some of the negative aspects one sees during the Question Hour are:

- Repetitive questions borne out of laziness and lack of seriousness,
- asking questions merely for the sake of statistics,
- wasting Parliament time by asking for information which is already available in printed publications and
- not doing adequate homework and thereby allowing the government to get away with shoddy replies.

An MP can informally ask the government or the minister concerned for information, reports, publi-

cations, etc. and get them without much effort. Similarly, the Parliament Library at the disposal of the MP provides an excellent selection of books, periodicals and journals besides all government publications, annual reports, etc. There are helpful librarians ever willing to assist the MP in finding the required information, books and reports. Given these facilities, when an MP asks a question, it should go beyond information that is already available in reports and government publications.

But a perusal of some of the questions show how Parliament time is wasted by questions that should not have been asked at all in the first place. In the Monsoon Session, for example, there were monotonous questions on the National Health Policy, when the policy document is freely available. In almost all Sessions, there would be a few questions on Infant Mortality Rate and Maternal Healthcare—answers to these could easily be found in annual reports. The year 2002 was no exception. Many of these questions elicit lengthy answers from the government. Such questions do not serve any purpose, except of course to help the MP tell his/her constituents that he/she asked so many questions. If one were to look at the kind of meaningless questions that are asked, it seems that statistics rather than public interest has prompted them. Many MPs produce periodical report cards before their

25. Ibid.

constituents and these questions are obviously used to show how 'active' they are in Parliament.

A good question, on the other hand, should serve a useful purpose and elicit from the government, a promise, a commitment or information that is otherwise unavailable. Unfortunately, this is a difficult task for a large percentage of our MPs. The way the questions are drafted is equally important—they should not give the government any escape route. But if one were to look at the questions and their answers, one gets a feeling that in about 75 per cent of them, both the MP asking the question and the minister replying to it have no involvement in the task that they are performing. A routine question, for example, is to draw the attention of the government to a newspaper report and ask whether the government or the minister has seen the report or is aware of such a report and if so, what his response is. In a large number of cases, both the questions and the answers are routine and do not yield much result in terms of information.

There is no computation of the time that the government or the bureaucracy spends in replying to Parliament questions, but if one were to visit various central government ministries when the Parliament

is in Session or just before the Session commences, one sees a flurry of activity centered around answering Parliament questions. Bureaucrats often talk about the sanctity of these questions and answers, but most answers fail to reflect this sentiment.

On the part of the government, if one expects candour and honesty in the replies, one would be disappointed. In fact, there are many number of questions to which the answers would run as follows: (a) yes (b) no (c) does not arise.

There are some MPs who ask good questions but their number, unfortunately, is not very high. But such questions can put the government in a tight spot and elicit a promise or an assurance of action to be taken. In a country where all-India statistics are hard to come by on certain issues, a Parliament question can bring forth a compilation of information from all the states. It is for this reason that journalists, researchers and NGOs look for such answers that give some statistical data. Obviously, given the pace at which the bureaucracy moves, eliciting answers from various states is no mean task. One can often find the government seeking more time to reply to such questions on the ground that the information is still being collected.

### Life Cycle of a Question

On 27th July, 2000 the Minister of Petroleum and Natural Gas was asked whether (a) the CBI had revealed a network of racketeer in Madhya Pradesh and Maharashtra taking delivery of subsidised oil from Gujarat and other states. It was further asked whether some companies were raided in these states and whether the oil companies are alleged to have failed to detect such indulgences by their retail outlets. In reply Minister of state in Petroleum and Natural gas gave an assurance that information was being collected and would be laid on the table of the house. On November 23, 2000 when it was asked whether the information has since been collected, the reply was that the CBI had registered a case in Gandhinagar and the investigation was in progress. This was again treated as an assurance and was required to be fulfilled by February 22, 2002. The Ministry then requested the Assurance Committee that in view of the appropriate action being taken by the investigating agency, the assurance may be considered to be dropped and if this request is not acceded to then ministry may be permitted to fulfil the assurance on the completion of investigation. The committee did not accede to the request of the Ministry on the grounds that it's admission that CBI has registered a case and is carrying out an investigation itself reveals that irregularities have taken place. The Committee further argued that Ministry does not have to act before the CBI completes its investigation. This case clearly points out that government's attempt to avoid the reply by saying that case is under CBI investigation and its failure to fulfil the assurance within stipulated time. But what is most deplorable is that MPs had no answer even two years after the question was first asked.

## Assurance

There are instances where the government expresses its inability to carry out its assurance and requests the Assurance Committee to 'drop' the assurance. The committee scrutinises the reasons for such a request and takes a decision on whether to accept or reject such a request. The Tenth and the Eleventh Report of the Committee on Government Assurances (2002-03) presented to the Lok Sabha on 4 December and 18 December, 2002 in the Winter Session, gives a glimpse into the work of the Committee and also that of the government. The Report is also an indicator of how good questions can bring about administrative accountability, provided that the Assurance Committee does its job effectively and does not allow the government to get away without fulfilling its assurances.

Despite the amount of time and energy spent on Parliament questions prepared by not one but sometimes several officials of various government departments/ministries, mistakes obviously do creep in, sometimes forcing the minister to issue corrections. In the Rajya Sabha, for example, during the Budget Session (195th Session), 7 statements were issued by various ministers, correcting answers to questions given by them.<sup>26</sup> In the Monsoon Session too, there were two statements by ministers correcting answers to questions given in March and May 2002.

There is no computation of the money spent specifically on the Question Hour. But one can make a guesstimate. During the year 2000-01, the expenditure per hour on conducting the proceedings in Parliament was Rs 6,61,768 per hour (2000-01).<sup>27</sup>

### Committee on Government Assurances

Reports of the Committee on Government Assurances are an important indicator of the accountability of the Executive to the Legislature and the Executive does not come out in shining colours. Besides delays in fulfilling the assurances, or only partly fulfilling the assurances, the Executive is also prone to violating parliamentary norms by not seeking the permission of the Assurances Committee for extension of time in fulfilling assurances and even questioning the decision of Parliament on what constitutes an assurance. A perusal of some of the reports of the Committee on Government Assurances brings to the fore the scant respect shown by the Executive to Parliament and parliamentary norms.

During the course of replies to questions or other proceedings of the House, ministers make promises or give assurances or undertakings. These are culled out by the Parliament Secretariat and the concerned ministries are asked to take appropriate steps to fulfil them expeditiously. The ministries are required to do so within three months of making the assurance and in case of any problem in fulfilling it within the stipulated time, move the Committee on Assurances for an extension of time. In exceptional and genuine cases where it is practically impossible to fulfil the assurances, the ministries can move the committee for dropping of the assurances.

The function of the Committees on Assurances (Rajya Sabha and Lok Sabha) is to scrutinise these from time to time and report on (a) the extent to which such assurances have been implemented and (b) when implemented whether such implementation took place within the minimum time necessary for the purpose.

During the Budget, Monsoon and Winter Sessions (195, 196 and 197) of Rajya Sabha, 2002, for example, out of 1251 assurances, only 292 were fully implemented. Three were dropped and 956 were pending.<sup>28</sup> (Annexure XV)

26. *Questioning the Question Hour*, National Centre for Advocacy Studies, New Delhi 2001, pp.31.

27. Government Assurances (Rajya Sabha), Session wise summary, as on February 3, 2003, Rajya Sabha Secretariat.

28. Resume of the business transacted by the Rajya Sabha, 195th Session, Rajya Sabha Secretariat, New Delhi.

This is sure to have gone up. Add to this, the cost of maintaining the question branch in Parliament, cost of paper and printing the questions and the answers, the time and thereby money spent in preparing the answers by various government departments and the time, energy and money spent on the requests for dropping the assurances and the Reports of the

Committees on Assurances, etc. the cost of the question hour and its burden on the citizens is enormous. The least that one can expect from Parliamentarians in the given circumstances is to use the opportunity judiciously so that it serves the purpose for which it is meant—to bring in executive accountability through parliamentary supervision.

### Our Privileged Representatives

During the year 2002 there were a couple of issues pertaining to the 'privilege' of MPs. The first of these was the case of alleged assault on Devendra Prasad Yadav, a Member of the Lok Sabha, by the police in New Delhi on 9 December, 2002. The Lok Sabha Speaker constituted a special committee to inquire into this incident and the committee submitted its findings to the House on 20 December, 2002. The second case pertained to the downgrading of Jaswant Singh Bishnoi, another Member of the Lok Sabha, from a First Class AC compartment to a Second Class AC compartment on a Delhi-Jodhpur train on 11 August, 2000. The Committee of Privileges of the Lok Sabha examined this issue and submitted its findings to the House on 8 December, 2002.

In the first case having found no merit in the accusation made by the MP, the committee concluded its report with the bland observation that during public demonstrations 'the organisers, police and Government should be careful'.

In the second case the committee took note of the fact that the Railways had already awarded punishment to the railway official for confirming the berths of Mr. Bishnoi and his wife to which the Judge of the Rajasthan High Court had prior claim as per Warrant of Precedence. Further, that the Railways had acted on the advice of the committee and revised the instructions sent out to Railway Zones in regard to allotment of Emergency Quota seats and berths on trains. The Railways informed the committee that the revised instructions stipulated that once the emergency quota allotments were finalised and fed into the computer, 'no manual correction should be resorted to'. The committee did not suggest any further action against anyone else. However, officials of the Indian Railways were repeatedly pulled up by members of the committee, forcing them to apologise for the lapse. As a result the evidence of these officials before the committee is interspersed with regrets and apologies and the report of the committee dealing with the problem faced by Mr. Bishnoi runs in to 115 pages.

## Parliamentary Committees

Parliament has a plethora of Committees, which range from committees like the Committee of Estimates, the Committee on Public Accounts which closely scrutinise government's spending and utilisation of funds, to a host of other committees which relate to day-to-day working of Parliament like the General Purposes Committee or the Business Advisory Committee.

Parliament also has 17 departmentally-related

Standing Committees which came into being a decade ago to enable MPs to take a closer look at the demand for grants of every ministry and department in the union government.

The responsibility of managing the affairs of the Committees is shared by the Secretariat's of the two Houses. For example, of the 17 departmentally related Standing Committees, 11 are presided over by Members of Lok Sabha and are therefore manned

by LS Secretariat officials. At last count, the committees under the direct care of the LS totalled 34. There are also two Joint Committees in Parliament, namely, the Joint Committee on Salaries and Allowances of Members of Parliament and the Joint Committee on Offices of Profit.

Apart from the Committees managed by the LS, there are several committees that come under the direct supervision of the Rajya Sabha Secretariat and these include 6 Departmentally Related Standing Committees, which are chaired by

Members of the Upper House. Besides these, there is a House Committee to attend to the housing accommodation needs of MPs, a Committee to Supervise the Provision of computers to MPs, a Library Committee and a Rules Committee. Both the Houses also have separate Committees to deal with day-to-day business and matters relating to the respective chambers like the Business Advisory Committees.

Let's look at the Departmentally-related Standing Committees constituted during 2002 under the

### Standing Committee on Urban and Rural Development

Standing Committee on urban and rural development submitted its 37th report on the implementation part 9th of the Constitution pertaining to the establishment of the Panchayati Raj institutions in the country. The report shows how this Constitutional provision has been flouted in most states. The elections were not held every five years in all states. At the same time states did not endow Panchayats with enough authority to enable them to function as institutions of self-government.

### Standing Committee on Food, Civil supplies and Public Distribution

The committee, in its 19th report, noted with a great deal of concern the quantum of food subsidy given to Below Poverty line population. A large part of the food subsidy is meant for maintaining buffer stocks. This should be immediately corrected and efforts should be made to maximum food subsidy to the BPL households. In its latest report committee took the ministry to task for not disposing the accumulated stock of food grains. While government has taken some initiative in this direction, lot more needs to be done. Government also criticised the ministry for the amount of inedible food grains in the godowns of food grains.

Of the 22 recommendations/observations made by the committee, the government accepted nine. The committee decided to drop six of the recommendations after considering the replies furnished by government. The committee did not accept the replies furnished by government in respect of four recommendations while final replies from government were awaited in respect of three other recommendations.

### Committee on Empowerment of Women

The most important task this committee took was to visit Gujarat in the wake of communal riots in February and march last year. The committee found that there were a large number of cases in which women and children were attacked. It took the state machinery to task for not being able to anticipate the potential dangers of the situation. After visiting the relief camps the committee members found out that police often did not register FIRs in the cases of crimes against women and that where the cases were registered, the pace of investigation was slow. The committee thus suggested that free legal aid to those women who have not been able to register their FIRs is most urgent. While observing the role of media during the riots, the Committee concluded that "media can play a dual role by also acting as a moderator to calm passions."

### Standing committee on Labour and Welfare

A committee that examined an issue which concerning a large number of citizens was the Standing Committee on Labour and Welfare. The committee has made some valuable suggestions after examining The Payment of Wages (Amendment) Bill, 2002, which was referred to it after its introduction in the Rajya Sabha.

The committee disagreed with the Bill in regard to raising the wage ceiling in the Payment of Wages Act from Rs 1600 per month to Rs 6500 per month. The government had proposed the revision keeping in mind similar ceiling in other laws, while the trade unions had demanded that the ceiling be abolished altogether or enhanced on the basis of Consumer Price Index. The committee said the central government should be empowered to enhance the wage ceiling periodically on the basis of the Consumer Price Index by issue of notification in the Gazette instead of bringing amendments to the Act at periodic intervals in Parliament.<sup>29</sup>

Further, in order to protect the interests of persons employed through contractors, the Committee suggested that the Bill should specify that in case of disappearance of contractors or the persons designated by the employer, 'the principal employer shall be responsible for payment of wages'. It also wanted the penalties and fines in the Act to be made more stringent in order to have a deterrent effect on those who violate the laws.<sup>30</sup>

### Joint Parliamentary Committee on the Stock Market Scam

Joint Parliamentary Committee on Stock Market Scam was constituted on April 27, 2001. The committee was constituted after allegations that a major stock market operator had used bank funds and taken huge stock market positions, thus putting bank depositors money at risk. This was followed by two other developments—pay out crisis in the Calcutta Stock exchange because of default of some major brokers and the run on an important co-operative bank, which had extended guarantees to Ketan Parikh.

The report of the committee noted that scam lied not just in fluctuation of stock prices but also manipulations such as the ability of certain stock market operators and brokers to divert bank deposits and public funds (such as those of UTI) for the purpose of speculation in stock market. At the same time, it held executives of Madhavpura Mercantile Bank guilty of flouting all prudential banking norms and the guidelines laid down by the RBI. At the same time the Committee also noted that deficiencies in the working of CSE were not of recent origin but had a past history. SEBI while being aware of this problem did not take a timely corrective measure and thus the committee suggested that SEBI's lapses should also be investigated. The committee also observed that government's inability to implement the recommendations of the earlier committee also encouraged the wrongdoers.

chairmanship of the members of Lok Sabha. There are 17 such Committees with MPs from both Houses as members. On 1 January, 2002, all the eleven Committees headed by Lok Sabha MPs were constituted and during the period when the Budget Session was on, the Committees met to conduct business, the number of meetings ranging from 3 to 23.

However, if one were to look at the average percentage of attendance by members of the Committee, it ranges from 65 (Committees on Technology and Defence) per cent to 36 per cent (Committee on External Affairs). What is even more disconcerting is the fact that the Committees that deal with social sectors and issues that directly affect common

29. *Twenty-Third Report*, Standing Committee on Labour and Welfare, Lok Sabha Secretariat, New Delhi, pp.5.

30. *Ibid*, pp.6.

## Code of Conduct for MPs

The Second Report of the Lok Sabha's Committee on Ethics was one of the high points of the year. This committee, headed by former Prime Minister Chandra Shekhar, appears to have finally got down to brass tacks in that it has drawn up a Code of Conduct for MPs and suggested a mechanism to probe and, if necessary, punish members who resort to unethical conduct. Though this code falls short of expectations, the good news is that a Committee of Parliament has finally come up with a set of principles, incorporated the same in its report and drawn the roadmap for enforcing the same. The committee's report was approved by the House on 27 November. All that needs to be done now is to implement it and this will depend on Speaker Manohar Joshi. If he acts promptly and incorporates the committee's suggestions in the Lok Sabha's Rules of Procedure, the Lok Sabha will have taken the first step to redeem itself in the public eye. This will force the Upper House to come up with a matching response. Thereafter this is bound to have a snowballing effect with citizens in different states forcing state assemblies to adopt a Code of Conduct for members, establish ethics committees and institute credible procedures for investigation of complaints against legislators.

Once this happens, the two Houses of Parliament and legislatures in all states will have the wherewithal to enforce ethical and moral standards, and, more importantly, close to 700 million voters in the country will acquire the right to complain against elected representatives who cross the line. This is bound to have a salutary effect on the conduct of MPs and MLAs. The unresolved issue, however, is the codification of privileges. But that is another story.

man/woman have the lowest percentage of attendance by members. The Committee on Food, Civil supplies and Public distribution, for example, recorded an average attendance of 40.2 per cent, while that on Energy, 40.65 per cent. The Committees on Agriculture, Urban and Rural Development and Labour Welfare have done only marginally better by registering an attendance of 45.6 per cent, 48.71 per cent and 48.1 per cent respectively.<sup>31</sup> (Annexure X)

Poor attendance dogged even the Financial Committees of Parliament such as the Committee on Estimates, Committee on Public Undertakings and Committee on Public Accounts. MPs on these committees did no better. The average attendance on these three committees was 47.77 per cent.<sup>32</sup> (Annexure XI)

Here, the maximum attendance of 71.66 and 70.33 and 70 per cent have been recorded in the sittings of the Business Advisory Committee, Committee on

Papers Laid on the Table and the House Committee. Ironically, even the Committee on Absence of Members from the sittings of the House, has an absenteeism of 40 per cent. The average attendance of this committee was 60 per cent. The attendance on other committees ranged from 56 per cent to 33 per cent.<sup>33</sup> (Annexure XII)

The attendance in the sittings of the eleven Standing Committees was no better during the period of the Monsoon Session. The Committee on Energy registered an average attendance of 41 per cent. The Committee on Food, Civil Supplies and Public Distribution, which presented one report, had a poor attendance of 35.6 per cent. The Committee on Urban and Rural Development had an attendance rate of 42 per cent, while that on Railways registered the poorest attendance 27.8 per cent.<sup>34</sup> (See Annexure XIII)

Considering that the Monsoon Session saw tumultuous scenes and work in both Houses was

31. Standing Committees, Resume of work done by Lok Sabha, 13th Lok Sabha, 9th Session, Lok Sabha Secretariat.

32. Financial Committees, Resume of work done by Lok Sabha, 13th Lok Sabha, 9th Session, Lok Sabha Secretariat.

33. Committees other than Financial and Standing Committees, Resume of work done by Lok Sabha during the 9th Session, Lok Sabha Secretariat.

34. Standing Committees, Resume of work done by Lok Sabha, 13th Lok Sabha, 10th Session, Lok Sabha Secretariat.

constantly disrupted by interruptions by Members over the Petrol Pump Dealership Scam, one would have expected the members to take more interest in the sub-committee constituted to look into complaints on non-observance of guidelines laid down by the Government in allotting retail outlets and LPG distributorships by Dealer Section Boards. However, the attendance at the meeting of this sub-committee was a mere 50 per cent. During this period, only one meeting of the committee was held, its duration being 30 minutes. (Annexure XIII)

The absence of members from the sittings of the House might bother the citizens in general and

MPs' constituents in particular, but it is not a matter of such great importance to Members of Parliament because ironically, the Committee on Absence of Members from the sittings of the House, which had one sitting during the period of the Monsoon Session, recorded a dismal 33.3 per cent attendance or 66.7 per cent absenteeism! The three meetings of the Committee on the Welfare of Scheduled Castes and Tribes registered an average attendance of 55.56 per cent. Committee on Subordinate Legislation recorded an attendance of approximately 46 per cent. Even the Joint Committee on Salaries and Allowances of Members of Parliament did not attract more than 40 per cent attendance!<sup>35</sup> (Annexure XIV)

## Parliament's Commitment to Social Development

How committed are Parliamentarians to social issues and social developments? As a barometer/ representative sample, Special Mentions: or Matters of Urgent Public Importance that were raised in the Rajya Sabha with the permission of the Chair were looked into. The Lok Sabha equivalent of 'Special Mention' is 'Matters raised under Rule 377'. Here too, a large number of issues are raised under Rule 377, but, the LS Secretariat does not put out the details, so it is difficult to analyse them subject-wise. Instead, two other instruments used by Parliamentarians in Lok Sabha to discuss issues of public importance are examined is the Short Duration Discussion under Rule 193 and the other, Calling Attention Motion.

### Special mention

During the Budget Session of Rajya Sabha 129 Matters of Public Importance were raised, the total time spent on them being 5 hours and 7 minutes.<sup>36</sup>

Usually, Special Mentions get anywhere between one minute to three minutes each. The issues raised during this Session covered a wide range:

- Nuisance of car parking in Delhi.
- Reduction in import duty on Titanium Dioxide to the need for telecasting live the world cup

football event through DD Sports Channel.

- Crash of MIG planes and explosives shipped from South Africa to Kandla. Now, out of these 129 matters raised, 28 pertained to social issues and even here over 50 per cent were constituency/state-specific problems, while the rest pertained to the entire nation. Some of the issues mentioned were:
  - Damages caused by heavy rains in Tamil Nadu.
  - Plight of fishermen in TN on the coast of Bay of Bengal.
  - Trafficking in children, implementation of the Disability Act.
  - Exploitation of minors.
  - Serious drinking water problems in Karnataka.
  - Impact of AIDS on weaker sections in India.
  - Drought in the country.
  - Old age homes.
  - Plight of the disabled.
  - Need for registration of clinical labs, nursing home and medical centres in the country.

Similarly, during the Monsoon Session of the Rajya Sabha, 109 matters came up for Special Mentions—

35. Committees other than Financial and Standing Committees, Resume of work done by Lok Sabha, 13th Lok Sabha, 10th Session, Lok Sabha Secretariat.

36. Resume of Business Transacted by the Rajya Sabha, 195th Session, Rajya Sabha Secretariat.