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Mission Karmayogi

Assignment Topic: Parliamentary Matters (Questions & Committee)

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Parliamentary Matters (Questions & Committee)



Introduction:

India is the largest democracy in the world with an electorate of size as big as the combined electorates of 36¹ democracies in the world. The democratic set up needs the participation of citizens in decision-making. As it is not possible to take the consent of majority citizens on every topic, the consent is taken through their representatives, chosen through elections. People elect their representatives to the Parliament, who then form the government. The Parliament is made up of all representatives together which controls and guides the government. In this way, people, form the government and also control it through their chosen representatives. The Parliament in our system has immense powers because it is the representative of the people. Once elected, these candidates become Members of Parliament or MPs. These MPs together make up the Parliament. The parliament of India is the absolute legislative authority and consists of the President, the Rajya Sabha and the Lok Sabha. While Lok Sabha has directly elected representatives, the Rajya Sabha functions primarily as the representative of the states of India in the Parliament. Both these houses are presided over by the President of India.

¹ World within a country: The size of India's electorate in four charts
<https://www.thehindu.com/data/indias-electorate-as-big-as-36-countries/article26507627.ece>

Conceptual Background:

After the formation of government, the parliament goes on to get engaged in the performance of important and significant functions which include making of laws and introduction of required amendments through bills and ordinances. Parliament Questions and Parliamentary committees are very important for democratic set-up, as they are very effective means in increasing peoples' participation in the process of making legislations. People can draw the attention of government to their problems by bringing it to their elected representatives, who in turn can raise the issues in Parliament through parliament Questions. Also, before making any legislation, wide consultation with all stakeholders including public and subject experts is needed. The issues of importance are therefore referred to Parliamentary Committees which give their recommendations after wide consultation on the matter.

Few main functions of the parliament are as below:

Law-Making Functions

Monitoring the Cabinet

Constitutional Amendments

Judicial Functions

Financial Functions

Electoral Functions

Executive accountability²

The Rules for effective functioning of parliament were framed and in exercise of the powers conferred by clause (3) of article 77 of the Constitution **THE GOVERNMENT OF INDIA (ALLOCATION OF BUSINESS) RULES**³ and **THE GOVERNMENT OF INDIA (TRANSACTION OF BUSINESS) RULES**⁴. These rules and conventions have evolved over the years.

² Class Presentation, Business and Processes in Parliament and Public Policy Making, Dr. Satya Prakash Khatana.

³ Government of India (Allocation of Business) Rules, 1961

https://cabsec.gov.in/writereaddata/allocationbusinessrule/completeaobrules/english/1_Upload_1187.pdf

⁴ The Government of India (Transaction of Business) Rules, 1961

https://cabsec.gov.in/writereaddata/transactionofbusinessrulescomplete/completeaobrules/english/1_Upload_2214.pdf

Discussions:

Parliament Questions and committees are the most important means for effective functioning of the parliament.

Parliamentary Matters (Questions)⁵

Parliament Questions are very important tools for controlling the administration by the parliament. A question is primarily asked for the purpose of obtaining information on a matter of public importance. Members have a right to get information from the Government on any matter of public concern by means of questions to Ministers.

The questions are of four types:—

(i) Starred Questions- A Starred Question is one to which a member desires an oral answer from the Minister in the House and answer to such a question may be followed by supplementary questions by members.

(ii) Unstarred Questions- An Unstarred Question is one to which written answer is desired by the member and is deemed to be laid on the Table of the House by Minister and no supplementary question can be asked thereon.

(iii) Short Notice Questions- A member may give a notice of question on a matter of public importance and of urgent character for oral answer at a notice less than the prescribed minimum period of notice for asking a question in ordinary course.

(iv) Questions to Private Members- A Question may also be addressed to a Private Member (Under Rule 40 of the Rules of Procedure and Conduct of Business in Lok Sabha), provided that the subject matter of the question relates to some Bill, Resolution or other matter connected with the business of the House for which that Member is responsible.

Half-an-Hour Discussion: When a member feels that the answer given to a question, Starred or Unstarred or Short Notice, is not complete or does not give the desired information, he may be allowed by the Speaker to raise a discussion in the House for half an hour.

The questions received are examined under the rules and past precedents for their admissibility. Questions containing arguments, inferences of defamatory statements or referring to character or

⁵ Questions, , Parliament of India, Lok Sabha
<http://loksabhaph.nic.in/Questions/QuestionsHome.aspx>

conduct of a person (except in official or public capacity) are not admitted. Also questions having repetition of matters from the questions answered previously or those on the subject matter pending before any court of law, tribunal or any other legal body or under consideration before a parliamentary committee are also not admitted. The questions having discourteous references to foreign countries with which India has friendly relations are also not admissible in the Parliament.

Ministries are divided into five groups and fixed days from Monday to Friday are allotted to various groups of ministries for answering the questions related to them. The grouping is done in such a way that the days fixed for ministers for answering the questions in Lok Sabha do not clash with their corresponding days in Rajya Sabha.

To Control, Guide and Inform the Government, the Parliament begins with a question hour. The question hour is an important mechanism through which MPs can seek information about the working of the government. By asking questions the attention of government is sought to its shortcomings, and the government also gets to know the opinion of the people through their representatives in the Parliament. The Opposition parties play a critical role in the healthy functioning of a democracy by highlighting drawbacks in various policies and programmes of the government and mobilise popular support for their own policies.

The government gets valuable feedback and is kept on its toes by the questions asked by the MPs. The Government seems to be put on its trial during the Question Hour and every Minister whose turn it is to answer questions has to stand up and answer for his or his administration's acts of omission and commission. Through the Question Hour the Government is able to quickly feel the pulse of the nation and adapt its policies and actions accordingly. It is through questions in the Parliament that the Government remains in touch with the people in as much as members are enabled thereby to ventilate the grievances of the public in matters concerning the administration. Questions enable Ministries to gauge the popular reaction to their policy and administration and also many loopholes come to notice which otherwise would have gone unnoticed. Sometimes questions may lead to the appointment of a Commission, a Court of Enquiry or even Legislation when matters raised by Members are grave enough to agitate the public mind and are of wide public importance.

In 17th Lok Sabha, Question Hour functioned for 95% of its scheduled time and 65% in Rajya Sabha during this session. 36% of the questions were answered orally in Lok Sabha by ministers which is highest in the past 20 years⁶. 40% of the questions received an oral answer from a minister in Rajya Sabha which is the second-highest among all sessions in the past 20 years. In the past 20 years, the average percentage of orally answered questions for Lok Sabha and Rajya Sabha has been 15% and 17% respectively.

During the Parliamentary session, highest priority is given to the Parliamentary work and almost all concerned officers are asked to remain available for attending to Parliamentary work. During the Parliament Session, nominated senior officer should invariably be available for briefing at short notice. While preparing replies it is ensured that there is no contradiction/inconsistency in the answer proposed and those given earlier, if any, unless the facts have changed during the period. During the Parliamentary session, all the senior officers are on their toes as there should be no scope for lapses or errors.

Parliamentary Matters (Committee)⁷

The origin of Committee system in India can be traced back to the Constitutional Reforms of 1919⁸. In independent India, the first Public Accounts Committee⁹ was constituted in April 1950. In 1993, 17 Departmentally-related Standing Committees (DRSCs) were constituted in the Parliament which was later increased to 24.

On an average, the Parliament met for 67 days per year during the last 10 years. This is a short amount of time for MPs to be able to get into the depth of matters being discussed in the House. Also, the work done by the Parliament in modern times is not only varied and complex in nature, but also considerable in volume. Parliament meets for three sessions a year i.e., the Budget, Monsoon, and Winter Sessions. It cannot, therefore, give close consideration to all the legislative and other matters that come up before it. A good deal of its business is, therefore,

⁶ Parliament functioning in first session of 17th Lok Sabha

<https://prsindia.org/parliamenttrack/vital-stats/parliament-functioning-in-first-session-of-17th-lok-sabha>

⁷ Committee, Parliament of India, Lok Sabha

<http://164.100.47.194/Loksabha/Committee/CommitteeHome.aspx>

⁸ PARLIAMENTARY COMMITTEES, <http://164.100.47.194/loksabha/writereaddata/Abstract/committees.pdf>

⁹ Genesis & Types of Parliamentary Committee, <https://www.drishtiiias.com/daily-updates/daily-news-editorials/parliamentary-committee-system>

transacted in Committees of the House, known as Parliamentary Committees which are appointed or elected by the House or nominated by the Speaker. The committees work under the direction of the Speaker and present the report to the House or to the Speaker.

Parliament needs to deliberate on matters that are complex, and therefore needs technical expertise to understand such matters better. Committees provide a forum where Members can engage with domain experts and government officials during the course of their study.

Committees also provide a forum for building consensus across political parties. The proceedings of the House during sessions are televised, and MPs are likely to stick to their party positions on most matters, while Committees have closed door meetings, which allow them to freely question and discuss issues and arrive at a consensus.

Broadly, the Parliamentary Committees¹⁰ may be classified into the following categories:

(a) Financial Committees (Estimates Committee having 30 Members with tenure of 1 year and Elected by the Lok Sabha, Public Accounts Committee having 22(15LS+7RS) Members with tenure of 1 year and Elected by the two House(s) and Committee on Public Undertakings having 22(15LS+7RS) Members with Tenure of 1 year and Elected by the two House(s)).

(b) Departmentally Related Standing Committees (There are 24 DRSCs) cover under their jurisdiction all the Ministries/ Departments of the Government of India. Each of these Committees consists of 31 Members - 21 from Lok Sabha and 10 from Rajya Sabha to be nominated by the Speaker Lok Sabha and the Chairman Rajya Sabha, respectively. The term of Office of these Committees does not exceed one year. Out of 24 Committees, 8 Committees are serviced by the Rajya Sabha Secretariat and 16 Committees by the Lok Sabha Secretariat.).

(c) Other Parliamentary Standing Committees (There are 16 Other Parliamentary Standing Committees).

(d) Ad hoc Committees (There are 9 Ad hoc Committees).

After a Committee completes its study, it publishes its report which is laid in Parliament. These recommendations are not binding, however, they hold a lot of weight. For example, the Standing Committee on Health made several recommendations to the National Medical Commission Bill

¹⁰ Parliamentary Committees Introduction,
http://164.100.47.194/Loksabha/Committee/Comm_Introductionnew.pdf#page=3

in 2017. Many of these were incorporated in the recently passed 2019 Bill, including removing the provision for allowing a bridge course for AYUSH practitioners.

The Central Vigilance Commission was set up by the Government in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam, to advise and guide Central Government agencies in the field of vigilance¹¹.

Take Away Points:

Since the Parliament questions and Parliamentary Committees are very important means for having a effective parliament so it is very important for Civil Servants to be conversant with the ways and functioning of the parliament, the procedure of handling parliament questions & preparation of reply to be given by the concerned minister. They should also be conversant about the importance of the parliamentary committees & major changes brought in legislation with the recommendation of these committees. The Ministry of Parliamentary Affairs is a very important ministry and facilitates Government's interaction with Parliament to effectively carry out their Parliamentary work.

Executive accountability to Parliament¹²:

The Constitution states that the executive branch of the State (Council of Ministers) shall be collectively responsible to the Legislature (Lok Sabha), implying that the Parliament should supervise the work of the government and hold it accountable for its actions. While the Executive has almost unlimited right to initiate and formulate legislative and financial proposals (before approval from Parliament), the Parliament has unlimited power to call for information, to discuss or to scrutinize the proposals made by the Executive before approving. The Parliament thus exercises political and financial control over the Executive.

¹¹ About, Central Vigilance Commission, <https://cvc.gov.in/?q=about/background>

¹² https://rajyasabha.nic.in/rsnew/practice_procedure/naccount.asp

Conclusions:

Mission Karmyogi is supporting the Government of India (GoI) in the shift towards Competency-based Human Resource Management (HRM) for the Indian Civil Services. Competencies are those underlying characteristics of an employee – motive, trait, skill, aspects of one's social image, social role or a body of knowledge, which can result in effective and/or superior performance in a job or role.

Therefore training for Mission Karmyogi should be designed in such a manner as to include a comprehensive module on Indian Parliamentary System and the procedures regarding the system.

The training should emphasise upon providing in-depth knowledge about the parliamentary systems. Since parliament is the pillar of a democratic system, the benefit of the democracy to public depends on efficient functioning of the system. It is very important for the Civil Servants to have knowledge about functioning of the system including parliamentary committees and Parliament Questions. The participants should be apprised about the important parliamentary committees and major changes brought in legislation with the recommendation of these committees. The procedure of handling parliament questions and preparation of reply to be given by the concerned minister should also be explained to the participants so that they can utilize this knowledge effectively to enable public take maximum benefit of government systems through parliamentary procedure.

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