

## **PARLIAMENT STIFLED, BUSINESS, AND A WORD OF ADVICE**

**Despite the limited monsoon session and constraints, MPs must scrutinise the government's work and guide policy.**

The upcoming monsoon session of Parliament, from September 14, is emblematic of the issues faced by legislatures during the novel coronavirus pandemic. How do these bodies fulfil their central role in a democracy while maintaining health safety of legislators and the staff working in the legislatures? Several States have held very short sessions — some met just for a day — in which they ratified a number of ordinances, and hardly questioned any executive action over the last few months. Parliament will maintain physical distancing, has truncated the Zero Hour (in which members raise issues pertinent to their constituents and of wider public interest), and cancelled Question Hour (in which Ministers have to answer questions raised by members).

At the risk of stating the obvious, let us quickly recap the roles of the key organs of state. The government has the mandate to take decisions and perform various public tasks. It 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 and can be voted out if it is not perceived to be making laws and policies beneficial to the public. Finally, constitutional courts are expected to ensure that all actions are made within the boundaries of the Constitution and laws made by the legislature.

### **The case of contact tracing**

Our Parliament has allowed its role to be diluted over the last few decades. It has not questioned and monitored the activity of the executive.

One example will illustrate the contrast between the actions of the British Parliament and ours. When the idea of a contact tracing app was mooted, the United Kingdom's joint parliamentary committee on human rights examined the proposals. In a report, "Human Rights and the Government's Response to Covid-19: Digital Contact Tracing", published in early May (<https://bit.ly/35hS1rB>), it recommended that an app could be used only if there was a specific primary legislation to enable it, and such legislation should ensure that data is collected only for the limited purpose of preventing the spread of COVID-19, prohibit sharing the data with third-parties, upload the data to a central database only if the person is tested or suspected to be positive, and limit the time for which any data was stored. The Minister would have to report every 21 days on the efficacy of contact tracing as well as data security and privacy. India, in contrast, rolled out Aarogya Setu through executive decision, and has created a grey zone on whether it is mandatory (for example, while flying, or on metro rail when operations resume next week). All this has been done without a specific legislation or any parliamentary oversight. In fact, parliamentary oversight has been largely absent through the last six months.

### **A slew of notifications**

Parliament will be meeting after 175 days, the longest gap without intervening general elections and just short of the six-month constitutional limit. Parliamentary committees did not meet for about four months, and after that have had only in-person meetings, which have led to low attendance, given travel risks and restrictions. This is unlike many other countries where both the plenary and committees have adopted technology to enable members to participate from home. In this period, over 900 central and nearly 6,000 State government notifications have been issued which are related to managing the pandemic. This is in addition to notifications on other subjects. The absence of a functioning Parliament or Committees implies that there has been no check or guidance on government action.

When it meets, Parliament should look at the government's response to the crisis. However, the function would become more of a post-mortem analysis rather than an ongoing guidance mechanism. Contrast this with a well-functioning committee system such as the British example of the contact tracing app which guides government action before the event. As an aside, this reminds

me of the old stock market advice of “buy low, sell high”, which while being a sound maxim does not guide anyone in making an investment decision. The only thing one can do later if things go wrong is to rue the loss.

### **Court interventions**

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 and the hardships caused to migrants should have been questioned by Parliament. Discussions in parliamentary forums would have helped the government get feedback on the ground situation across the country and fine-tune its response. However, this was taken to the Supreme Court, which is not equipped (and dare I say, mandated) to balance policy options. Directions of the Court have to be followed which removes flexibility needed to tackle evolving issues with implementation. To take another example, the 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 (who suffer through price hikes or potential formation of a monopoly), and banks (which may face defaults by telecom companies). This issue is best judged by the government with oversight by Parliament. Of course, if there is illegality (say, corruption), then the matter should be judged by courts.

### **Short session, much business**

Parliament should recover lost ground by fulfilling its constitutionally mandated role. It has a large number of issues to discuss in the short 18-day session. The fact that the two Houses are working in shifts to use the same physical space limits the scope of extended sittings on any day. In the period since the last session, the government has issued 11 ordinances. Five of these relate to the COVID-19 crisis and the lockdown: extending tax filing dates, moratorium on new insolvency cases, protection for health workers, and temporary cuts in salaries and allowances of Members of Parliament and Ministers. Of the other six, two relate to supersession of the Boards of the councils that regulate homoeopathy and Indian systems of medicine, one allows the Reserve Bank of India to regulate cooperative banks (a similar Bill is pending in Parliament), and three relate to agricultural markets (allowing contract farming and trading outside mandis). While the ordinances related to COVID-19 have a temporary application, Parliament should refer those with long-term implications (such as the farming and the banking ones) to the respective committees for detailed scrutiny.

### **Core issues**

Several events have taken place over the last six months that need thorough discussion. This includes ways to tackle the spread of the novel coronavirus and limit mortality, and possible paths in the months ahead that could guide government action. Economic growth, which has been decreasing for the last couple of years, 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.

The absence of Question Hour and a shorter Zero Hour restricts the ability of Members of Parliament to hold the government accountable and represent public interest. That said, Members of Parliament must use other available interventions to ensure that new laws and expenditure proposals are passed only after detailed discussion. Parliamentarians have a duty towards Indian citizens to fulfil their role in scrutinising 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.

**Meanings of Difficult Words:**

- ❖ **stifle** (verb) – constrain, restrain, prevent, hamper, impede.
- ❖ **word of advice** (noun) – cautionary advice about something forthcoming, especially danger.
- ❖ **constraint** (noun) – restriction, limitation, restraint.
- ❖ **scrutinise** (verb) – examine carefully, inspect; investigate.
- ❖ **emblematic** (adjective) – symbolic, representative, demonstrative.
- ❖ **legislature** (noun) – parliament, governing body, assembly/chamber.
- ❖ **novel coronavirus (nCoV) (SARS-CoV-2)** (noun) – a new strain (type/variety) coronavirus that has not been previously identified in humans. (Courtesy: **WHO**)
- ❖ **pandemic** (noun) – the worldwide spread of a new disease; The illness spreads around the world and typically affects a large number of people across a wide area.
- ❖ **legislator** (noun) – a member of a legislature (parliament); lawmaker, representative.
- ❖ **ratify** (verb) – approve, sanction, endorse, validate.
- ❖ **ordinance** (noun) – (local) order, decree, directive/regulation.
- ❖ **hardly** (adverb) – barely, only just, almost not.
- ❖ **executive action** (noun) – government action.
- ❖ **social/physical distancing** (noun) – a term means actively avoiding crowded public places, is a key element in decreasing the rapid spread of COVID-19. This is an effort intended to limit exposure by reducing face-to-face contact and preventing spread among people in community settings.
- ❖ **truncate** (verb) – shorten, cut short, curtail.
- ❖ **pertinent** (adjective) – relevant, appropriate, applicable.
- ❖ **zero hour** (noun) – the opportunity for MPs to raise national issues without an advance notice became available at 12 pm and could last for an hour until the House adjourned for lunch. This led to the hour being popularly referred to as Zero Hour and the issues being raised during this time as Zero Hour submissions. During this time, members raise issues pertinent to their constituents and of wider public interest.
- ❖ **constituents** (noun) – all people (members/voters) of a constituency.
- ❖ **public interest** (noun) – welfare/well-being of the general public as a whole.
- ❖ **Question Hour** (noun) – Question Hour is the liveliest hour in Parliament and it is taken up from 1100hrs to 1200 hrs in every sitting. It is during this one hour that Members of Parliament ask questions of ministers and hold them accountable for the functioning of their ministries. The questions that MPs ask are designed to elicit (bring out) information and trigger suitable action by ministries.
- ❖ **organ** (noun) – department.
- ❖ **accountable** (adjective) – answerable, responsible, liable.
- ❖ **vote out** (verb) – defeat, vote down, rule against, reject, throw out.
- ❖ **perceive** (verb) – become aware of, become conscious of, come to know, get to know.
- ❖ **contact tracing** (noun) – it is defined as the identification and followup of persons who may have come into contact with a person infected with the virus.
- ❖ **dilute** (verb) – diminish, reduce, decrease, lessen.
- ❖ **decade** (noun) – a period of ten years.
- ❖ **the executive** (noun) – a branch of government which enforces the law as written by the legislature and interpreted by the judiciary; government.

- ❖ **illustrate** (verb) – explain, elucidate, clarify.
- ❖ **moot** (verb) – introduce, put forward, present, propose, suggest.
- ❖ **joint parliamentary committee** (noun) – ad hoc (temporary) Committees appointed for a specific purpose (to examine irregularities and aberrations, if any, and the consequences therefore in the implementation of Government decisions and policy prescriptions) and they (JPCs) cease to exist when they finish the task assigned to them and submit a report.
- ❖ **legislation** (noun) – law, rules, regulations, statutes.
- ❖ **enable** (verb) – allow, permit, give permission to.
- ❖ **efficacy** (noun) – effectiveness, efficiency, power/ability to give estimated results.
- ❖ **as well as** (phrase) – and in addition; and also.
- ❖ **in contrast (to)** (phrase) – in opposition to, be very different from.
- ❖ **roll out** (phrasal verb) – launch, introduce, organize, inaugurate (something officially).
- ❖ **Aarogya Setu** (noun) – Aarogya Setu is a mobile application developed by the Government of India to connect essential health services with the people of India in their combined fight against COVID-19.
- ❖ **oversight** (noun) – supervision, surveillance, administration, management.
- ❖ **parliamentary oversight** (noun) – Through its core oversight function, parliament holds the government to account on behalf of the people, ensuring that government policy and action are both efficient and commensurate (appropriate) with the needs of the public. Parliamentary oversight is also crucial in checking excesses (uncontrolled/unrestricted behaviour) on the part of the government. There can be no democratic system of government without transparency and accountability.
- ❖ **grey zone** (noun) – an area of uncertainty; (an intermediate area which is not clearly or easily defined).
- ❖ **resume** (verb) – restart, recommence, begin again, start again.
- ❖ **slew of** (noun) – a large number of, lot, range.
- ❖ **short of** (phrase) – less than.
- ❖ **in-person** (adjective) – physically, personally, bodily, actually.
- ❖ **plenary** (noun) – assembly, conference, meeting (attended by all participants).
- ❖ **imply** (verb) – say indirectly, suggest, indicate.
- ❖ **check** (noun) – control, restraint, curb, restriction/limitation.
- ❖ **look at** (phrasal verb) – study, analyse, scrutinize.
- ❖ **post-mortem analysis** (noun) – a process, usually performed at the conclusion of a project, to determine and analyze elements of the project that were successful or unsuccessful.
- ❖ **rather than** (phrase) – instead of.
- ❖ **mechanism** (noun) – procedure, process, method/technique.
- ❖ **as an aside** (phrase) – as a comment/remark that is not supposed to be heard by everyone.
- ❖ **sound** (adjective) – practicable, reliable, sensible, dependable.
- ❖ **maxim** (noun) – precept, saying, motto.
- ❖ **rue** (verb) – regret, deplore, be sorry about.
- ❖ **intervention** (noun) – the process of intervening in something; involvement, interference.
- ❖ **lack of** (noun) – absence, deficiency, scarcity, dearth.
- ❖ **lockdown** (noun) – an emergency protocol implemented by the authorities that prevents people from leaving from a place; An extended state of confinement/encirclement/isolation of a person by the authority.

- ❖ **compound** (verb) – aggravate, worsen, intensify, make worse.
- ❖ **hardship** (noun) – financial distress, suffering, affliction, trouble, torment, misfortune.
- ❖ **migrant** (noun) – a person who moves from one region to another – either within a country or across national borders in order to find work or better living conditions.
- ❖ **on the ground** (phrase) – in a situation/place where things are happening really/practically.
- ❖ **fine-tune** (verb) – carefully assess/adjust; calibrate, regulate.
- ❖ **take to** (phrase) – resort to, turn to, have recourse to.
- ❖ **equip** (verb) – prepare (for a particular task/situation).
- ❖ **dare I say** (phrase) – used when you know that what you are going to say will disappoint/irritate someone.
- ❖ **evolve** (verb) – develop, progress, advance.
- ❖ **dues** (noun) – payment, contribution (which is long pending).
- ❖ **overrule** (verb) – cancel, reverse, rescind, repeal.
- ❖ **potential** (adjective) – possible, likely, probable.
- ❖ **monopoly** (noun) – exclusive/complete control of something by a person/organisation.
- ❖ **default** (noun) – non-payment, failure to pay.
- ❖ **illegality** (noun) – an illegal act/practice.
- ❖ **lose ground** (phrase) – lose one's advantage.
- ❖ **moratorium** (noun) – a temporary suspension of an activity; embargo, ban, prohibition.
- ❖ **insolvency** (noun) – a condition in which the financial difficulties of an individual or organisation are such it is unable to pay its debts.
- ❖ **bankruptcy** (noun) – legal state of insolvency. An individual or organisation is declared bankrupt if a court judges that the party involved can no longer meet debt payments to creditors. It is defined as the outcome of a legal procedure.
- ❖ **supersession** (noun) – replacement of a person previously in authority.
- ❖ **regulate** (verb) – standardize, set right, check.
- ❖ **implications** (noun) – consequence/outcome, ramification, repercussion.
- ❖ **scrutiny** (noun) – examination, inspection, investigation.
- ❖ **mortality** (noun) – (in a particular time/for a cause) the rate/number of death.
- ❖ **fall** (noun) – decrease, decline, drop, slump.
- ❖ **far-reaching** (adjective) – widespread, sweeping, extensive, important, significant.
- ❖ **indeed** (adverb) – in fact, actually.
- ❖ **assumption** (noun) – belief, supposition, expectation, speculation, conjecture.
- ❖ **hold someone responsible/accountable (for)** (phrase) – blame someone for something.
- ❖ **curtailed** (adjective) – shortened, truncated; restricted/limited.
- ❖ **coronavirus (CoV)** (noun) – a large family of viruses that cause illness ranging from the common cold to more severe diseases. common signs of infection include respiratory symptoms, fever, cough, shortness of breath and breathing difficulties. In more severe cases, infection can cause pneumonia, severe acute respiratory syndrome, kidney failure and even death. (Courtesy: **WHO**)
- ❖ **make the best of** (phrase) – make the most of; to gain (maximum) advantage from an unwelcome/unsatisfactory situation.
- ❖ **wrest** (verb) – take back (something with effort).