Pointing the Finger at Parliamentary Scrutiny - Farm Laws

What is the issue?

- The new Farm Bills passed by Parliament have evoked a scale of protest unforeseen by the government.
- The demand for repeal of laws passed only recently by the Parliament only shows a serious lapse in the management of legislative work.

What is the practice during colonial times?

- Improving the pieces of legislation through detailed scrutiny by Parliament through its committees is historically an ancient practice.
- In fact, the British Parliament has been doing it since the 16th century.
- The Indian experience of legislative scrutiny of Bills goes back to the post-Montagu–Chelmsford Reforms.
- The Central Legislative Assembly which was the Parliament of British India, had set up three committees:
    1. Committee on Petitions relating to Bills
    2. Select Committee of Amendments of standing orders
    3. Select Committee on Bills
- Thus, even the colonial Parliament recognised the need and usefulness of parliamentary scrutiny of Bills.

What is the legislative procedure thereafter?

- Parliament is the supreme law-making body which has put in place a large machinery of committees.
    - The sole purpose is to scrutinise the Bills which are brought before it by the government.
- Prior to the formation of Standing Committees, the Indian Parliament used to appoint select committees, joint select committees, etc.
- After such scrutiny is completed, the committees send their reports.
- It contains their recommendations to the Houses on improvements to be made in the Bills.
- While undertaking such scrutiny, the committees invite various stakeholders to place their views before them.
- Only after elaborate consultation do the committees formulate their views and recommendations.

- Under any circumstances, the Bills which come back to the Houses after the scrutiny by the committees will be in a much better shape in terms of their content.

What is the role of the presiding officer?

- Technically, the reference to the committees is within the discretion of the Speaker or the Chairman.
- But the idea behind the Rules is that all important Bills should go before the committees for a detailed examination.
- However, every Bill which comes before the Houses need not be sent to the committees.
- For example, some minor Amendment Bills or Bills which do not have any serious ramifications need not be sent to the committees.
- But it does not mean that the Presiding officers can exercise their discretion not to refer an important Bill which has serious implications for society. That would only defeat the purpose of the Rules.

How is it in practice?

- Data show that very few Bills are referred to the Parliamentary Committees now.
- Ministers are generally reluctant to send their Bills to the committees because they are in a hurry to pass them.
- They often request the Presiding Officers not to refer their Bills to the committees.
- But the Presiding Officers are required to exercise their independent judgment in the matter and decide the issue.
- **Examples**:
    - The Protection of Plant Varieties and Farmers' Rights Bill was introduced in 1999 in the Lok Sabha and was immediately referred to a joint committee of both Houses.
    - The Seeds Bill, 2004 was referred to the Standing Committee on Agriculture.
        - Through the process of consultation with a wide range of experts and research organisations and farmers, the committee made significant improvements in the Bill
    - The Companies (Amendment) Bill, the Information Technology Bill, and the Goods and Services Tax Bill, are some other key bills.
    - Lokpal and Lokayuktas Bill which was introduced in the Lok Sabha in 2011 was referred to the Standing Committee.
        - This was again referred to a Select Committee of the Rajya Sabha when

it was transmitted to that House after being passed by the Lok Sabha.
    - Thus, this Bill underwent double scrutiny by two committees of Parliament.

How significant are parliamentary committees?

- India's Parliamentary Committees have a tradition of working in a non-party manner.
- The reports of these Committees are based on consensus.
- The adversarial politics playing out in full force in the Houses do not influence the committees.
- In essence, the systems of Parliament are inclusive. They have the capacity to harmonise contradictions.

What is the case with the farm bills?

- The Farm Bills seek to alter the well-established system of grain trade in major grain growing States.
- But these were not sent to the Parliamentary Committee on Agriculture for a detailed study.
- The Committee is sure to have consulted the farmers apart from other stakeholders and suggested improvements.
- This, perhaps, could have averted the current agitation.
- Negotiations between the government and the farmers now seem to have produced no result.
- Notably, most proposals now made by the government for farmers' consideration are issues which were more or less rejected by the government when those Bills were debated in Parliament.
- It is high time to realise the threats of making the parliamentary scrutiny systems gradually non-functional and irrelevant, and to prevent it from happening.

Source: The Hindu

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