

**Discuss the role of Parliament in law-making. Examine the challenges faced in ensuring effective legislative scrutiny in recent years.**

## Understanding Question- Finding Information

- **Precise Syllabus Mapping:** Parliament and State legislatures structure, functioning, conduct of business, powers & privileges and issues arising out of these. **(GS Paper – II)**
- **Marks and Words Limit:**
  - The marks-oriented approach to answering **(10-mark, 150-word)** questions is to use **Bullet Points** (one idea per bullet point), **Brainstorming**, or a combination of both.
  - The way to score good marks in questions worth **(15 marks. 250 words)** is to use the **Heading and Subheading** method while writing your answers.
- **Directive words**
  - Discuss → Explain functions with breadth and examples
  - Examine → Identify issues and critically analyse causes and implications
- **Focal points of the questions:**
  - Role of Parliament in law-making
  - Challenges to effective legislative scrutiny, especially in recent years

## Answer Writing Structure (Outline)

### A. Introduction Paragraph

- Constitutional anchoring
- Democratic significance

### B. Body Paragraph

#### a. Legislative Authority

##### • Nature of Federation

- Enacts laws under Union and Concurrent Lists
- Amends the Constitution (Article 368)
- Passes money and finance bills

##### • Deliberative Function

- Debates bills and public issues
- Reflects diverse regional and social interests
- Provides a forum for consensus-building

##### • Scrutiny and Oversight

- Standing Committees examine bills in detail
- Question Hour and Zero Hour
- Motions, discussions, and debates

##### • Constitutional Flexibility

- India: Amendments can be passed by Parliament with limited state consent
- USA: Amendments require ratification by states

##### • Representative Function

- Converts public demands into policy inputs
- Acts as a bridge between citizens and the executive

#### b. Challenges to Effective Legislative Scrutiny in Recent Years

**Dos & Don'ts:** Focus on institutional and procedural challenges, not personalities

##### • Declining Parliamentary Time

- Reduced sittings and shorter sessions
- Limited scope for detailed debates

- **Reduced Role of Committees**
  - Fewer bills referred to Standing Committees
  - Passage of important laws without in-depth examination
- **Frequent Use of Ordinances and Money Bills**
  - Bypasses detailed parliamentary scrutiny
  - Weakens bicameral checks
- **Disruptions and Polarisation**
  - Loss of productive time due to disruptions
  - Adversarial politics affecting deliberation quality
- **Executive Dominance**
  - Strong party majorities reduce legislative independence
  - Limited space for dissent and amendments

### C. Conclusion:

- Reaffirms democratic importance
- Forward-looking reform orientation

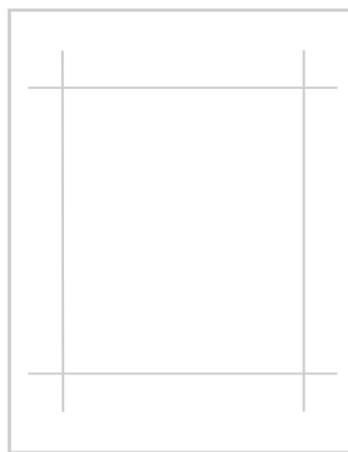
## Dos & Don'ts

- **Do for Maximum Marks**
  - ✓ Can use Brainstorming Idea: Constitutional role → Democratic significance → Emerging challenges → Need for reforms
  - ✓ Link answers to constitutional roles and democratic theory
  - ✓ Maintain a neutral, institutional tone
  - ✓ Use terms like legislative scrutiny, accountability, deliberation
  - ✓ Focus on systems, not individuals or parties
  - ✓ Balance strengths with challenges

- **Don't do these Common Mistakes**

- × Don't turn the answer into political criticism
- × Avoid naming specific controversial bills unless asked
- × Don't ignore Standing Committees
- × Avoid procedural minutiae (first reading, second reading, etc.)
- × Don't be descriptive only analyse challenges

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## Notes Oriented Content for Writing Answer

Parliament's role in law-making involves legislating (Union/Concurrent Lists), scrutinizing executive actions, ensuring accountability through debates/motions, and financial oversight (Budget). Recent challenges include declining productivity, frequent disruptions, hasty bill passage, weak scrutiny (bills passed in same session), political polarization, and underrepresentation, undermining its deliberative function, requiring reforms like strengthening committees and codes of conduct.

### Role of Parliament in Law-Making

Parliament is the supreme legislative body under Part V (Articles 79-122) of the Constitution.

- **Primary Legislator:** Formulates, amends, and repeals laws on subjects in the Union List and Concurrent List.
- **Bicameral Scrutiny:** Bills generally pass through three readings in both the Lok Sabha (direct representation) and Rajya Sabha (federal representation) to ensure a "second look".
- **Committee System:** Detailed clause-by-clause scrutiny occurs in Departmentally Related Standing Committees (DRSCs), allowing for expert input and bipartisan consensus outside the public eye.
- **Financial Control:** Exercises "power of the purse" by approving the Union Budget and scrutinising expenditures via the Public Accounts Committee (PAC).
- **Delegated Legislation:** Sets broader policy frameworks while authorizing the Executive to draft detailed rules, though these remain subject to parliamentary review.

### Challenges to Effective Legislative Scrutiny

Recent trends indicate a decline in the depth and quality of legislative oversight.

- **Declining Referral to Committees:** The percentage of Bills referred to committees has plummeted from 71% in the 15th Lok Sabha to approximately 16% in the 17th Lok Sabha.
- **Rushed Legislation:** Many critical laws are passed with minimal debate. For example, the Farm Laws (2020) were passed in just 7 minutes in the Rajya Sabha. In the 17th Lok Sabha, 35% of Bills were passed with less than an hour of discussion.

- **Executive Dominance:** Frequent use of the Ordinance route (Article 123) and classifying controversial bills as Money Bills (to bypass Rajya Sabha) has eroded the bicameral check.
- **Frequent Disruptions:** Increased political polarization has led to regular adjournments, wasting productive time. The 17th Lok Sabha functioned for only 1,615 hours, roughly 40% less than the historical average.
- **Weak Budget Scrutiny:** Large portions of the budget (over 75% in 2023) are often passed without discussion using the 'Guillotine' procedure.
- **Declining Attendance:** Average attendance in committee meetings is often below 50%, as MPs frequently prioritize constituency social functions over technical committee work.

## Measures for Reform

- **Mandatory Committee Referral:** Making it compulsory for all significant Bills to be referred to committees, as practiced in the US and UK.
- **Fixed Parliamentary Calendar:** Implementing the NCRWC (2002) recommendation of a minimum 120 sitting days annually to ensure sufficient time for debate.
- **Institutional Support:** Establishing a Parliamentary Budget Office (PBO) to provide independent research and fiscal analysis to MPs.
- **Opposition Space:** Reserving dedicated days (similar to "Opposition Days" in the UK) for the opposition to set the legislative agenda.

In conclusion, while the Parliament remains the supreme legislative body, its role in law-making is increasingly overshadowed by executive dominance and procedural shortcuts. For the institution to truly function as the "central pillar" of democracy, it must shift from merely passing laws to rigorously scrutinising them through mandatory deliberation and expert committee oversight. Ultimately, the effectiveness of legislative scrutiny depends on a collective commitment from both the Treasury and Opposition benches to treat Parliament as a forum for reasoned debate rather than just a venue for political signalling.

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