

## General Studies-2; Topic: Parliament and State Legislatures – structure, functioning, conduct of business, powers & privileges and issues arising out of these.

### Sessions of Parliament

#### 1) Introduction

- The winter session of parliament has been delayed due to the election in Gujarat.
- No session was ever postponed for as long as four weeks for a single assembly election.
- The delay of summoning parliament has come under much criticism.

#### 2) Why is a Parliament session important?

- Law-making is dependent on when Parliament meets.
- Thorough scrutiny of the government's functioning and deliberation on national issues
- Functioning of Parliament is key to a well-functioning democracy.

#### 3) Constitutional Provisions

- Article 85 of the Indian constitution says that the gap between two sessions of parliament should not be six months
- It is the prerogative of the executive to convene parliament on a particular date.
- After amendment in 1951, three sessions of parliament in a year have become the pattern.
- The Constitution does not specify when or for how many days Parliament should meet.

#### 4) Importance of Legislature

- Parliament is entrusted to be the 'watchdog' of our democracy and hold the executive accountable.
- The legislature sanctions money for running the government.
- The executive cannot withdraw money from the consolidated fund without the authority of law made by the legislature.
- The executive cannot levy or collect any tax from citizens without the authority of law made by the legislature.
- The legislature makes laws which the executive is bound to enforce.
- The legislature has the power to remove a government when it loses the confidence of the house.
- To carry out these functions the legislature establishes systems to ensure the accountability of the executive.
- The most crucial system is an independent secretariat for the legislature.

#### 5) Practice in other countries

- In UK, the US and some other democratic countries – parliament meets at a fixed time
- They sit throughout the year with breaks in between.
- It allows them to plan their agenda well in advance and electoral cycles, or other political compulsions, do not disrupt the legislature's calendar.

#### 6) Declining role of Legislature

- Though parliament acts like the 'watchdog' of our democracy and hold the executive accountable, it is the executive that decides when the parliament should meet.
- Recent trend of declining number of sitting days. Parliament in the last ten years has met for an average 70 sittings a year.

- In comparison, UK's House of Commons met for an average of 150 days a year over the last 15 years.
- The United States House of Representatives met for an average of 140 days a year over the same period.
- The executive is collectively responsible to the legislature. Allowing the government to call the Parliament to meet could be in conflict with this principle.

### 7) Having Parliament in session throughout the year?

- It enables detailed planning of legislative and policy work all year round.
- It negates the need for enacting Ordinances
- It enables accountability of government functioning by Parliament throughout the year.

### 8) Way Forward

- Have a calendar of sittings announced at the beginning of each year so that members can plan better for the whole year.
- A deep understanding of parliamentary history and traditions and, the constitutional role and responsibilities of the Indian legislature is necessary.
- Law makers must think about institutional reforms needed for strengthening the overall role of parliament.
- The National Commission to Review the Working of the Constitution recommended that the Lok Sabha and Rajya Sabha should meet at least 120 and 100 days a year respectively.

