



Subversion of Parliamentary Democracy: Concerned Citizens Groups release a “charge sheet” against the government of India

SABRANGINDIA

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A collective of citizens and organisations have together released a “charge sheet” against the government of India showcasing how this regime, into its second term has subverted parliamentary democracy. This document was released at an online press conference between 12 p.m. and 1 p.m. today February 9.

The last session of the current Parliament is underway. In the last few years, parliamentary democracy has taken a beating, largely due to the actions of the current government. Several Citizen groups from across India have come together to release a “charge sheet” against the government of India for subverting and undermining Parliamentary democracy.

The objective of the charge sheet is to highlight the collapse of parliamentary democracy due to the ruling party’s deliberate subversions of processes and laws. The charge sheet enlists and shares evidence for eight charges levelled by the people of India against the government.

The following speakers spoke at the press meet:• Father Cedric Prakash ; Human Rights and Peace activist, Henri Tiphagne; National Secretary, Human Rights Defenders Alert India, Maitreyi K; President, All India Lawyers Associations for Justice, Nadeem Khan, National Secretary, Association for Protection of Civil Rights, Priyadarshini; Co-ordinator, Delhi Forum

The “charge sheet” released to the public may be read below:

We the People of India

Vs.

Government of India

“Charge sheet” against Government of India for subverting our parliamentary democracy guaranteed by the Constitution of India

LIST OF CHARGES

| S. NO. | CHARGES |
|---------------|---|
| 1. | No Deputy Speaker in Lok Sabha in violation of Article 93 of the Constitution |
| 2. | Lowest number of sittings in a full term Lok Sabha, controlling Parliament as per its whims, reducing opportunities for holding government accountability |
| 3. | Bringing more and more ordinances bypassing parliamentary scrutiny, repromulgating ordinances committing a fraud on the Constitution |
| 4. | Bringing Bills without following democratic process, passing Bills without discussion, in absence of Opposition MPs in House, in undemocratic manner |
| 5. | Lack of transparency in law making process, not doing proper public consultations, violating Pre-Legislative Consultative Policy and not sending Bills to Standing Committees |
| 6. | Passing Budgets without adequate scrutiny, including problematic provisions like the Electoral Bonds in Finance Bill |
| 7. | Unprecedented number of Opposition MPs suspended in Winter Session 2023, a virtually Opposition less Parliament passed controversial Bills |
| 8. | Govt uncomfortable with Questions, Questions asked by Opposition MPs get deleted, Ministries provide evasive responses to questions |

DETAILED EVIDENCE

Charge: No Deputy Speaker in Lok Sabha in violation of Article 93 of the Constitution

Evidence: Since the beginning of the 17th Lok Sabha on 17th June 2019, no Deputy Speaker has been elected in Lok Sabha. This is the first time since

independence, that the term of a Lok Sabha will complete with the post of Deputy Speaker remaining vacant despite the mandate of Article 93 of the Constitution that stipulates that Lok Sabha 'shall' choose a Speaker and a Deputy Speaker as soon as may be. Since the Speaker is usually a nominee of the government, the Deputy Speaker has conventionally been a nominee of the opposition. The nomination is deliberately delayed to establish supremacy of the ruling party in the Lok Sabha.

Charge: Lowest number of sittings in a full term Lok Sabha, controlling Parliament as per its whims, reducing opportunities for holding government accountability

Evidence:

- Earlier the 16th Lok Sabha (2014-19) had the lowest number of sittings during its five year term – 331 sittings. However, the 17th Lok Sabha is now likely to have the lowest number of sittings – approximately 278 (including the scheduled Budget Session of 2024). This is markedly lower (approx. 34% lesser sittings) compared to even the NDA's own first full term – 423 sittings during the 13th Lok Sabha (1999-2004).
- During 2020, with Covid becoming an excuse, Indian Parliament was in session for only 33 days. Many other democracies across the world held virtual Parliament sessions, debates and even remote voting, but Indian Parliament remained shut for most of the year. In 2020, the Winter Session didn't happen at all. Even Parliament Standing Committees couldn't meet to discuss vitally important issues like government's response to Covid, the migrant exodus etc. during the height of first wave as they were not allowed to meet virtually.
- State Assembly Elections have become an unconstitutional excuse to shorten Parliament sessions. In 2017 and 2022, the Winter Session was delayed and shortened due to assembly elections in some states like Gujarat. In 2018 and 2023, again Winter Session was delayed and shortened due to elections in some states like Rajasthan and Telangana.
- When Govt completes its own agenda for the session, it gets the session adjourned ahead of schedule. Between 2020 and 2022, seven consecutive sessions ended ahead of schedule. The Special Session and Winter Session in 2023 also ended ahead of schedule. When a session ends ahead of schedule, all questions asked for the remaining days lapse, MPs lose opportunities to raise issues of public importance in House. Thus, Parliament ends up becoming a platform for pushing only

the agenda of the party in power and not for debating people's burning issues.

Charge: Bringing more and more ordinances bypassing parliamentary scrutiny, repromulgating ordinances committing a fraud on the Constitution

Evidence:

- Under UPA II government, between 2004-14, 61 Ordinances were promulgated. Between 2014 and 2021, this record had already been broken with 76 Ordinances.
- The Land Acquisition Amendment Ordinance was promulgated three times (2014-15). The Enemy Property (Amendment and Validation) Ordinance was promulgated 5 times in a single year (2016) – a record of sorts. Repromulgation of ordinances is a fraud on the Constitution, as Ordinance making power is to be used only in exceptional circumstances to make temporary provisions.
- The three farm laws were first brought as Ordinance as people were busy surviving the first wave of Covid in 2020.
- In 2023, the Government of NCT of Delhi (Amendment) Ordinance was issued to overturn the Supreme Court judgment giving control over 'services' in Delhi to the Govt of Delhi. This is an indication of the failure of the present political dispensation to conduct its work in a more democratic and transparent manner as per the rule of law.

Charge: Introducing Bills without following the democratic process, passing Bills without discussion, in absence of Opposition MPs in House, in undemocratic manner

Evidence:

- So far in 17th Lok Sabha (as on 21 December, 2023), 86 Bills in Lok Sabha and 103 Bills in Rajya Sabha have been passed with debate time of less than 2 hours.
- In the Winter Session of 2023, after mass suspension of Opposition MPs from both Houses of Parliament, as many as 14 Bills were cleared by either or both Houses of Parliament within just 3 days in which Opposition either did not participate or there was minimal participation.
- During the debate on 3 criminal bills in Winter Session of 2023, 34 MPs participated in Lok Sabha out of which 25 were from BJP alone and similarly in Rajya Sabha, of the 40 MPs who spoke on the Bill, 30 were from BJP alone.

- In the Monsoon Session of 2020, as Opposition MPs boycotted proceedings following the Farm Bill fiasco, for 15 of the 27 Bills passed in that session, Opposition MPs were absent in either or both Houses.
- In the Monsoon Session of 2021, as Opposition protested because the government stonewalled their demand for debate on the Pegasus snooping scandal and farmers' protest, the Lok Sabha cleared 18 Bills amid protests, spending an average of only 15 minutes on each. Some Bills were cleared within 5–6 minutes.
- In the Monsoon Session of 2023, in just one week Lok Sabha passed 7 Bills with an average time of 21 minutes each only. The controversial Forest Conservation Amendment Bill was passed in Lok Sabha within 33 minutes, only 4 MPs spoke. The Digital Personal Data Protection Bill was debated in Lok Sabha for only 40 minutes, only 8 MPs spoke. In Rajya Sabha the DPDP Bill was debated for only 50 minutes, during which no Opposition MP participated. The Opposition was protesting on the Manipur crisis and demanding a debate.
- A new record was set in the Monsoon Session of 2023, when Rajya Sabha passed the Pharmacy (Amendment) Bill within just 3 minutes. The next day, Lok Sabha cleared two Bills – Central GST Amendment and Integrated GST Amendment Bill – within 3 minutes!
- Many a times, Bills are added to the agenda at the last minute.
 - In 2017, the Enemy Property (Amendment and Validation) Bill was passed in Rajya Sabha, when most Opposition MPs had left on the assurance that the Bill would not be taken up on that day.
 - In 2019, the Jammu and Kashmir Reorganisation Bill was sprung as a complete surprise and pushed through Rajya Sabha without affording MPs any opportunity to read or analyse the Bill.
 - In the Monsoon Session of 2021, as many as 11 Supplementary lists were issued with 9 in Rajya Sabha alone and 6 of these were to list Bills for either introduction or passing, thus divesting MPs of enough opportunities to study, analyze and debate on the Bills. In fact on the last day, the Constitution (105th) Amendment Bill and two other Bill were added to Rajya Sabha's agenda through a Supplementary list allowing MPs only an hour to move amendments.
 - In Winter Session of 2021, the Government pushed for passage of the Election Laws Amendment Bill (which provides for Aadhaar – Voter ID linking, among other things) on the same day as its introduction without providing MPs any time to prepare for debate. It was taken up

for debate in Rajya Sabha on the next day itself with MPs alleging that they were not informed in advance.

- The three criminal Bills were also introduced as a surprise on the last day of the Monsoon Session, 2023.
- In the Winter Session of 2023, the Telecommunications Bill was also introduced by including it in the agenda at the last minute.
- In the last Parliament session of the Govt before elections, on 5th February 2023 itself, 3 Bills were introduced after including them in the agenda at the last minute.
- In the last Parliament Session, the originally proposed agenda of the Govt mentioned only 3 Bills, but not only did Govt introduce 3 more new Bills not originally included in agenda, but pushed at least two more Bills pending from previous sessions which were also not part of its agenda.

Charge: Lack of transparency in law making process, not doing proper public consultations, violating Pre-Legislative Consultative Policy and not sending Bills to Standing Committees

Evidence:

- From 71% of all bills being referred to Standing Committees between 2009–2014, since 2019, only 16% of bills have been referred to Standing Committee.
- Only 74 out of 301 i.e. 24.5% of Bills introduced in Parliament were circulated for consultation between 2014 and 2021. Of these 74 Bills, at least 40 were not circulated for 30 days, as specified in the Pre-Legislative Consultative Policy.
- More controversial Bills are sent to Joint Parliament Committees (as Govt decides who gets to be on a JPC). Since, 2014 the following Bills were sent to JPC, chaired by BJP MPs, instead of the relevant Standing Committees, chaired by Opposition MPs:
 - Land Acquisition Amendment Bill
 - Citizenship Amendment Bill
 - Personal Data Protection Bill
 - Forest Conservation (Amendment) Bill
 - Biological Diversity (Amendment) Bill
- Increasingly Committees are also not inviting comments from public and undertaking consultation properly before submitting their reports. The JPC on Jan Vishwas Bill did not invite comments from public. The Standing

Committee on Home Affairs chaired by a BJP MP which was studying the three criminal Bills did not invite comments from public. Several Opposition MPs submitted dissent notes alleging that the Committee rushed with the process and only invited selected people to depose before the Committee.

- As per the petition filed in Supreme Court challenging the Forest Conservation Amendment Act, 2023, the JPC on the FCA Bill received 1309 memoranda from the public which were critical of the Bill, but the JPC ignored most of these and failed to make recommendations to improve the Bill.

Charge: Passing Budgets without adequate scrutiny, including problematic provisions like the Electoral Bonds in Finance Bill

Evidence:

- Between 2016 and 2023, on average, 79% of the budget has been passed without discussion. As per the conventional process, Lok Sabha discusses budgets of some Ministries in detail and votes on them separately. After the days allocated for budget discussion are over, the budgets of remaining Ministries are voted upon together without discuss, a process termed as 'guillotine'. Less number of sittings, short budget sessions, poorly planned agenda of a government not interested in transparent accountability and debate, leads to less and less proportion of the Budget being discussed in detail and more and more of it being passed without discussion.
- The Budget Session of 2018 saw the entire Budget of the government passed within an hour and amidst chaos, without any discussion, i.e., 100% guillotine. This happened as the days allotted for discussion and voting on the Budget saw protests as the Speaker was not accepting opposition's demand for a no-confidence motion.
- In 2018, the Finance Bill was also passed within eighteen minutes, without any discussion.
- In 2020, the Finance Bill was passed within an hour without any discussion, as the government curtailed the Budget Session ahead of schedule, few days before imposing a nationwide lockdown.
- In 2017, the Finance Bill contained controversial non-financial provisions for restructuring tribunals, allowing anonymous political donations through electoral bonds, making Aadhaar mandatory for applying for a Permanent Account Number, etc.

- In the year 2023-24 also, the entire Budget was passed without any debate within just 8 minutes amid protests and disruptions in the House. The Opposition was demanding a JPC on the Adani scam. The Finance Bill was also passed without any debate within just 35 minutes.
- The Budget Session has a recess in between to enable Standing Committees to scrutinize the Budget of each Ministry in detail. But Govt is giving less and less time to Standing Committees to study Budgets. From a 40 day recess in 2016, the recess came down to only 20 days in 2021.

Charge: Unprecedented number of Opposition MPs suspended in Winter Session 2023, a virtually Opposition less Parliament passed controversial Bills

Evidence:

- It has become a routine practice now – Opposition demands debate and discussion on an issue, government keeps stonewalling and denying debate, opposition protests and disrupts, government uses that as an excuse to push Bills through without debate, amid protests. This time opposition's protest demanding debate on the Parliament security breach led to an unprecedented 146 MPs from Parliament being suspended. This is the highest number of MPs to have been suspended ever. This amounted to almost 20% of the strength of both Houses and virtually the entire Opposition.
- While most MPs were suspended till the end of the Winter Session, several MPs were suspended indefinitely pending an inquiry by Committee of Privileges against them. Such indefinite suspension is illegal as rules do not empower either the Speaker or the House to suspend MPs beyond the session in which they are suspended.
- After the suspension of MPs, several crucial Bills were pushed through both Houses including the three criminal Bills, the Telecommunication Bill, the Bill for appointment of Chief Election Commissioner and other Election Commissioners etc.

Charge: Govt uncomfortable with Questions, Questions asked by Opposition MPs get deleted, Ministries provide evasive responses to questions

Evidence:

- Close to 290 Questions asked by Opposition MPs were deleted after they were suspended from the House during the Winter Session of 2023. There are no rules which provide for Questions of suspended MPs to be deleted.

- This was not the first time this has been done. There are media reports of this happening in 2015 and since then there are records of this happening in 2020, 2021 and again in 2023.
- In 2020, Govt also cited Covid as an excuse to do away with Question Hour altogether during the Monsoon Session of 2020, though under pressure from opposition parties, it agreed to answer questions only in writing. During the Special Session of 2023 also, no Question Hour was conducted and no questions were answered.
- Ministries also evade questions, ignore controversial sub-parts of questions, give misleading or incomplete responses or simply say – data not available. While earlier governments have also tried to evade questions, as no government will be comfortable in answering questions, the current dispensation has demonstrated a particular contempt for people's accountability.

Finally, therefore this group of citizens has on behalf of, We the People of India, "charged the Government of India" for violating the ideals of democracy, justice, rule of law and accountability enshrined in the Constitution.

<https://sabrangindia.in/subversion-of-parliamentary-democracy-concered-citizens-groups-release-a-charge-sheet-against-the-government-of-india/>