

# PARLIAMENT WATCH – INDIA\*

MARCH-MAY 2012



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The Indian Parliament has been in operation for the past 60 years, a matter of pride for some, indifference for a few others who had imagined independent India to be somewhat different. Human rights in India have not been given the kind of attention and recognition that it needs. According to Amnesty International's The State of the World's Human Rights Report 2012<sup>1</sup>, "India has not done enough to protect human rights either at home or globally." In that context, it is important to look at the status and get an update of various issues that have been taken up by the Indian parliament. The budget session of the Indian Parliament began on March 12, 2012 and ended on May 22, 2012.

**The Lokpal and Lokayuktas Bill 2011** was passed by the Lok Sabha during the winter session in 2011 but it could not be passed in the Rajya Sabha at that point<sup>2</sup>.

An all party meeting<sup>3</sup> was called for in March 2012 where there were differences with the opposition regarding the composition of the selection panel for the nine member ombudsman panel. It was observed that 34 of the suggestions demanded for by the civil society groups were accepted and there were only six clauses where a consensus could not be evolved.

The bill was discussed on May 21, 2012<sup>4</sup> a day before the budget session ended and was sent to a select committee by the Rajya Sabha. This was despite opposition from the BJP, the Left and the BSP. This amendment was proposed by the SP member Naresh Aggarwal just after V. Narayanswamy, Minister of State, Prime minister's office; Personnel, Public Grievances and Pension had proposed the bill. The bill he said, should be sent to a 15 member select committee of the House for which he suggested 15 names and said that that the committee should present its report to the house during the monsoon session.

The Select Committee members proposed by the government are Shantaram Naik, Satyavrat Chaturvedi, Shadi Lal Batra (all Congress), Arun Jaitley, Rajiv Pratap Rudy, Bhupendra Yadav (all BJP), K.N. Balagopal (CPI-M), Shivanand Tiwari (JD-U), Tiruchi Siva (DMK), Satish Mishra (BSP), D. Bandyopadhyay (Trinamool Congress), Ramgopal Yadav (SP), D.P. Tripathi (NCP), V. Maitreyan (AIADMK) and A.K. Ganguly (Nominated).

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<sup>1</sup> Suroor, Hasan. India "reluctant" to speak out on rights issues, says Amnesty. The Hindu, May 24, 2012. <http://www.thehindu.com/news/national/article3449886.ece?homepage=true>

<sup>2</sup> Additional reference: The report of the standing committee presented to the Rajya Sabha in December 2011. [http://rajyasabha.nic.in/rsnew/48th\\_lokpal\\_report.pdf](http://rajyasabha.nic.in/rsnew/48th_lokpal_report.pdf)

<sup>3</sup> Differences remain on Lokpal Bill; no consensus on creation of Lokayuktas. (The Economic Times.March 24, 2012) [http://articles.economictimes.indiatimes.com/2012-03-24/news/31233945\\_1\\_lokpal-bill-lower-bureaucracy-lokayuktas](http://articles.economictimes.indiatimes.com/2012-03-24/news/31233945_1_lokpal-bill-lower-bureaucracy-lokayuktas)

<sup>4</sup> Lokpal Bill hits fresh roadblock. (The Hindu. May 21, 2012) <http://www.thehindu.com/news/national/article3442748.ece>

The main point of difference<sup>5</sup> has been the role of the CBI and the creation of Lokayuktas. The BJP's stand is that the chief of the CBI should be picked by a committee, instead of by just the government and this will ensure the autonomy of the CBI. Addressing the concerns that the Lokayuktas in the states will negatively affect the autonomy of the states; the government has proposed that the bill should be amended to give rights to the states to pass the bill in their own assemblies so that the bill passed by the Centre is not imposed on the states but this was rejected by the BJP saying that this would be unconstitutional and that at least two state assemblies should be passing a resolution on this.

Earlier, there were clauses that action can be taken against any member of the Lokpal by any citizen but with the recent amendments; the petition would have to be signed by 100 MP's for such action to be taken. The recent amendments also include clarifications on the role of the CBI wherein, now, once the Lokpal accepts a complaint from the public, it will forward it to the CBI which will investigate and file a charge sheet or closure report before the court. The ombudsman will be informed and the report will now be shared with the relevant court as well.

**The Land Acquisition Rehabilitation & Resettlement Bill 2011** was introduced in the Lok Sabha in September 2011. The standing committee has recently proposed certain changes<sup>6</sup> in the bill and these changes propose restrictions on the acquisition of land for anything besides social sector projects or infrastructure and clarify that profit making enterprises will not be given land.

- Profit making private companies and public private partnership projects will not be catered to and they will have to approach the open market.
- The committee also clarified that the companies would have to approach the landowners directly and get their consent.
- It was also proposed that all social sector and infrastructure projects be routed through the state governments.
- The states should decide the market value that should be offered to villagers whose lands have been acquired.
- Acquisition should happen in close consultation with the Panchayats and the Gram Sabha's.
- Land acquired if not used in five years is to be returned to its original owner<sup>7</sup>.

However, the National advisory Council differs with these recommendations of the committee. N.C Saxena has said that there is a need to maintain a balance between the interest of the people and the interests of the industry. He said, "No land acquisition for

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<sup>5</sup> Lokpal Storm in Rajya Sabha again; BJP objects to motion to send bill to select committee (NDTV. May 21, 2012) <http://www.ndtv.com/article/india/lokalpal-bill-to-be-taken-up-in-rajya-sabha-today-for-debate-213549?pfrom=home-otherstories>

<sup>6</sup> Land acquisition bill: Radical changes proposed by parliamentary panel (May 17, 2012) <http://www.ndtv.com/article/india/land-acquisition-bill-radical-changes-proposed-by-parliamentary-panel-211928?pfrom=home-otherstories>

<sup>7</sup> Parliamentary panel on rural development finalises draft land acquisition bill (India Today. May 16, 2012) <http://indiatoday.intoday.in/story/house-panel-finalises-draft-land-acquisition-bill/1/188991.html>

profit-making enterprises is not a good idea because a large number of industries are labour intensive... For industrialisation, you have to make sure that land is made available... It's also not good for the people...what happens is, when market forces enter, poor farmers are not able to get a good price and they generally give their land at a very cheap price and large farmers who are able to hold out get a good price," (NDTV. May 17, 2012<sup>8</sup>).

It must be kept in mind that the proposals of the parliamentary panel are not final views of the government<sup>9</sup>, they are just recommendations. Moreover, according to social activists like Nikhil Dey, terms like social sector projects can be dubious. Government must play a role in order to ensure that people's interests are safeguarded even though these recommendations show that they are not supporting the industrialists.

Thus, there are contradictions in what different government bodies are planning, and considering the falling growth rate now, the position they take is extremely important. A country's growth rate should represent the masses of that country not a small minority.

**The Protection of Children against sexual offences bill 2011<sup>10</sup>** was passed in the Rajya Sabha on May 10, 2012 and is yet to be passed in the Lok Sabha. It is applicable all over the country besides Jammu and Kashmir and includes provisions for the state governments to set up a Special Court to try the offences under the Act.

This bill has been highly demanded for since the past few years and among the many commendable provisions it comprises of, in order to safe guard the interests of children in India, it does not cater to one contentious issue regarding addressing the age group between 16 to 18 years.

"Provided that where such penetrative sexual assault is committed against a child between 16 to 18 years of age, it shall be considered whether the consent for such an act has been obtained against the will of the child or the consent has been obtained by use of violence, force, threat to use force, intoxicants, drugs, impersonation, fraud, deceit, coercion, undue influence, threats, when the child is sleeping or unconscious or where the child does not have the capacity to understand the nature of the act or to resist it," the Bill read<sup>11</sup>.

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<sup>8</sup> Land acquisition bill: Radical changes proposed by parliamentary panel (May 17, 2012)  
<http://www.ndtv.com/article/india/land-acquisition-bill-radical-changes-proposed-by-parliamentary-panel-211928?pfrom=home-otherstories>

<sup>9</sup> Land acquisition bill: Radical changes suggested by parliamentary committee. NDTV Videos. May 16, 2012 <http://www.ndtv.com/video/player/news/land-acquisition-bill-radical-changes-suggested-by-parliamentary-committee/232548>

<sup>10</sup> Bill text  
<http://www.prsindia.org/uploads/media/Protection%20of%20children/Protection%20of%20children%20against%20sexual%20offences%20bill%202011.pdf>

<sup>11</sup> Bill to protect children from sexual abuse passed in RS. (Hindustan Times. May 10, 2012)  
<http://www.hindustantimes.com/India-news/NewDelhi/Bill-to-protect-children-from-sexual-abuse-passed-in-RS/Article1-853867.aspx>

The clause<sup>12</sup> thus, “gave legal-protection to potential-offenders; an invitation to criminally-minded adults to break the same law by raping a child between 16 and 18 years of age. The onus of proving it as a crime would have been upon the child” Moreover, “it actually criminalised sexual experimentation amongst 16-18 years. This age-band falls within the Juvenile Justice Act. To place them in a new law -- understood as being to punish majors and protect minors -- is to take away their rights under the old one (which largely avoids hyper-technical legal applications on sex between minors unless there is a complaint).”

Thus, it seeks to criminalize teenage sex, making any intercourse below 18 years of age an offence.

**The National Food Security Bill, 2011**<sup>13</sup> was introduced in the Lok Sabha on December 22, 2011 and seeks to provide food subsidies to 62% of the population<sup>14</sup> which would include 75% of the rural population and 50% of the urban population.

However, according to news reports, there are claims that this bill is going to make the condition of the poor only worse. “India already has 54.7 million tonnes of rice and wheat lying as stocks with the Centre and the states, 29.7 million tonnes of grain in excess of the buffer stocking norm. Off take of rice in the current fiscal year has been 74% of the allotment, and that of wheat, 64%. The residual will keep adding to the grain mountain with the government, which will rot, due to poor storage, be eaten by rats and be pilfered. By cornering huge volumes of grain, the government reduces the supply in the open market, putting upward pressure on prices.” (The Economic Times, December 20, 2011)<sup>15</sup> It is suggested that India be made a major source of the additional food that the world demands. Thus, investment in agricultural growth is the answer.

“To meet the requirements of the Food Security Bill, India will annually need 60 million to 61 million tons of grains to feed people who will be eligible for assistance under the program, up from around 55 million tons it needs now for state-run welfare programs. This will cause food subsidies to balloon to an estimated 949.73 billion rupees (\$18.05 billion) in the first year of implementing the food security program, up from around 673 billion rupees now. The government will also need an investment of 1.1 trillion rupees to boost farm output over next few years.” (Agarwal and Anand, India Real Time, December 19, 2011)<sup>16</sup>

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<sup>12</sup> Consent and Controversy (May 12, 2012) <http://www.indianexpress.com/news/consent-and-controversy/948277/0>

<sup>13</sup> Bill Text  
<http://www.prsindia.org/uploads/media/Food%20Security/National%20Food%20Security%20Bill%202011.pdf>

<sup>14</sup> Government introduces Food Security Bill in Lok Sabha. (NDTV. December 22, 2011)  
<http://www.ndtv.com/article/india/government-introduces-food-security-bill-in-lok-sabha-159887>

<sup>15</sup> Food Security Bill likely to hurt the poor more. (The Economic Times. December 20, 2011)  
[http://articles.economictimes.indiatimes.com/2011-12-20/news/30538157\\_1\\_food-security-bill-employment-guarantee-scheme-cash-transfers](http://articles.economictimes.indiatimes.com/2011-12-20/news/30538157_1_food-security-bill-employment-guarantee-scheme-cash-transfers)

<sup>16</sup> Food Security Bill: Good for Politics, Terrible for economy. (India Real Time. December 19, 2011)  
<http://blogs.wsj.com/indiarealtime/2011/12/19/food-security-bill-good-for-politics-terrible-for-economy/>

After facing opposing views from various other heads of parties like AIADMK, Janata Dal United, Bahujan Samaj Party and Trinamool Congress, the bill was sent to the parliamentary standing committee for reconsideration in January 2012<sup>17</sup>.

The representatives of different states<sup>18</sup> expressed their discontent with the bill during a conference by highlighting existing problems which needed to be dealt with. In Haryana, problems are mainly of the lack of storage capacity and the slow distribution processes whereas, the North Eastern states wanted to draw attention towards broadening the scope of getting food grains by including locally grown food grains. In Jharkhand, the main issue was that more food grain procurement centres need to be set up.

The bill has also been opposed by the Communist Party of India (Marxist)<sup>19</sup> saying that this will create further divisions between the people above and below the poverty line. The CPM said the legislation was unacceptable and demanded that it must include as a universal right the provision of at least 35kg of food grains at Rs 2 a kilo.

In an open letter<sup>20</sup> to the Prime Minister of India, eminent development economists have said that there are serious problems with the existing form of the bill and they have identified<sup>21</sup> a three way division of the population which the bill relies on- priority, general and excluded households. These divisions reduce the clarity as to how these different households are to be identified. With PDS benefits mostly reaching the priority households, this would have many of the problems which come with BPL and targeting that has been problematic and unreliable. Moreover, the rigid framework based on selection criteria would undermine the positive trend towards a more inclusive PDS in many states. The suggestion made was for abolishing the distinction between general and priority households so that the same PDS entitlements could be given to all households outside the excluded category. This would result in letting go of the complicated identification process and would only leave us to deal with the more clear exclusion criteria which would ultimately make the framework more understandable.

The food ministry has appointed Hyderabad-based Administrative Staff College of India (ASCI)<sup>22</sup> as a consultant on the bill. ASCI is meant to work with ministry officials and analyse the delivery mechanism of the department of food and public distribution, including Food Corporation of India and state governments. ASCI is to analyse storage

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<sup>17</sup> Parliamentary panel on food bill to meet Jan 23. (The Economic Times. January 18, 2012)

[http://articles.economictimes.indiatimes.com/2012-01-18/news/30639394\\_1\\_subsidised-grains-food-bill-food-law](http://articles.economictimes.indiatimes.com/2012-01-18/news/30639394_1_subsidised-grains-food-bill-food-law)

<sup>18</sup> Parsai, Gargi. State Food Ministers express reservations about food bill. The Hindu. February 10, 2012 <http://www.thehindu.com/todays-paper/tp-national/article2877189.ece>

<sup>19</sup> Dutta, Ananya. Proposed food security bill inadequate: Karat. May 14, 2012

<http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/article3416771.ece>

<sup>20</sup> A simple proposal on food security. (The Hindu. March 12, 2012) <http://www.thehindu.com/opinion/op-ed/article2985212.ece>

<sup>21</sup> Simplifying the National Food Security Bill. Suggestions by eminent economists

[http://www.thehindu.com/multimedia/archive/00948/Simplifying\\_the\\_NFS\\_948744a.pdf](http://www.thehindu.com/multimedia/archive/00948/Simplifying_the_NFS_948744a.pdf)

<sup>22</sup> Mukherjee, Sanjeeb. Government starts work on food security bill rules, brings in a consultant. Business Standard. April 16, 2012. <http://business-standard.com/india/news/govt-starts-workfood-security-bill-rules-brings-inconsultant/471477/>

capacities in states and the state of their utilisation, along with customer-centric issues such as quality of grain supplied through PDS, customer satisfaction, and suggest solutions for shortcomings.

Food security is something which India really needs to work on but the bill in its present form does not seem to have the clauses which can strengthen the existing implementation system and clauses which are essential to ensuring food security.

**Women's Reservation Bill [The Constitution (108<sup>th</sup> Amendment) Bill, 2008]**<sup>23</sup> was introduced on May 6, 2008; it was introduced many times before that and was ultimately passed by the Rajya Sabha on March 9, 2010. It is now pending in the Lok Sabha. This bill aims at reserving one third of all seats in the Lok Sabha and the state legislative assemblies. It also requires for one third of the total number of seats to be reserved for women of the Scheduled Castes and Scheduled Tribes groups. The proposed time period for this is fifteen years<sup>24</sup> from the commencement of the Act.

There have been arguments for and against this version of the bill. There are certain arguments where it is being supported since it would increase the political participation of women. However, some of the main arguments over the years are that it will only lead to women of the elite groups taking over the seats through this reservation.

The Samajwadi Party and the Rashtriya Janata Dal<sup>25</sup> have been opposing the bill saying that there would be a need for a quota within quota for women from Other backward classes.

Many of the parties opposing it have suggested that it would be better to create reservation for women in political parties than in parliament. The provision of rotation of reserved seats is also a matter of debate.

Another debate which has come up is that reservation could lead to a tendency where more than the number reserved is unable to gain acceptance.

Despite issues between parties and differences of opinion, the demand for the women's reservation bill was screamed out aloud during a march of around 5000 people at Jantar Mantar on July 29, 2010<sup>26</sup>. A delegation representing 350 women's and civil society groups from all over India met President Pratibha Patil and appealed to her for getting the bill passed in parliament.

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<sup>23</sup> Bill Text

[http://www.prsindia.org/uploads/media/Constitution%20Eighth/1211455181\\_The\\_Constitution\\_One\\_Hundred\\_and\\_Eighth\\_Amendment\\_Bill\\_2008.pdf](http://www.prsindia.org/uploads/media/Constitution%20Eighth/1211455181_The_Constitution_One_Hundred_and_Eighth_Amendment_Bill_2008.pdf)

<sup>24</sup> Why the vote on the women's bill is important. (Rediff news. March 5, 2010)

<http://www.rediff.com/news/column/why-the-vote-on-the-womens-bill-is-important/20100305.htm>

<sup>25</sup> What's the women's reservation bill all about? (Rediff news. March 8, 2010)

<http://news.rediff.com/special/2010/mar/08/whats-the-womens-reservation-bill-all-about.htm>

<sup>26</sup> Thousands march for the Women's Reservation Bill in Delhi. July 29, 2010

<http://csrindia.org/blog/tag/womens-reservation-bill/>

On the occasion of 60 years of the functioning of the Indian Parliament, the Communist Party of India (Marxist)<sup>27</sup> has demanded for this bill to be passed at the earliest. The BJP<sup>28</sup> has also clarified that they will support the bill when it is tabled next. The members of National Federation of Indian Women (NFIW)<sup>29</sup> had even proposed to mark the 60<sup>th</sup> anniversary of the Indian Parliament as black day in protest against the delay in passing the women's Reservation Bill in Lok Sabha.

## **Budget analysis 2012**

The budget was presented in the parliament like every other year and this year, the focus was on the following:

“Domestic demand driven growth recovery; create conditions for rapid revival of high growth in private investment; address supply bottlenecks in agriculture, energy and transport sectors particularly in coal, power, national highways, railways and civil aviation; intervene decisively to address the problem of malnutrition especially in the 200 high-burden districts and expedite coordinated implementation of decisions being taken to improve delivery systems, governance, and transparency; and address the problem of black money and corruption in public life.” (The Indian Express. March 16, 2012)<sup>30</sup>

However, noted economist Vinod Vyasulu<sup>31</sup>, founder of the Centre for Budget and Policy Studies, Bangalore, and adviser to the Indian Institute of Human Settlements, Bangalore, while delivering the 13th Malayala Manorama Budget Lecture in Kochi said that while Pranab Mukherjee, Finance Minister, reduced direct taxes by 14,500 crore, the indirect taxes increased by 140,000 crore. He explained that there has been a reduction in the government expenditure since the last year. It has come down from 14.8% to 14.7% of the GDP. But this is assuming that the economy will grow at 7% and thus, the relative decline in percentage terms is more than what the number represents. The allocation for education which was 0.69% of the GDP last year is now, 0.73% whereas, internationally, 6% is the accepted proportion. The priorities of the government are clearly reflected if we look at the allocation for Defence, which is 2% of the national income and this figure does not include the pension paid to defence personnel.

An analysis of the budget presented and to notice its shortcomings is one thing, the other is to suggest alternatives which are firstly, alternatives in the form of the perspective

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<sup>27</sup> Pass Women's quota Bill: Brinda. (The Hindu. May 14, 2012) <http://www.thehindu.com/todays-paper/tp-national/article3416476.ece>

<sup>28</sup> 'BJP will support women's quota bill'. (The Hindu. April 1, 2012) <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/article3267971.ece>

<sup>29</sup> Protest by Women's Forum. (The Hindu. May 13, 2012) <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/article3414616.ece>

<sup>30</sup> Union Budget 2012-13: A summary. (The Indian Express. March 16, 2012) <http://www.indianexpress.com/news/union-budget-201213-a-summary/924577/0>

<sup>31</sup> Mukherjee cheated us. (The Week. March 23, 2012) [http://week.manoramaonline.com/cgi-bin/MMOnline.dll/portal/ep/theWeekContent.do?programId=1073754899&contentId=11272715&BV\\_ID=@@@"](http://week.manoramaonline.com/cgi-bin/MMOnline.dll/portal/ep/theWeekContent.do?programId=1073754899&contentId=11272715&BV_ID=@@@)

change required i.e that a people's perspective be adopted and secondly for concrete changes which involve changes in different aspects of the budget itself.

The first issue<sup>32</sup> is that over the years, the whole concept of a people's budget is lost somewhere and instead of a more transparent and inclusive process, a more secretive process is being adopted. Member's of Parliament are required to engage in discussions with people in their constituency and then give their contributions for the budget but in contemporary times, contributions are made representing their vested interests. There needs to be a board at the village level which will explain what the policies and schemes are and will conduct a review at the end of the year. Thus, there is a need for a more democratic budget making process.

It is remarkable to see that people who formulate the budget speak about policies required for a higher growth rate but do not recognise the need for policies and implementation of policies for tackling lower levels of malnourishment in the country. The basic mandate propagating a philosophy of 'growth at any cost' needs to be challenged since it is resulting in deteriorating conditions of workers and the environment.

The focus should be on protecting our own markets first and then look at global markets. We are not taxing the rich adequately and by going in for more progressive taxation, that amount would be equal to an additional amount of 10% of GDP.

Even if half the amount mentioned above could be raised, we would have an additional amount of 21% of GDP (as opposed to the usual 11% which comes from taxes as of now) inclusive of progressive taxes. In order to accomplish this, a few measures can be taken like lowering the indirect taxes on basic goods, lowering the fiscal deficit in the budget, raising the expenditures on social sectors, transferring more resources to states and local bodies for social sectors and employment generation, setting up expenditures on rural infrastructure and increasing food availability to the poor through an effective universal PDS.

This would result in lowering the inflationary potential of the economy and raise the standard of living of the poor.

Amendments in the taxation policies can lead to raising resources, curtailment of tax expenditures and finding ways to tackle the black economy. Some of these amendments which could be considered are- simplification and reduction/elimination in exemptions in case of all taxes; concessions in taxation to be only for preserving the environment and for R&D activity; tax on wealth, capital gains, gifts and estate at death to be at progressive rates; taxes on property should be on all forms of property without exemptions; gross profit taxation instead of net profit taxation of businesses; more progressive income taxation; higher taxation of unproductive investment activities; taxes on cars for improving public transportation; taxes on air travel to improve rural

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<sup>32</sup> Prof. Arun Kumar. Centre for Economic Studies and Planning. Jawaharlal Nehru University. (Personal conversation with Prof. Kumar and summarized notes made accessible by him)

connectivity; taxes on luxury hotels to improve housing for the poor; taxes on luxury medical facilities for financing primary health centres.

Analysis of different bills being debated gives an insight into how a people's perspective when ensured by the policy makers would definitely help to strengthen democracy.