

PREFACE

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SECRETARY ,
KERALA LEGISLATIVE ASSEMBLY.**

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പൊതുവിവരങ്ങൾ

കേരളത്തിന്റെ ആന്റിബയോട്ടിക് നയത്തിന് എന്തുപറ്റി?

ഡോ. അബ്ദുൾ ഗഫൂർ/ഷിനില മാത്തോട്ടത്തിൽ

ഇന്ന് ലോകം നേരിടുന്ന ഏറ്റവും വലിയ ഒരു വിപത്താണ് രോഗാണുക്കൾക്കെതിരെ ആന്റിബയോട്ടിക് ഫലിക്കാതെ വരുന്ന അവസ്ഥ അഥവാ ആന്റിമൈക്രോബിയൽ റെസിസ്റ്റൻസ് (എ.എം.ആർ). സൂപ്പർബഗ് ക്രൈസിസ് എന്നും ഇതിനെ പറയുന്നു. അണുബാധകൾ ചികിത്സിച്ചുമാറ്റാൻ സാധിക്കാത്തവണ്ണം വൈദ്യശാസ്ത്രത്തിന്റെ നിലനിൽപ്പിനെത്തന്നെ ചോദ്യംചെയ്യുന്ന ഈ ആഗോള വിപത്ത് നേരിടാൻ 2018 ഒക്ടോബറിൽ കേരളം രൂപരേഖ തയ്യാറാക്കുകയുണ്ടായി. ഇന്ത്യയിൽ ആദ്യം എ.എം.ആർ പദ്ധതി രൂപവത്കരിച്ച സംസ്ഥാനമാണ് കേരളം. മുഖ്യമന്ത്രിതന്നെ മുൻകൈയെടുത്ത് പുറത്തിറക്കിയ ഈ രൂപരേഖയുടെ പുരോഗതി ഒരു വർഷത്തിനുശേഷം പ്രതീക്ഷിച്ച നേട്ടം കൈവരിച്ചിട്ടില്ലെന്നാണ് മനസ്സിലാക്കുന്നത്.

2015-ൽ ലോകാരോഗ്യസംഘടനയും 2017-ൽ കേന്ദ്രസർക്കാരും രൂപരേഖ തയ്യാറാക്കി. ഇതിന്റെ ചുവടുപിടിച്ച് എല്ലാ സംസ്ഥാനങ്ങളും അവരുടെ രൂപരേഖ തയ്യാറാക്കുകയും നടപ്പാക്കുകയും വേണം. കേരളത്തിലെ ഭരണ-പ്രതിപക്ഷ രാഷ്ട്രീയനേതാക്കളെല്ലാം എ.എം.ആർ വിഷയത്തിൽ തുടക്കത്തിൽ വളരെ താൽപര്യം കാട്ടിയിരുന്നു. എന്നാൽ, പിന്നീട് ഇവരുടെ സഹായവും പങ്കാളിത്തവും ഉറപ്പാക്കുന്നതിൽ സംസ്ഥാനം പരാജയപ്പെട്ടു. ആക്ഷൻ പ്ലാൻ കമ്മിറ്റി ഇതിനായി മുൻകൈയെടുത്തിട്ടില്ലെന്നുവേണം അനുമാനിക്കാൻ. ഇതു മാറണം.

രൂപരേഖയ്ക്കു സംഭവിച്ചതെന്ത് ?

◆ കേരള എ.എം.ആർ. മാർഗരേഖയിൽ നിന്ന് പൊതുജനങ്ങളെയും കേരളത്തിലെ എൻ.ജി.ഒ. കളെയും അകറ്റിനിർത്തിയിരിക്കുകയാണ്. അതേസമയം, കേരളത്തിനു പുറത്തുള്ള എൻ.ജി.ഒ.കളെ ഉൾപ്പെടുത്തുകയും ചെയ്തു. കേരളത്തിലെ എൻ.ജി.ഒ.കളും പൊതുജനങ്ങളും പ്രതിരോധപ്രവർത്തനങ്ങളിൽ പങ്കെടുക്കുന്നില്ല.



സംസ്ഥാനപദ്ധതിക്ക് പ്രതീക്ഷിച്ച വിജയമുണ്ടാകാത്തതും ഇതിനാലാണ്. മെഡിക്കൽ സമൂഹമാത്രം ശ്രമിച്ചാൽ നിലവിലെ അവസ്ഥ നേരിടാനാവില്ല.

◆ മരുന്നുകമ്പനികൾ കേരള ആക്ഷൻ പ്ലാനിനെ ദുരുപയോഗം ചെയ്യാൻ ശ്രമം നടത്തി. അവരുടെ പ്രധാനതാത്പര്യം മരുന്നുകൾ വിറ്റഴിക്കലാണ്. എ.എം.ആറിന്റെ ദീർഘകാല പ്രത്യാഘാതത്തേക്കാളും താൽക്കാലിക ലാഭത്തിലാണ് അവർക്ക് താത്പര്യം. എന്നാൽ, രാഷ്ട്രീയ പ്രമുഖരുടെ യഥാസമയമുള്ള ഇടപെടൽ മൂലം ഇത്തരം ശ്രമങ്ങളെ ഒരു പരിധിവരെ തടഞ്ഞു നിർത്താനായി.

◆ കേരളാനയം പ്രഖ്യാപിച്ച് ഒരുവർഷമായിട്ടും ഇപ്പോഴും ഡോക്ടറുടെ കുറിപ്പില്ലാതെ സംസ്ഥാനത്തെ ഫാർമസികളിൽ ആന്റി ബയോട്ടിക്കുകൾ ലഭ്യമാണ്. സംസ്ഥാന ഡ്രഗ്സ് കൺട്രോളറുടെ ശ്രദ്ധ ഈ വിഷയത്തിലേക്ക് അടിയന്തരമായി ക്ഷണിക്കേണ്ടിയിരിക്കുന്നു.

◆ കുടുംബശ്രീയെ കേരള എ.എം.ആർ. പദ്ധതിയിൽ ഉൾപ്പെടുത്തിയിട്ടുണ്ടെങ്കിലും ഈ സംഘടനയുടെയോ ഇതുപോലുള്ള മറ്റു സംഘടനകളുടെയോ സഹായം അഭ്യർത്ഥിക്കാനോ പങ്കാളിത്തം ഉറപ്പാക്കാനോ ശ്രമിച്ചിട്ടില്ല.

നമുക്കെന്തു ചെയ്യാം

പൊതുജനങ്ങളുടെകൂടി സഹകരണം ഉറപ്പാക്കണം. കേരളത്തിലെ പ്രധാനപ്പെട്ട എൻ.ജി.ഒ.കൾ, രാഷ്ട്രീയപ്പാർട്ടികൾ, ജനപ്രതിനിധികൾ, അധ്യാപക സംഘടനകൾ, യുവജനസംഘടനകൾ തുടങ്ങിയവയെ പദ്ധതിയിൽ ഉൾപ്പെടുത്തണം. പങ്കാളിത്തം ഉറപ്പാക്കുകയും വേണം. സംസ്ഥാനത്തിനകത്തെ പദ്ധതിയിൽ ഏറ്റവും ജനകീയമായി പങ്കെടുക്കാനാവുക ഇവിടത്തെ സംഘടനകൾക്കു തന്നെയാണ്.

◆ ആശുപത്രികളിലും മെഡിക്കൽ കോളേജുകളിലും വൈദ്യസമൂഹത്തിലും മാത്രം ബോധവൽകരണം നടത്തിയാൽ മതിയാകില്ല. എല്ലാ ആർട്സ് ആൻഡ് സയൻസ് കോളേജുകളിലും സ്കൂളുകളിലും ബോധവൽകരണം നടത്തണം. എം.ഇ.എസ്., എസ്.എൻ.ഡി.പി., കാത്തലിക് അസോസിയേഷൻ തുടങ്ങിയ സാമൂഹിക സാമുദായിക സംഘടനകളുടെ കീഴിൽ വളരെയധികം



ആശുപത്രികളും വിദ്യാഭ്യാസ സ്ഥാപനങ്ങളുമുണ്ട്. ഇത്തരം സംഘടനകളെ നാം എ.എം.ആർ. പ്രവർത്തനങ്ങളിൽ ഭാഗഭാക്കാക്കണം.

◆ കുടുംബശ്രീക്ക് പ്രചാരണത്തിൽ പ്രധാനപങ്കു വഹിക്കാനാവും. പിഴവുകളും വീഴ്ചകളും പരിഹരിക്കാം. രാജ്യത്തിന് മാതൃകയാവാം. ആഗോള സാമ്പത്തിക-സാമൂഹിക-ആരോഗ്യ-രാഷ്ട്രീയ ദുരന്തമായാണ് എ.എം.ആറിനെ ലോകാരോഗ്യസംഘടനയും യു.എന്നും വിലയിരുത്തുന്നത്. 2050-ആകുമ്പോഴേക്കും ഓരോ വർഷവും എ.എം.ആർ.മൂലം ലോകത്ത് ഒരു കോടിയോളം ആളുകൾ മരിക്കുകയും സാമ്പത്തികരംഗത്തിന് നൂറുലക്ഷം കോടി ഡോളർ നഷ്ടം സംഭവിക്കുമെന്നുമാണ് ലോകപ്രശസ്ത സാമ്പത്തിക വിദഗ്ധരുടെ പഠനങ്ങൾ വെളിപ്പെടുത്തുന്നത്.

സംസ്ഥാനങ്ങളുടെ സഹായവും സഹകരണവുമില്ലാതെ രാജ്യത്തിന് സുപ്പർബ്ബ് പ്രതിസന്ധിയെ നേരിടാനാവില്ല. കേരള എ.എം.ആർ. ആക്ഷൻ പ്ലാനിൽ രാജ്യത്തിന് വളരെ പ്രതീക്ഷയുണ്ടായിരുന്നു. എന്നാൽ, പ്രതീക്ഷിച്ച പുരോഗതിയിലേക്കെത്താനായില്ല. ഇതു മാറണം.

എ.എം.ആർ. പോലെ വളരെ സങ്കീർണ്ണമായ ഒരു വിഷയം കൈകാര്യം ചെയ്യുമ്പോൾ തുടക്കത്തിൽ പിഴവുകളും വീഴ്ചകളും സാധാരണമാണ്. എന്നാൽ, വീഴ്ചകൾ പരിഹരിച്ച് പദ്ധതി വിജയിപ്പിക്കണം. മലയാളി സമൂഹത്തിന് അതിനു കഴിയും.

കേരള ആന്റി മൈക്രോബിയൽ റെസിസ്റ്റന്റ് സ്ക്രോജിക് ആക്ഷൻ പ്ലാൻ

◆ ആന്റിബയോട്ടിക്കുകളുടെ അനിയന്ത്രിതമായ ഉപയോഗത്തെപ്പറ്റിയും പൊതുവായ ശുചിത്വത്തെപ്പറ്റിയും ജനങ്ങൾക്കിടയിൽ അവബോധ പ്രവർത്തനങ്ങൾ.

◆ എ.എം.ആറിന്റെ തോത് കണക്കാക്കാനുള്ള നിരീക്ഷണ സംവിധാനങ്ങൾ ഏകോപിപ്പിക്കാൻ തിരുവനന്തപുരം മെഡിക്കൽ കോളേജിലെ

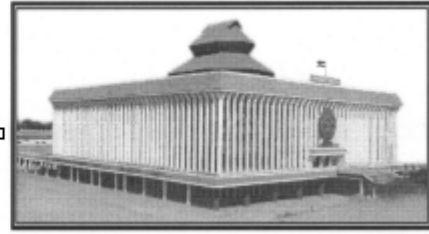


മൈക്രോബയോളജി വിഭാഗം നോഡൽ കേന്ദ്രം. സ്വകാര്യമേഖലയിലെ മേൽനോട്ടം കൊച്ചി അമൃത ഇൻസ്റ്റിറ്റ്യൂട്ട് ഓഫ് മെഡിക്കൽ സയൻസസിന്.

- ◆ എല്ലാ ആശുപത്രികളിലും അണുബാധ നിയന്ത്രണ കമ്മിറ്റികൾ.
- ◆ ഡോക്ടറുടെ കുറിപ്പടി കൂടാതെയുള്ള മരുന്നുവിൽപ്പന കുറയ്ക്കാൻ നടപടി.
- ◆ ആന്റിബയോട്ടിക്കുകളെ പ്രതിരോധിക്കുന്ന ബാക്ടീരിയകളുയർത്തുന്ന വെല്ലുവിളികൾ, അണുബാധ നിയന്ത്രണം, രോഗനിർണ്ണയം തുടങ്ങിയ മേഖലകളിലെ ഗവേഷണം രാജീവ് ഗാന്ധി സെന്റർ ഫോർ ബയോടെക്നോളജിയുടെ മേൽനോട്ടത്തിൽ.
- ◆ എ.എം.ആർ മേഖലയിൽ വൈദഗ്ധ്യമുള്ള സർക്കാരിതര സംഘടനകളുമായി പങ്കാളിത്തം.

**മാതൃഭൂമി,
2 സെപ്തംബർ 2019.**

ജിജിജി



Putting accident victims at the centre of vehicular law

G.S. Bajpai & Ankit Kaushik

It is well known that India is one of the most accident-prone countries in the world, accounting for nearly 1,50,000 deaths -10% of all motor vehicles-related fatalities world wide. However, the debate often revolves around how to minimise road accidents by incorporating deterrents into laws and ignores the interests of the victims. The discourse concerning the Motor Vehicles (Amendment) Act 2019 has only followed this trend, as is evidenced by the disproportionate press coverage given to the enhanced penalties to be levied on offenders.

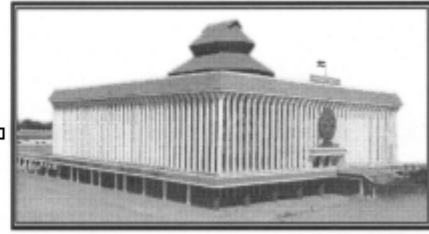
This lack of victim-centricity in the discourse, though deplorable, is unsurprising. The fact that the National Crime Records Bureau does not collate data pertaining to the socio-economic and demographic profile of victims of traffic accidents is a testament to the relative apathy shown by the state machinery.

The amended Act gives the victims some respite as it provides for an enhanced insurance compensation of ₹ 5 lakh in case of death of a person in a traffic accident and ₹ 2.5 lakh where there is “grievous hurt”. The compensation to be awarded following hit-and-run accidents has also been raised to ₹ 2 lakh when a victim dies and ₹ 50,000 when he/she suffers a grievous injury.

Cashless treatment

Additionally, the Act now requires insurance companies and the government to notify schemes relating to cashless treatment during the ‘Golden Hour’ - the period of first 60 minutes from the occurrence of an accident when the risk of fatality can be minimised to the greatest extent. Further, it mandates compulsory insurance of all road users, including pedestrians, who will be covered through a ‘Motor Vehicle Accident Fund’. Lastly, it also provides for interim relief to be provided to the claimants.

These provisions, well-intentioned, are no doubt steps in the right direction. However, much more needs to be done if the accident victims are to be provided complete justice.



First, closer attention needs to be paid to the formula used to calculate the quantum of compensation. In the case of *Arun Kumar Agarwal & Anr v. National Insurance Co. Ltd & Ors* (2010), the deceased was a homemaker. The Accident Claim Tribunal reduced the amount of compensation from the calculated sum of ₹ 6 lakh to a sum of ₹ 2,60,000, stating that she was unemployed. In light of the same, on appeal, the Supreme Court commented that: “The time has come for the Parliament to have a rethink on properly assessing homemakers’ and householders’ work and suitably amending the provisions of the Motor Vehicles Act... for giving compensation when the victims are women and home-makers.” The amended Act, however, does not account for such nuances.

Second, many of the problems with the Motor Vehicles Act highlighted by the apex court in the case of *Jai Prakash v. M/S. National Insurance Co. & Ors* (2009) either remain unaddressed or are inadequately addressed by the amended version. For instance, though vehicle users who don’t give passage to emergency ambulance vehicle are liable to be punished with fines, such punitive measures are likely to remain ineffective in the absence of an effective implementation mechanism. Further, other factors that lead to a poor response time, including lack of road infrastructure, also need to be taken into account.

Delays in settlement

Another problem highlighted by the apex court for which the new Act does not provided any remedy is that of procedural delays on the part of tribunals in claims settlement. The provision for interim compensation is bound to bring some respite to the victims but another unaddressed concern makes this stipulation susceptible to criticism.

An absence of in-built safeguards in the compensation mechanism allows for the money to be frittered away by unscrupulous relatives, touts and agents, especially in cases where the victim or his nearest kin are poor and illiterate. It is to address this concern that the Supreme Court in *Jai Prakash* suggested payment in the form of monthly disbursements of smaller amounts over a longer period of time to victims or their kin as against a lump-sum award. This has been overlooked by the new Act.

FOCUS



Understandably, many of the points raised above cannot be specified statutorily. Hence, the government needs to notify an institutional framework which encourages advocacy for victims and facilitates access to the various services.

**The Hindu,
05 September 2019.**



പാർലമെന്റി അവലോകനം

കൾമീരിനെ തരംതാഴ്ത്താൻ പാർലമെന്റിന് അധികാരമുണ്ടോ?

പി.ഡി.ടി. ആചാരി

ജമ്മുകൾമീരിനെ കേന്ദ്രഭരണ പ്രദേശമാക്കി പാർലമെന്റ് നിയമം പാസാക്കിയപ്പോൾ പാർലമെന്റിന് അതിനുള്ള അധികാരമുണ്ടോയെന്ന സംശയമുയർന്നിരുന്നു. 370-ാം വകുപ്പ് ഉയർത്തിവിട്ട ദേശീയ വികാരത്തിനിടയ്ക്ക് ആ സംശയം പിന്നീടാരും ഉന്നയിച്ചില്ല. പൊടിപടലങ്ങൾ കുറെയൊക്കെ അടങ്ങുകയും 370-ാം വകുപ്പ് വിഷയം ഭരണഘടനാബെഞ്ചിന് വിടുകയും ചെയ്ത സാഹചര്യത്തിൽ മുകളിൽ ഉന്നയിച്ച പ്രശ്നം സജീവ ചർച്ചയാകാനുള്ള സാധ്യത ഏറിവരുകയാണ്. ഇതൊരു രാഷ്ട്രീയ പ്രശ്നമല്ല; മറിച്ച് തികച്ചും ഭരണഘടനാപരമാണ്. 370-ാം വകുപ്പുമായി ഇതിനൊരു ബന്ധവുമില്ല. കാൾമീരിനപ്പുറത്ത്, ഇന്ത്യയിലെ എല്ലാ സംസ്ഥാനങ്ങളെയും ഭരണഘടനയുടെ അടിസ്ഥാനഘടകത്തെത്തന്നെയും ബാധിക്കുന്ന പ്രശ്നമാണിത്. ഒരു സംസ്ഥാനത്തെ തരംതാഴ്ത്തി കേന്ദ്രഭരണപ്രദേശമാക്കാൻ പാർലമെന്റിന് ഇന്ത്യൻ ഭരണഘടന അധികാരം നൽകുന്നുണ്ടോ എന്നത് ഗൗരവമായ ചർച്ചയ്ക്ക് വിധേയമാക്കേണ്ടതാണ്. ഗൗരവമായ ഈ ഭരണഘടനാപ്രശ്നം ഭരണഘടനയുടെ വകുപ്പുകളുടെ അടിസ്ഥാനത്തിൽ പരിശോധിക്കാം.

പ്രയോഗിച്ചത് ഭരണഘടനയിൽ പരാമർശിക്കാത്ത അധികാരം

ഭരണഘടനയുടെ ഒന്നാം വകുപ്പിൽ ഇന്ത്യ സംസ്ഥാനങ്ങളുടെ ഒരു യൂണിയനായിരിക്കുമെന്നാണ് പറഞ്ഞിരിക്കുന്നത്. അതായത്, നമ്മുടെ രാജ്യം ഒരു ഫെഡറൽ ഘടനയുള്ള രാജ്യമായിട്ടാണ് ഭരണഘടന വിഭാവനം ചെയ്തിരിക്കുന്നത്. ഫെഡറൽ സംവിധാനത്തിൽ കേന്ദ്രസർക്കാരിനും സംസ്ഥാന സർക്കാരുകൾക്കും പ്രത്യേക നിയമനിർമ്മാണാവകാശങ്ങൾ ഉണ്ടായിരിക്കും. അതിനെ സംബന്ധിക്കുന്ന വിശദമായ വ്യവസ്ഥകൾ നമ്മുടെ ഭരണഘടനയിലുണ്ട്. ഇന്ത്യ സംസ്ഥാനങ്ങളുടെ ഒരു യൂണിയനാണ് എന്നുപറഞ്ഞാൽ സംസ്ഥാനങ്ങൾ ഇന്ത്യൻ യൂണിയന്റെ അവിഭാജ്യ ഘടകങ്ങളായിരിക്കുമെന്നാണ്



മനസ്സിലാക്കേണ്ടത്. സംസ്ഥാനങ്ങളുണ്ടെങ്കിൽ മാത്രമേ യൂണിയന് നിലനിൽക്കാനാവൂ എന്നും നാം മനസ്സിലാക്കണം.

എന്നാൽ, ഭരണഘടനയുടെ മൂന്നാംവകുപ്പിലൂടെ പാർലമെന്റിനും സംസ്ഥാനങ്ങളുടെ ഘടനയുടെ കാര്യത്തിൽ ചില അധികാരങ്ങൾ ലഭിച്ചിട്ടുണ്ട്. അതായത് ഒരു സംസ്ഥാനത്തുനിന്നും ഒരു ഭാഗം അടർത്തിയെടുത്ത് പുതിയൊരു സംസ്ഥാനമുണ്ടാക്കാൻ പാർലമെന്റിന് അധികാരമുണ്ട്. അതുപോലെ ഏതെങ്കിലും രണ്ടോ മൂന്നോ സംസ്ഥാനങ്ങളെ അല്ലെങ്കിൽ അവയുടെ ചില ഭാഗങ്ങളെ കൂട്ടിച്ചേർത്തും പുതിയൊരു സംസ്ഥാനമുണ്ടാക്കാൻ പാർലമെന്റിന് അധികാരമുണ്ട്. പാർലമെന്റിന്റെ അധികാരങ്ങൾ അവിടെ തീരുന്നില്ല. ഏതെങ്കിലും സംസ്ഥാനത്തിന്റെ വലുപ്പം കുറയ്ക്കാനും കൂട്ടാനും അതിരുമാറ്റാനും എന്തിന്, പേരുമാറ്റാനുംവരെ പാർലമെന്റിന് അധികാരമുണ്ട്. ഈ അധികാരങ്ങളെല്ലാം പാർലമെന്റിന് നൽകുന്നത് പ്രസ്തുത മൂന്നാംവകുപ്പുതന്നെയാണ്. ഈ അധികാരങ്ങൾ സൂക്ഷ്മമായി പരിശോധിച്ചാൽ ഒരു കാര്യം വ്യക്തമാകും. അതായത്, ഇതിലൊന്നും ഒരു സംസ്ഥാനത്തെ തരം താഴ്ത്തി കേന്ദ്രഭരണപ്രദേശമാക്കാനുള്ള അധികാരം ഉൾക്കൊള്ളിച്ചിട്ടില്ല. സംസ്ഥാനങ്ങളെ ചെറുതാക്കുകയും വലുതാക്കുകയും അവയുടെ അതിരുകൾ മാറ്റിമറിക്കുകയും പേരുമാറ്റുകയുമൊക്കെ ചെയ്യാം. പക്ഷേ, ഇതൊക്കെ ചെയ്യുമ്പോഴും അവ സംസ്ഥാനങ്ങളായിത്തന്നെ നിലകൊള്ളുന്നുവെന്ന് നാം മനസ്സിലാക്കണം. മൂന്നാം വകുപ്പിന്റെ ഒന്നാമത്തെ വിശദീകരണത്തിൽ സംസ്ഥാനമെന്നതിൽ കേന്ദ്രഭരണപ്രദേശവും ഉൾപ്പെടുമെന്ന് പറഞ്ഞിരിക്കുന്നതിന്റെ അർത്ഥം സംസ്ഥാനത്തിന്റെ കാര്യത്തിൽ പാർലമെന്റിൽ ചെയ്യാവുന്ന എല്ലാകാര്യവും കേന്ദ്രഭരണപ്രദേശങ്ങളുടെ കാര്യത്തിലും ചെയ്യാനാവുമെന്നുമാത്രമാണ്; അല്ലാതെ സംസ്ഥാനത്തെ കേന്ദ്രഭരണപ്രദേശമാക്കാൻ കഴിയുമെന്നല്ല. അങ്ങനെ ചെയ്യാൻ കഴിയില്ലെന്ന് ഭരണഘടനയുടെ ഒന്നാംവകുപ്പ് അസന്ദിഗ്ധമായി വിളിച്ചുപറയുന്നു.

ഇല്ലാതാകരുത്, ഒന്നാംവകുപ്പ്

ഈ വകുപ്പനുസരിച്ച് ഇന്ത്യ സംസ്ഥാനങ്ങളുടെ യൂണിയനാണ്, കേന്ദ്രഭരണപ്രദേശങ്ങളുടെ യൂണിയനല്ല. പാർലമെന്റിന് ഒരു സംസ്ഥാനത്തെ തരംതാഴ്ത്താൻ അധികാരമുണ്ടെന്നുവന്നാൽ എല്ലാ സംസ്ഥാനത്തെയും തരം



താഴ്ത്താൻ അധികാരമുണ്ടാകുമെന്നത് ഒരു കേവല വ്യാഖ്യാനത്താമാണ്. അങ്ങനെയൊന്നാൽ ഇന്ത്യ സംസ്ഥാനങ്ങളുടെ യൂണിയനല്ലാതായിത്തീരും. അപ്പോൾ ഒന്നാംവകുപ്പ് അർത്ഥമില്ലാത്ത ഒരു വകുപ്പാകും. ഭരണഘടനയിലെയും നിയമങ്ങളിലെയും ഓരോ വകുപ്പിനും ഉപവകുപ്പിനും അതിന്റേതായ അർത്ഥമുണ്ട്. ആ അർത്ഥത്തെ മനസ്സിലാക്കിക്കൊണ്ടുമാത്രമേ ഇവയൊക്കെ വ്യാഖ്യാനിക്കാവൂ എന്നതാണ് വ്യാഖ്യാനനിയമത്താലും സംസ്ഥാനങ്ങളെ തരംതാഴ്ത്തി കേന്ദ്രഭരണപ്രദേശങ്ങളാക്കാൻ പാർലമെന്റിന് ഭരണഘടന അധികാരം നൽകുന്നുവെന്ന് വ്യാഖ്യാനിച്ചാൽ പിന്നെ ഇന്ത്യ സംസ്ഥാനങ്ങളുടെ യൂണിയനാണെന്ന് പറയുന്നതിൽ അർത്ഥമില്ല. ഒന്നാംവകുപ്പ് ഇന്ത്യയെന്ന ഫെഡറൽ സംവിധാനത്തിന്റെ ആണിക്കല്ലാണ്. അത് അടിസ്ഥാന ഭരണഘടനാ തത്വത്തിന്റെ ഭാഗമാണ്. അതുകൊണ്ട് മൂന്നാംവകുപ്പ് ഒന്നാംവകുപ്പിന് വിധേയമായിക്കൊണ്ട് നിലകൊള്ളുന്നുവെന്ന വസ്തുത മനസ്സിലാക്കേണ്ടത് പരമപ്രാധാന്യമുള്ള കാര്യമാണ്. ഇക്കാരണത്താലാണ് മൂന്നാംവകുപ്പിലൂടെ സംസ്ഥാനങ്ങളുടെ അതിരുകളും വലുപ്പവും പേരുമൊക്കെ മാറ്റാമെങ്കിലും അവയെ തരംതാഴ്ത്തി കേന്ദ്രഭരണ പ്രദേശങ്ങളാക്കാൻ അധികാരം നൽകാതിരുന്നത്. അങ്ങനെ ചെയ്താൽ ഒന്നാംവകുപ്പിന് ഒരു പ്രസക്തിയുമില്ലാതാവും. ഭരണഘടനാശില്പികൾ ബുദ്ധിയും വിവേകവുമുള്ളവരായിരുന്നു. ഓരോ വകുപ്പും എഴുതിച്ചേർത്തത് അതിന്റെ എല്ലാവശവും വിശദമായി പരിശോധിച്ചശേഷമാണ്. ഒരു വകുപ്പ് മറ്റൊരു വകുപ്പിനെ ഇല്ലാതാക്കുന്ന രീതിയിലല്ല ഭരണഘടന എഴുതിയുണ്ടാക്കിയിരിക്കുന്നത്. അങ്ങനെയൊന്നാൽ പാടില്ലാതാനും.

ഒരു സർക്കാരിന്റെ രാഷ്ട്രീയനേതൃത്വത്തെ ഭരണഘടനാ-നിയമ കാര്യങ്ങളിൽ ഉപദേശിക്കുന്നത് വിദഗ്ധരായ ഉദ്യോഗസ്ഥരാണ്. അവരുടെ ദൗത്യം ആത്മാർത്ഥമായി നിർവ്വഹിച്ചില്ലെങ്കിൽ രാഷ്ട്രീയനേതൃത്വം കൃത്യത്തിൽ അകപ്പെടാറുണ്ട്. പാർലമെന്റിന് ഭരണഘടന നൽകാത്ത ഒരധികാരം പ്രയോഗിക്കാൻ കഴിയില്ലെന്ന് ലളിതമായ സത്യം. അതവരെ ധരിപ്പിക്കാനുള്ള തന്ത്രം വിദഗ്ധർക്ക് ഉണ്ടാകേണ്ടിയിരിക്കുന്നു.

**മാത്യൂമി,
22 സെപ്റ്റംബർ 2019.**

കക്കകക



An independent fiscal watchdog for Parliament

Varun Srivastan

When most people arrive at the ballot box, they vote with their gut. But getting there requires absorbing and shaping months and years of conversations, long-held opinions and ideally, hard facts and evidence.

What is then important for our electorate and the representatives we vote for is that they have an independent, non-partisan source for these hard facts and evidence. This is particularly important for our Parliament, which controls where and how money flows into our government and our country. This body needs to be appointed not based on political allegiance or expediency, but on its expertise in budgetary, fiscal and economic matters.

Regardless of a majority or minority government, this body serves parliamentarians equally and without prejudice. Even in a majority government, besides the few Ministers privy to expertise from the civil service, most parliamentarians do not benefit from timely access to good quality analysis on economic, fiscal or financial matters.

This body exists in many countries around the world, going by many names but most commonly as parliamentary Budget Offices (PBOs). These bodies help shape the debate and discourse around the state of the nation's finances and the fiscal implications of significant proposals. The work done by PBOs naturally ends up in the public sphere; when they do, they help drive smarter, more focused debate in the media and with our electorate.

What distinguishes India's democracy, besides its diversity of views and opinions wrought by its size, is its ability to evolve and remain dynamic. What is gravely in danger is evidence-based discussion around important policies that affect the trajectory of our Republic, discussions which can quickly blur the line between fact and fiction.



Defence costing

Take an example: the Rafale deal with Dassault Aviation. Part of the controversy resulted from uncertainty regarding the true life cycle costs of the aircraft bought. In 2011, the Canadian PBO released a cost estimate for Canada's purchase of F-35 jets. This estimate far exceeded the one presented by the Department of National Defence.

Defence costing, typically the purview of the Defence Ministry, was a completely new area of analysis, information and research that parliamentarians could now access to hold the government to account. Besides costing policies and programmes, PBOs provide significant and sometimes the sole source of information on fiscal and economic projections.

The role of such an office does not always mean challenging the government; it is often the case that economic and fiscal projections of a PBO and the Ministry of Finance are similar. This is unsurprising as data sources and economic methodologies for such projections are well established and uniform.

However, without the existence of another data point, generated by an independent, non-partisan office, it is difficult for parliamentarians to ensure that these projections and estimates continue to be reliable enough for them to make decisions on.

When these projections come into question, the Cabinet can tap the civil service for further research and analysis. Most parliamentarians do not have this luxury and may have to rely on poor quality third-party data and analysis, done without relevant expertise. This is a situation that must be avoided.

Co-existing with the AG

A question - and a reasonable one- that often arises is the necessity of such an office when we already have an auditor general. However, this misunderstands the role the auditor general performs, which is to provide retrospective audits and analysis of the financial accounts and performance of government operations.



These audits are often focused on the day-to-day goings on of government, and often hone in on the performance of the civil service. APBO provides prospective, forward-looking economic and fiscal projections, as well as policy costings. This distinguishes it from an auditor general, which provides useful information, but only after the fact.

Internationally, similar offices have been established across the world, with the most prominent being the Congressional Budget Office in the United States which provides impartial advice to both upper and lower houses of the legislature. Offices in the Netherlands, Korea, Australia and the United Kingdom have also been established for varying lengths of time. PBOs are also making an appearance in emerging economies in Sub-Saharan Africa and South east Asia.

In some Countries, including Australia, the Netherlands, and most recently, Canada, PBOs have been playing the unique role as costing electoral platforms during an election campaign. In this period, PBOs provide independent cost estimates of electoral platform measures to political parties.

A PBO, or a similar independent fiscal institution, will not solve all these problems but is a relatively cost-efficient way to arrive at a solution. As the process towards the Union Budget 2020 has already kicked off, it would be prudent for parliamentarians to examine the case for a PBO more deeply.

The amount of information parliamentarians need to scrutinise in Budget documents has exponentially increased and a PBO would assist parliamentarians in this process of scrutiny.

Legislatures across the world have witnessed an increasingly stronger executive try to wrest away its rightful power of the purse. APBO would help resuscitate these powers that have fallen into disuse. This is why India's Parliament and Government need to work quickly and energetically to establish such an office; it is in everyone's interests to do so.

**The Hindu,
21 September 2019.**



Parliament's 'Record-Breaking' Session: Quantity Versus Quality

The first session of the newly-elected Lok Sabha ended earlier this week. While public attention is mostly focussed on the change in the special status of Jammu and Kashmir; other significant legislative business was also transacted during the session. The tone and tenor of the functioning of the two houses were different from previous sessions of Parliament as well. The first session of the 17th Lok Sabha has provided important takeaways on both the work done and the working style of the highest legislature in the country. The session also sets the tone for the legislative strategy of the government and the functioning of Parliament for the next five years.

Usually, after a general election, there is a short session of the Lok Sabha. The focus of such a session is threefold. First is the swearing-in of the newly elected Members of Parliament. Second is the election of the Speaker of Lok Sabha and the third is the address of the President to a joint sitting of the two houses, outlining the agenda of the new government. Then there is approximately a month-long gap after which a full session of Parliament is convened. It is in this session that the newly elected government presents its Budget and lays out its initial set of legislative priorities.

The fact that the government was planning to do things differently became evident when the government announced a 30-day session of the Lok Sabha.

In addition to passing the budget, the government's agenda for the session was to get Parliament's approval on 40 bills. The session was originally scheduled to end on July 26, but was extended by seven working days to allow for the passage of more bills. During the session, the Lok Sabha worked for 281 hours, a large proportion (46 percent) of which was spent on discussing legislation.



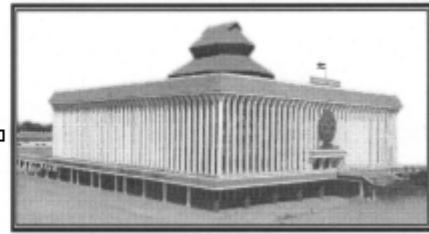
Key Bills Passed In This Session

The legislative agenda that the government announced was a mix of bills to replace ordinances that were promulgated before the general election, old bills that it had championed in its previous term and completely fresh legislative ideas. Among Ordinances, the most contentious one was related to the criminalisation of the practice of Triple Talaq. The government's initial efforts to get this legislation passed had failed because of a lack of numbers in the Rajya Sabha in its previous term. It was expected that the Triple Talaq Ordinance would face a similar fate in Rajya Sabha as the numbers still did not favour the government. The government was able to work on the numbers, politically and in the house, to get the Bill cleared through Rajya Sabha. This was the first contentious piece of legislative agenda on which the government tasted success. Perhaps emboldened by this, the government also pushed the controversial resolution on Jammu & Kashmir and its reorganisation through the two Houses of Parliament.

Two pieces of legislation which the government had piloted in its previous term were the amendments to the Motor Vehicles Act and an overhaul of the Consumer Protection Act. The Motor Vehicles Amendment provides for policies on road safety, change in licencing and registration processes etc. The new Consumer Protection Bill passed by Parliament provides for filing of class action suits and allows for the consumer to file product liability claims against companies. Both these bills had gone through detailed scrutiny by a parliamentary committee in the previous Lok Sabha. The new bills were strengthened by recommendations of the committees. Several of the committee's recommendations were incorporated in these bills, passed in this session.

Inadequate Scrutiny Of Legislation

But a majority of bills did not benefit from detailed deliberations and scrutiny of parliamentary committees. Some of these were bills like the Companies Amendment which re-categorises certain offences as civil defaults



and was widely criticised for providing criminal punishment for defaults by companies related to their CSR obligations. Another one was the Insolvency and Bankruptcy Code Amendment Bill, which specifies minimum payout to operational creditors and limits the time-period for completing insolvency resolution proceedings.

Out of the 28 bills which were passed by Parliament, only five of them were previously examined by a parliamentary committee.

The rest of the bills were passed by simply debating them for approximately three and a half hours each, on the floor of the House. The Lok Sabha set a record by passing 33 bills, which is the highest number passed in a single session since 1952.

Stance Put On Record

Bills in Parliament are usually passed by a voice vote, unless recording of votes is constitutionally required. This session witnessed a new and welcome trend where MPs called for recorded voting on contentious bills, like Triple Talaq, J&K Reorganisation and amendments to the RTI Act.

This forced political parties to publicly declare their stand on contentious issues.

Out of the 33 bills passed, recorded voting was asked for on seven bills (or 21 percent), which was significantly higher than the share in the previous Lok Sabha.

Quantity Versus Quality

In this first session of the new Lok Sabha, the two houses sat well beyond their normal working hours. On multiple occasions, the Lok Sabha sat beyond 10:00 pm, against its scheduled close of business of 6:00 pm. The lower house met for 135 percent of its scheduled hours, higher than any other session of Parliament in the last 20 years. Question



Hour, which in earlier Lok Sabha's was consistently disrupted, also functioned smoothly, with a record number of questions being answered orally by ministers in both houses.

After a long time, Parliament functioned smoothly for the most part without being marred by disruptions. The credit for this shared between the opposition, the treasury benches, and the presiding officers of the two Houses. This is only the first and the simplest of steps in for a well-functioning Parliament.

“Parliament’s responsibility, however, goes beyond working for long hours and passing a record number of bills. The focus should also be on in-depth scrutiny of important legislative issues brought before it.”

Now that the dust settles on the first session of Parliament, attention should move to how we can measure the quality of a legislature’s functioning. If we don’t measure what really matters, then the focus starts shifting to what we are measuring which may not be very relevant.

Chakshu Roy, Bloombergquint,

August 10, 2019,

PRS Legislative Research September 2019

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Parliament Committees Are Not Political Instruments

The Rajya Sabha was recently disrupted over referring the Right to Information (Amendment) Bill to a Select Committee. The decision to refer it was defeated by vote and the Bill was passed. In light of this, this article looks at why parliamentary committees are important and how they strengthen the law-making process.

In the last decade, Parliament has passed over 250 Bills on a range of subjects. These legislations have a wide-ranging impact on the lives of every citizen. This impact only multiplies when you take into account the laws that have been cleared by Parliament since Independence. When Parliament debates on the merits of a legislation, it has to take into account factors such as the drafting, possible implementation challenges, the unintended consequences of enacting certain provisions, among others.

In Parliament, every business transacted on the floor of the House has a designated time allocated. As a result, it is difficult for all members to be involved in the deliberation process and ensure that each Bill is scrutinised in detail.

In order to ensure that Parliament discharges its law-making responsibilities effectively, the concept of Department-related Standing Committees was introduced in March 1993. The committees were meant to scrutinise legislations pertaining to specific ministries, their budgets and also deliberate on any other subject of importance to particular sectors.

But the 16th Lok Sabha witnessed a bypassing of parliamentary committees. During the term of the 16th Lok Sabha, the treasury benches had a majority in the Lok Sabha but not in the Rajya Sabha. This led to the government facing resistance in its legislative agenda in Rajya Sabha.



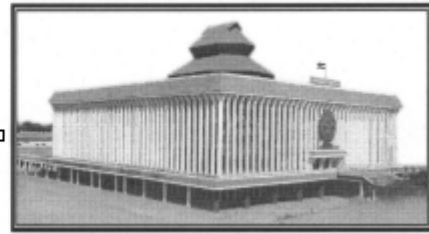
An early indication of this resistance was the government's inability to get the Land Acquisition Bill passed through the Rajya Sabha. A graceful exit for the Bill was achieved, by referring it to a joint committee of Parliament which, till the end of the 16th Lok Sabha, did not submit a report on it.

The lack of majority led to the treasury benches changing its parliamentary strategy related to the passing of Bills. A minister piloting a Bill has the prerogative to introduce it in either House of Parliament. The only exception is money Bills, which can only be introduced in the directly elected House. During the 16th Lok Sabha, a majority of Bills were introduced in the Lok Sabha. There is a two-fold explanation for this approach. First, any member of Parliament (MP) can oppose the introduction of a Bill in a House.

The failure to introduce a Bill on the floor of the House is an embarrassment for the ruling government. Since the treasury benches did not have a majority in the Rajya Sabha, they introduced most of their Bills in the Lok Sabha.

Introducing the Bills in a House in which the government has a majority has another advantage. After a Bill is introduced in the House, the member piloting it has the option to move a motion to refer it to a committee of Parliament. If such a motion is not made, the presiding officer of the House has the option to refer it to a committee. If the presiding officer does not send the Bill to a committee, then the House can schedule a time to consider and pass it. After the Bill is passed by one House it goes to the other House, in which any MP can move a motion to refer it to a Select Committee made up of MPs from that House.

The Opposition, which had the numerical advantage in the Rajya Sabha, was able to do this on multiple occasions. The current chairman of the Rajya Sabha also referred 80% of the Bills introduced during his tenure to a committee of Parliament.



However, committees were not envisaged as a political tool. The three ideas behind parliamentary committees were (1) to strengthen Parliament by increasing its scrutiny of government, whose functioning was becoming more technical, (2) to invite subject matter experts and public feedback to be able to contribute to the deliberations in Parliament and (3) to provide a year-round forum for debate and deliberation, not limited by the 65 to 75 average sitting days of Parliament.

Over the years, parliamentary committees have made important recommendations that have helped improve the law-making process. In the last Lok Sabha, the government had introduced the Insolvency and Bankruptcy Code Bill. This 252-clause Bill overhauled the process involved in the resolution of insolvency and bankruptcy cases of companies and individuals. The Bill was allocated two hours of time to be discussed and passed in the Lok Sabha. Several members pressed upon the Bill to be sent to a committee. It was referred to the Joint Select Committee. This committee held 12 meetings and made extensive amendments to the legislation. When the Bill was eventually taken up for discussion in May 2016, the government accepted all the amendments suggested by the committee.

Similarly, the Consumer Protection Bill that was passed in this session was also introduced in the last Lok Sabha. It was referred to the Standing Committee on Food, Consumer Affairs, and Public Distribution. The committee suggested several changes, including penalising celebrities for promoting brands indulging in misleading advertisements. Many of the recommendations made by the committee were incorporated by the government in their updated Bill.

These are just two examples of the contribution of parliamentary committees to the legislative process.

However, not everything is well with parliamentary committees. They do not have specialised staff to provide them with research and assist in the scrutiny of



technical subjects. MPs are also indifferent to their participation in committee proceedings. Difficulty in maintaining the quorum and low attendance in meetings are challenges that parliamentary committee chairs have faced on multiple occasions.

If Bills are not referred to committees, legislation misses an important step of scrutiny by Parliament. Inadequate scrutiny may lead to implementation challenges and impact the purpose of enacting the law itself. Parliamentary committees are central to our legislative process and strengthening them will go a long way in making our Parliament even more effective.

Abhijit Banare and Chakshu Roy, News Click,

July 31, 2019,

PRS Legislative Research September 2019

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Special Information

National Commission for Scheduled Tribes recommends including Ladakh under 6th Schedule of the Constitution

The National Commission for Scheduled Tribes has recommended the inclusion of Ladakh under the Sixth Schedule of the Indian Constitution. The Sixth Schedule provides for the administration of tribal areas in specific states, all in the North-East.

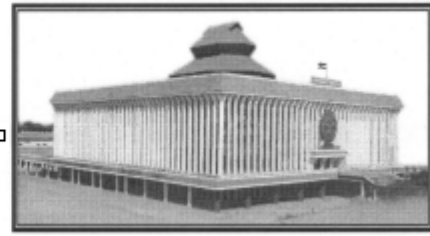
The Commission noted that the newly created Union Territory of Ladakh is predominantly a tribal region, with a total tribal population of approximately 97%. Further, it observed that prior to creation of the Union Territory, people in Ladakh had certain agrarian rights including land rights, which restricted the purchase of land in Ladakh by people from the rest of the country. Additionally, the Commission stated that Ladakh has several distinct cultural heritages, which need to be preserved and promoted.

In this context, the Commission recommended the inclusion of Ladakh under the Sixth Schedule, which will allow; (i) democratic devolution of powers, (ii) preservation and promotion of culture, (iii) protection of agrarian and land rights, and (iv) enhanced transfer of funds for the development of Ladakh.

Anya Bharat Ram,

PRS Legislative Research, September 2019

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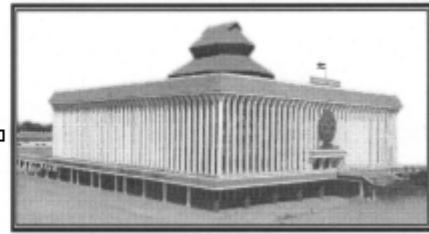


Draft Code on Social Security released

The Ministry of Labour and Employment released the draft Code on Social Security, 2019

Social security refers to measures to ensure access to health care and provision of income security to workers. The draft Code consolidates eight laws related to social security, including: (i) the Employees' Provident Fund Act, 1952, (ii) the Maternity Benefit Act, 1961, and (iii) the Unorganised Workers' Social Security Act, 2008. Key features of the draft Code include:

- **Application:** The draft Code applies to all establishments: (i) where any industry, trade, occupation, business, or manufacturing is carried out, (ii) certain other establishments, including factories, mines, plantations, and building and construction work. The Code will also cover gig workers and platform workers. Gig workers are defined to mean workers outside of the traditional employer-employee relationship (e.g., freelancers). Platform workers are workers who access other organisations or individuals using online platforms and earn money by providing them with specific services. All eligible establishments are required to be registered under the Code.
- **Social security organisations:** The draft Code sets up several bodies to administer different social security schemes. These include: (i) Central Board of Trustees, to administer Employees' Provident Fund and Employee's Pension Schemes (to be centrally notified), (ii) Employees State Insurance Corporation to administer an Employees' State Insurance Scheme (to be centrally notified), (iii) national and state-level Unorganised Workers' Boards, to administer social security schemes for unorganised workers, and (iv) state-level Building and



Other Construction Workers' Welfare Boards, to administer schemes for building and construction workers.

- **Contributions:** The various social security schemes to be notified by the government will be financed through a combination of contributions from the government, employer, and employee, as a proportion of their wages. For instance, in the case of the Employees' Provident Fund, the employer and employee will make matching contributions of 12% of wages each. Further, for gig workers, platform workers, and unorganised workers, the central government may frame social security schemes for their benefit.

Roshni Sinha

PRS Legislative Research, September 2019

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Federal Express

(A Review of the Book ‘Indian Federalism’ by Louise Tillin)

Gilles Verniers

The BJP’s rise to power and the consolidation of its dominance, both at the national and regional levels, mark a profound departure from a decades-long process of political decentralisation in India. Since 2014, the central government has asserted its pre-eminence over states in multiple instances, such as demonetisation, the introduction of GST and the early dissolution of the Planning Commission of India. The recent bifurcation of the state of Jammu and Kashmir and the demotion of the two new entities to the status of Union territory is yet another manifestation of the Centre’s predilection for a unilateral top-down approach to decision-making that does away with the necessity of discussing or negotiating such consequential decisions. In this backdrop, Louise Tillin’s *Indian Federalism*, part of the most useful Oxford Short Introduction series, provides a timely context to the debate on political centralisation in India.

In four chapters, Tillin covers key aspects of federalism in India. Chapter one covers the origins of India’s federal model, rooted in the aftermath of Partition. The Constituent Assembly, anxious to build a system capable of preserving India’s newfound unity, designed a ‘cooperative’ model of federalism based on the idea of interdependence between the Centre and the states, albeit skewed towards the former. Tillin describes a unique system that is strongly centralised by design, but not rigid to the point of cracking under regional pressures: The argument is that the pre-eminence given to the Centre vis-a-vis the states has historically enabled it to introduce major institutional reforms with greater ease than a more conventional inter-locked model of ‘federalism would have allowed for. These landmark reforms, such as the creation of new states or the drawing of linguistic boundaries, have always been initiated by the Centre on its own terms and on its own calendar.



Chapter two deals with the question of diversity and is another illustration of the inbuilt flexibility of India's centralised model of federalism. The strong prerogatives of the Centre have enabled it to accommodate various forms of social and political identities over time, although with significant limitations, such as in Jammu and Kashmir and parts of the Northeast, where adhesion to the Union had to be secured by coercion rather than by persuasion.

Chapters three and four detail how India's federal system has evolved under pressures from political and economic change. Successive transformations of the party system—from one-party dominance under Jawaharlal Nehru and Indira Gandhi to a phase of alternation in the 1980s and the subsequent fragmentation of the political landscape from the 1990s—have pushed India towards decentralisation, a movement compounded by the gradual opening up of the economy, which also encouraged competition between states.

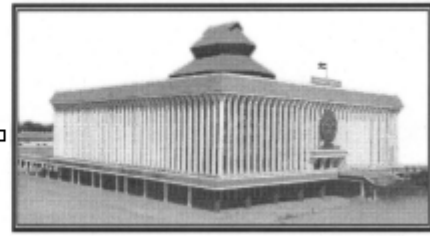
Tillin argues that over time, India's federal system has proven to be compatible not only with various configurations of party systems but also with contrasting forms of exercise of power, which oscillate between centralisation and cooperation. The original design has proven to be remarkably resilient as well as flexible, stabilising India's tumultuous tryst with democratic politics.

The book's conclusion, however, leaves the reader wishing for greater elaboration on today's situation. The author hints that the success of India's responses to its current social, political and economic challenges will depend on the ability of the Centre and the states to collaborate and learn from each other, rather than in the current unitary, imaginary and centralising tendencies of today's BJP. The book falls short of substantiating this view.

Indian Federalism is a remarkably clear and well-written account of India's unique model of federalism and a fitting tribute to the imagination of its makers. Students, scholars and citizens alike will find it both useful and enlightening.

India Today,

09 September 2019.



**RESUME OF BUSINESS TRANSACTED
DURING THE 5TH SESSION OF THE 12TH TRIPURA
LEGISLATIVE ASSEMBLY**

The 5th Session of the 12th Tripura Legislative Assembly which commenced on 30th August, 2019 and continued till 3rd September, 2019 and thereafter the House was adjourned sine-die on 3rd September, 2019.

His Excellency the Hon'ble Governor of Tripura prorogued the Session of the Assembly on 18th October, 2019. The House had 3(three) sittings and transacted business for 16 hours 30 minutes.

OBITUARY REFERENCES

On 30th August, 2019 the Hon'ble Speaker made References to the passing away of Manohor Parikkar, former Chief Minister of Goa Legislative Assembly & former Minister of Government of India, S. Joypal Reddi, former Minister of Government of India, Sushma Swaraj, former Minister of Government of India, Arun Jaitley, former Minister of Government of India, Dilip Sarkar, Member of Tripura Legislative Assembly, Rashiram Debbarma, former member of Tripura Legislative Assembly, Sheila Dikshit, former Chief Minister of Delhi, Jaghanath Mishra, former Chief Minister of Bihar and Babulal Gour, former Chief Minister of Madhya Pradesh. The House paid tribute to the memory of the distinguished persons and stood in silence for two minutes as a mark of respect to the departed souls.

LAYING OF PAPERS ON THE TABLE OF THE HOUSE

During the Session period, following Rules, Reports and Notifications etc. were laid on the Table of the House on 30th August, 2nd September & 3rd September, 2019 by the Ministers-in- Charge of the concerned Departments, namely:-

1. (i) The State Finances Audit Report (Report No.1 of 2019) of the Comptroller and Auditor General of India for the year 2017-18.



- (ii) The Report (Report No.2 of 2019) of the Comptroller and Auditor General of India on Economic, Revenue and General Sectors for the year 2017-18.
 - (iii) The Finance Accounts of the Government of Tripura (Vol-I & Vol-II) for the year 2017-18.
 - (iv) The Appropriation Accounts of the Government of Tripura for the year 2017-18.
2. (i) The 38th Annual Report on the Accounts of Tripura Tea Development Corporation Ltd. for the Financial Year 2017 - 18.
- (ii) The Tripura State Rifles (Recruitment) (16th Amendment) Rules, 2018.
 - (iii) The Tripura State Rifles (Recruitment) (17th Amendment) Rules, 2018.
 - (iv) The Tripura State Rifles (Discipline, Control, Service Conditions etc.) (6th Amendment) Rules, 2018.
 - (v) The Tripura State Building and other Constructions Workers (Regulation of Employment and Conditions of Service) (8th Amendment) Rules, 2018.
 - (vi) The Tripura Employees' State Insurance (Medical Benefits) (Amendment) Rules, 2018.
3. (i) The Corrigendum of the Tripura State Goods and Services Tax (Amendment) Rules, 2019.
- (ii) The Tripura State Goods and Services Tax (2nd Amendment) Rules, 2019.
 - (iii) The Tripura State Goods and Services Tax (3rd Amendment) Rules, 2019.
 - (iv) The Tripura State Goods and Services Tax (4th Amendment) Rules, 2019.
 - (v) The Tripura State Goods and Services Tax (5th Amendment) Rules, 2019.
 - (vi) The 28(twenty-eight) Nos. of Notification issued under 'The Tripura State Goods and Services Tax Act, 2017 (Tripura Act No.9 of 20 17).
 - (vii) The Tripura Excise (17th Amendment) Rules, 2019.



- (viii) The Tripura Excise (18th Amendment) Rules, 2019.
 - (ix) The Tripura Excise (19th Amendment) Rules, 2019.
 - (x) The Tripura Road Development Cess (Amendment) Rules, 2018.
 - (xi) The Tripura Road Development Cess (2nd Amendment) Rules, 2018/2019.
 - (xii) The Tripura Road Development Cess (3rd Amendment) Rules, 2019.
4. Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of Tripura State Legal Services Authority, Agartala for the year ended 31st March, 2017 and 31st March, 2018.
5. Annual Reports of Tripura Information Commission for the year 2016-17 and 2017-18.
6. (i) Annual Reports of Tripura Compensatory Afforestation Fund Management & Planning Authority (Tripura CAMPA) for the year 2014- 15 and 2015-16.
- (ii) 33rd Annual Reports and Accounts of the Tripura Rehabilitation Plantation Corporation Ltd. for the year 2015-16.
7. (i) The Tripura Road Development Cess (Amendment) Ordinance, 2019 (The Tripura Ordinance No.1 of 2019)
- (ii) The Tripura Electricity Duty Ordinance, 2019 (The Tripura Ordinance No.2 of 2019.)

LEGISLATIVE BUSINESS

During the Session, 5(five) Bills, as stated below, was introduced, considered and passed by the House, namely :-

1. “The Prisoners (Tripura Second Amendment) Bill, 2019 (The Tripura Bill No.4 of 2019)”.
2. “The Salaries, Allowances, Pension and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of Opposition, Government Chief Whip



and the Members of the Legislative Assembly (Tripura) (Fifth Amendment) Bill, 2019 (The Tripura Bill No.6 of 2019)”.

3. “The Tripura Essential Services Maintenance Bill, 2019 (The Tripura Bill No.9 of 2019)”.
4. The Tripura Road Development Cess (Amendment) Bill, 2019 (The Tripura Bill No.7 of 2019).
5. The Tripura Electricity Duty Bill, 2019 (The Tripura Bill No.8 of 2019).

REFERENCE PERIOD

6(six) Notices on matters of Urgent Public Importance had been received. All these 6(six) Notices were admitted and enlisted in the list of Business. The Ministers concerned made statements in the House on those matters.

CALLING ATTENTION

7(seven) Calling Attention Notices on the matters of Urgent Public Importance had been received from the Members during the Session and all 7(Seven)notices were admitted. The Ministers concerned made statements in the House on those matters.

COMMITTEE REPORT

During the Session, apart from the report of the Business Advisory Committee, 1 (one) report of the Bidhayak Elaka Unnayan Prakalpa, 4(four) reports of the Public Accounts Committee, 1 (one) report of the Committee on Estimates, 1 (one) report of the Public Undertaking Committee, 1 (one) report of the Committee on Welfare of



SCs, OBCs & Minorities, 1 (one) report of the Committee on Welfare of Scheduled Tribes, 2(two) reports of the Committee on Petitions and 6(six) reports of the Committee on Government Assurances were presented to the House.

QUESTIONS

Notices of Questions, 415 Nos. of Starred, 71 Nos. of Un-starred and 5 Nos. of Short Notices were received. Out of these, 228 Nos. of Starred, 119 Nos. of Un-starred and 2 Nos. of short Notices were admitted. However, 104 Nos. of Starred, 72 Nos. of Un-starred questions and 2 Nos. of Short Notices were enlisted during the Session in the list of questions for answering in the House by the Ministers concerned of which only 22(twenty two) Starred questions and 2 Nos, short Notices were answered orally on the floor of the House. Written replies to the remaining Starred and Un-starred questions were laid on the table of the House by the concerned Ministers.

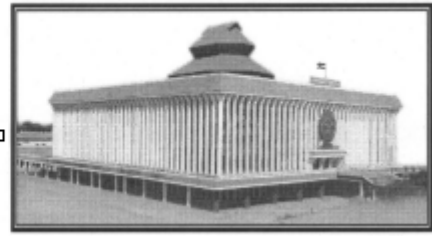
PRIVATE MEMBERS RESOLUTIONS

During the Session period, 30th August, 2019 was allotted for taking up Private Members Resolutions. Altogether 3(three) Resolutions were admitted. Out of these, 2 (two) Resolutions were discussed and were adopted unanimously which are as follows :-

1. “The Tripura Legislative Assembly requests the Central Government to take appropriate steps to conduct election of the Lok Sabha and State Legislative Assembly simultaneously throughout India, depending on the reality and need”.
2. “The Tripura Legislative Assembly requests the Central Government to operate the Agartala-Delhi-Agartala Rajdhani Express Train at least three days a week instead of one day for the convenience of the passengers”.

SHORT DISCUSSION NOTICES

During the Session, 3(three) Notices for raising Short Discussion on matters of Urgent Public Importance had been received from the Hon’ble Members.



The Notices were admitted and 2(two) notices were discussed in the House. The Hon'ble Ministers of the Concerned Departments replied to the debate in the matters at the end of the discussion.

VALEDICTORY SPEECH

On September 3rd, 2019, at the conclusion of the Business of the Session, the Hon'ble Speaker made a valedictory Speech before adjourning the House sine-die. In his speech, he expressed his gratitude to the Members of both the Treasury and the Opposition Benches for their co-operation in conducting the Business of the House smoothly. He thanked Officers of different Departments, including Doordarshan and AIR and representatives of Electronic and Print Media and Police Personnel for their co-operation. He also thanked Officers and Staff of the Assembly Secretariat for their contribution in the functioning of the House.



Parliamentary Proceedings

THE JAMMU AND KASHMIR REORGANISATION ACT, 2019 No. 34 OF 2019

Special Status of Jammu and Kashmir repealed

The special status given to Jammu and Kashmir under Article 370 was repealed by the central government. According to the Article, the power of Parliament to legislate with respect to Jammu and Kashmir was restricted to defence, external affairs, communications, and central elections. However, the President could extend other central laws, with the concurrence of the state government.

A resolution was adopted by Parliament recommending that the provisions of Article 370 be made inoperative, and that it be amended to state that all provisions of the Constitution would apply to Jammu and Kashmir. On the basis of this resolution, the President issued a notification making Article 370 inoperative.

Parliament passed the Jammu and Kashmir Reorganisation Bill, 2019. The Bill reorganises the state of Jammu and Kashmir into the Union Territory of Jammu and Kashmir, and the Union Territory of Ladakh. Key features of the Bill are as follows:

- **Reorganisation of Jammu and Kashmir :** The Bill reorganises the state of Jammu and Kashmir into: (i) the Union Territory of Jammu and Kashmir with a legislature, and (ii) the Union Territory of Ladakh without a legislature. The Union Territory of Ladakh will comprise Kargil and Leh districts, and the Union Territory of Jammu and Kashmir will comprise the remaining territories of the existing state of Jammu and Kashmir.
- **Lieutenant Governor :** The Union Territory of Jammu and Kashmir will be administered by the President through an administrator appointed by him known as the Lieutenant Governor. The Union Territory of Ladakh will be administered by the President, through a Lieutenant Governor appointed by him.



- **Legislative Assembly of Jammu and Kashmir:** The Bill provides for a Legislative Assembly for the Union Territory of Jammu and Kashmir. The total number of seats in the Assembly will be 107. Of these, 24 seats will remain vacant on account of certain areas of Jammu and Kashmir being under the occupation of Pakistan. The Assembly may make laws for any part of the Union Territory of Jammu and Kashmir related to: (i) any matters specified in the State List of the Constitution, except “Police” and “Public Order”, and (ii) any matter in the Concurrent List applicable to Union Territories. Further, Parliament will have the power to make laws in relation to any matter for the Union Territory of Jammu and Kashmir.
- **Extent of laws :** The Schedule lists 106 central laws that will be made applicable to Union Territories of Jammu and Kashmir and Ladakh on a date notified by the central government. These include the Aadhaar Act, 2016, the Indian Penal Code, 1860, and the Right to Education Act, 2009. Further, it repeals 153 state laws of Jammu and Kashmir. In addition, 166 state laws will remain in force, and seven laws will be applicable with amendments. These amendments include lifting of prohibitions on lease of land to persons who are not permanent residents of Jammu and Kashmir.

