

This Is No Parliament

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On 25th February 2015 the Finance Minister of Madhya Pradesh presented the State Budget for 2015-2016 to the Vidhan Sabha. Thereafter the Opposition disrupted proceedings by not allowing the Chief Minister to speak and the House was adjourned for the day. On the very next day, 26th February, the Treasury Benches refused to allow the Opposition to speak and carried by voice vote two Bills, the Budget grants and the Appropriation Bill. Thereafter the House adjourned sine die. The grants and appropriation were voted on and approved without any discussion whatsoever.

Our democracy and Parliament, or the State Legislature as the case may be, are modelled on Westminster. The separation of powers between the King, or the Executive and the Legislature, or the people's representatives, goes back to 1215 where at Runnymede the Barons forced King John to sign the Magna Carta, which stated that there would be no arbitrary rule and that the fundamental principle of government would be that custom and law would prevail over even the King. Thereafter, when Charles I was King and tried to bypass Parliament, which would not give him money to fight his wars by raising other levies and loans, Parliament resolved in 1628 that "No tax, loan or benevolence ought to be levied by the King or his Ministers without common consent by Act of Parliament." Since that day the supremacy of the Legislature in all matters relating to the raising of money, its appropriation and allocation to government, the spending of such money and Parliament's overall control of the finances of the State are central to democratic government. The Indian Constitution reinforces the above position. Under Article 112 in the case of the Union and Article 202 in the case of the States the President or the Governor respectively causes to be placed before Parliament or the State Legislature the annual financial statement giving the estimated receipts and expenditure of government for that year. This is referred to popularly as the budget. Under Articles 113 and 203 Parliament or the State Legislature considers the estimates in the form of demands for grants and on each demand votes its assent or modification. The approved grants are then converted to the Appropriation Bill. It is the Appropriation Bill which authorises government to accrue expenditure from the Consolidated Fund of India or the respective States and no money can be withdrawn from the Consolidated Fund of India without such appropriation. It is the exclusive prerogative of the Legislature to sanction a demand for a grant and then by law permit appropriation from the Consolidated Fund. When the Legislature approves grants and enacts the Appropriation Bill without any discussion, as has happened in the case of Madhya Pradesh this is tantamount to the Legislature abdicating its powers in favour of the Executive.

It can be argued that the budget is approved by the Council of Ministers and, therefore, its further approval by the Legislature is not really abdication of functions. Here it must be pointed out that the Council of Ministers, under the Constitution, in particular Article 74 for the Union and Article 163 for the States, is a part of the Executive. It is true that under Articles 75 and 164 respectively the Council of Ministers is accountable to the Legislature, with it being mandatory for the Ministers to be Members of Parliament or the State Legislature, but nevertheless the Council does not constitute the Legislature and it lies within the domain of the Executive. The Executive also consists of officers appointed by the

President or the Governor respectively, who together constitute the Civil Service, but the Prime Minister, Chief Minister and the Ministers, who are also appointed by the President or Governor to aid and advise them, are still a part of the Executive. When the Legislature approves the entire budget, including the grants and enacts the Appropriation Bill into law without any discussion whatsoever, it means that the Executive carries the day with no discussion at all on its proposals. This is a complete negation of democracy and the Members of the Madhya Pradesh Legislature, whether from the ruling party or the Opposition, by not discussing the budget, have dealt a fatal blow to the democratic principle of separation of powers. The procedure hitherto has been that after the budget is submitted Members of the Opposition give notice of discussion by moving a cut motion of a nominal rupee one on heads of grants which they want to bring under scrutiny. If the cut motion is carried it amounts to no confidence in government, which would have to resign. Even members of the ruling party participate in the debate. They cannot move a cut motion but they can certainly suggest modifications in the demand and very often in the past government has accepted modifications. That is the process by which individual Members of the Legislature apply their own wisdom to the budget and what emerges finally consists of the collective consensus of the House. In the case of Madhya Pradesh the House has simply not discussed anything.

Charles I lost his head because Parliament refused to appropriate funds and when he defied Parliament he was put on trial and executed. In the case of Madhya Pradesh the exact reverse has happened, Charles I has been given his appropriation without debate and it is the Vidhan Sabha which has been executed.

Do our legislators realise the danger of what they have done? Today it is the Council of Ministers, which at least is accountable to the Legislature, which has virtually approved the budget and assumed legislative functions. Tomorrow suppose the bureaucracy is able to persuade the Ministers not to exercise their minds about the budget and instead establishes a monopoly over the process of budget formulation. That would pass budget making to the bureaucracy which is not directly accountable to the Legislature. A fascist dictatorship is unacceptable, but a bureaucratic dictatorship established by total control over budget formulation would be a tragedy of the highest order. Clearly our legislators are not interested in their real role of legislation, budget making and control of government through the budget and by the normal process of calling government to account. In the words of Cromwell to the Rump Parliament, "Be gone. You are no Parliament."
