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LEGISLATION WITHOUT DELIBERATION: AN ANALYSIS OF PARLIAMENTARY FUNCTIONING IN INDIA

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Abstract:

Parliament occupies a central position in India's constitutional democracy as the primary institution for legislation, executive accountability, and political representation. In recent years, however, concerns have intensified regarding the declining quality of parliamentary functioning. This article examines the erosion of Parliament's deliberative role, focusing not merely on the reduction in sitting days but on the qualitative weakening of debate, scrutiny, and accountability mechanisms. Drawing on parliamentary data, PRS Legislative Research reports, scholarly literature, and select legislative case studies, the study analyses trends such as truncated sessions, fast-track lawmaking, declining Question Hour effectiveness, and the bypassing of parliamentary committees. Using deliberative democracy as an analytical lens, the article argues that these procedural shifts have contributed to executive dominance and the marginalisation of Parliament as a forum of public reasoning. Case studies including the Farm Laws (2020), Citizenship Amendment Act (2019), and Labour Codes (2019–2020) illustrate how compressed deliberation undermines democratic legitimacy and public trust, even when legislation is formally constitutional or later repealed. The article further contends that weakened parliamentary deliberation has indirect but significant implications for democratic accountability and the protection of citizens' rights, particularly equality, liberty, and socio-economic security. The study concludes that revitalising Parliament's deliberative capacity is essential for restoring institutional accountability, safeguarding constitutional values, and strengthening India's representative democracy.

Keywords: *Parliamentary deliberation, Indian Parliament, Deliberative democracy, Executive dominance, Legislative scrutiny, Parliamentary committees, Democratic accountability, Citizens' rights, Fast-track legislation, Representative democracy.*

Introduction:

Parliament occupies a central place in India's constitutional democracy as the primary forum for law-making, executive accountability, and representation of citizens' concerns. However, recent years have witnessed growing anxiety over the declining quality of parliamentary functioning. The controversy surrounding the truncated 15-day Winter Session and the steadily falling number of parliamentary sittings have reignited debates on whether Parliament is gradually losing its deliberative character. While procedural disruptions and political confrontation have long been part of

parliamentary life, the present concern is more structural in nature—marked by reduced sitting days, rushed legislation, weakened committee scrutiny, and shrinking spaces for debate.

Empirical trends reveal a sharp contrast between the early decades of Indian democracy and contemporary parliamentary practice. Whereas the Lok Sabha met for over 120 days annually during the 1950s, recent full-term Houses have averaged barely 55–70 sitting days per year (PRS Legislative Research; Lok Sabha Secretariat data). The 17th Lok Sabha (2019–2024) recorded the fewest sittings of any full-term House since 1952, alongside a significant proportion of Bills being passed with minimal or no discussion (Research, 2024). The decline in the referral of Bills to parliamentary standing committees and the erosion of Question Hour further point to a weakening of institutional checks on executive power.

This article argues that the problem is not merely quantitative—limited sitting days—but qualitative, reflecting a deeper erosion of deliberative democracy. Parliamentary deliberation is essential not only for refining legislation but also for ensuring democratic accountability and safeguarding citizens' rights. When laws are passed without adequate debate or scrutiny, the representative link between Parliament and the people is compromised. Drawing on parliamentary data, expert commentary, and selected case studies, this article examines the changing nature of parliamentary functioning in India and its implications for democratic accountability and citizens' rights, situating the analysis within a deliberative democracy framework.

Literature Review:

Scholarly engagement with the functioning of the Indian Parliament has evolved from early institutional descriptions to more critical assessments of its deliberative role in contemporary democracy. Classical works by Morris-Jones viewed Parliament as a central arena of representation and debate, emphasizing its importance in sustaining democratic legitimacy in a diverse post-colonial society (Morris-Jones, 1957). These foundational studies highlighted parliamentary debates, Question Hour, and committee systems as essential mechanisms through which executive authority was scrutinized and citizen interests articulated.

Subsequent scholarship focused on parliamentary participation and legislative behavior. Berry and Arora examined patterns of participation in the Lok Sabha, revealing variations in attendance, debate involvement, and legislative engagement among Members of Parliament (Arora, 1962). These studies suggested that effective parliamentary functioning depends not merely on institutional design but also on the active engagement of representatives. However, much of this early literature treated participation largely as a procedural matter rather than a deliberative democratic concern.

From the late 1990s onward, scholars began expressing concern about the declining effectiveness of Parliament. Rubinoff and Shourie argued that increasing executive dominance and frequent disruptions had weakened Parliament's role as a deliberative body (Rubinoff, 1998) (Shourie,

2007). Chakrabarty and Pandey further highlighted how strong party discipline and centralized leadership constrained independent legislative debate, reducing Parliament to a forum for formal approval rather than meaningful discussion (Pandey, 2014).

The question of deliberative quality has been addressed more explicitly through democratic theory. Habermas's discourse theory of democracy and Dryzek's conception of deliberative democracy emphasize reasoned debate, justification, and public accountability as prerequisites for democratic legitimacy (Habermas, 1996) (Dryzek, 2000). Applying this framework to parliamentary studies, scholars such as Mehta (2007) argue that the erosion of debate and scrutiny undermines institutional accountability and shifts democratic responsibility to non-legislative actors, particularly the judiciary. Empirical assessments of parliamentary functioning by PRS Legislative Research provide systematic evidence of declining sitting days, reduced debate time, and fewer Bills being referred to parliamentary committees. PRS reports (2009–2012) document a steady fall in the number of parliamentary sittings compared to the early decades after independence, alongside an increase in legislation passed with minimal discussion. These findings are corroborated by official data from the Lok Sabha Secretariat, which reveal declining attendance and shrinking Question Hour durations.

Committee scrutiny has emerged as a key area of concern in recent literature. Kapur and Mehta (2006) emphasize the role of parliamentary committees as instruments of accountability, allowing detailed examination of legislation beyond the constraints of the House floor. However, recent studies indicate a sharp decline in the referral of Bills to standing committees, weakening legislative oversight and public consultation. This trend has significant implications for democratic governance, as committee deliberations often incorporate expert opinions and stakeholder perspectives.

The relationship between parliamentary decline and citizens' rights has received comparatively limited attention. Noorani argues that constitutional safeguards are only as effective as the institutions that operationalize them. When laws affecting civil liberties and socio-economic rights are passed without adequate deliberation, citizens' capacity to influence governance is indirectly curtailed (Noorani, 2006). Baxi similarly links governance practices to the realization of human rights, suggesting that procedural deficits in law-making can translate into substantive rights violations (Baxi, 2002).

Media analyses and civil society reports further reinforce these concerns. Studies by the Centre for Civil Society (2010) and reports from National Social Watch Coalition (2007, 2009) highlight growing gaps between Parliament and citizens, particularly in terms of transparency and responsiveness. Newspaper commentaries (Ghosh, 2008; Subrahmaniam, 2010) also reflect public anxiety about Parliament's diminishing deliberative role.

Although there is a substantial body of literature, a clear gap in research remains. Most studies focus either on quantitative indicators such as sitting days and attendance or on broad critiques of

executive dominance. There is limited integrated analysis linking the quality of parliamentary deliberation, committee scrutiny, and democratic accountability to the indirect impact on citizens' rights. This article seeks to bridge that gap by combining empirical parliamentary data, case studies of legislative practice, and (Research, 2024)a deliberative democracy framework to assess the contemporary crisis of parliamentary deliberation in India.

Conceptual Framework:

This article draws selectively on the idea of deliberative democracy as a conceptual lens to assess the functioning of Parliament in India. Rather than adopting deliberative democracy as a comprehensive theoretical foundation, the framework is used to highlight the importance of debate, scrutiny, and accountability in a representative parliamentary system.

Deliberative democracy, as discussed by theorists such as **Jürgen Habermas**, emphasizes that democratic legitimacy is strengthened when political decisions are preceded by reasoned discussion, justification, and public debate (Habermas, 1996). In the context of parliamentary democracy, these deliberative principles are institutionally reflected in mechanisms such as legislative debates, Question Hour, and parliamentary committee scrutiny.

Parliament, within a representative democracy, is expected to function not merely as a law-passing body but as a deliberative forum where diverse viewpoints are expressed and executive actions are examined. Parliamentary debates and committee processes allow legislators to evaluate policy implications, incorporate expert input, and articulate citizens' concerns. These processes contribute to the quality of legislation and reinforce democratic accountability.

Using deliberative democracy as a framework of analysis, this article examines how reduced sitting days, truncated debates, and declining committee referrals may weaken Parliament's deliberative role. While legislative output may continue, the erosion of deliberative practices raises concerns about the quality of scrutiny and the effectiveness of parliamentary oversight. The framework thus helps in assessing the implications of declining deliberation for representative governance and citizens' rights, without claiming to offer a fully theory-driven explanation of parliamentary decline.

Research Methodology:

The present study adopts a qualitative research design to examine the changing nature of parliamentary functioning in India, with particular emphasis on deliberation, debate, scrutiny, and accountability. Given the normative and institutional focus of the inquiry, a qualitative approach is most appropriate for capturing the procedural, deliberative, and representative dimensions of parliamentary decline.

In terms of research type, the study is both descriptive and analytical. It is descriptive insofar as it documents trends in parliamentary sittings, attendance, debates, Question Hour, and committee functioning across different phases of Indian parliamentary history. At the same time, it is analytical

as it critically examines these trends through the lens of deliberative democracy to assess their implications for democratic accountability and citizens' rights.

The research draws upon secondary data sources. These include parliamentary debates and proceedings of the Lok Sabha and Rajya Sabha, reports and statistical briefs published by PRS Legislative Research, reports of parliamentary committees, government documents, and Publications issued by the Lok Sabha and Rajya Sabha Secretariats. In addition, scholarly books, peer-reviewed journal articles, editorials, and commentaries by constitutional scholars and political theorists have been consulted to provide conceptual clarity and contextual depth.

To substantiate the broader argument, the study also employs a case study method. Select instances—such as disruptions during Question Hour, curtailed budget discussions, reduced committee scrutiny, and specific legislative episodes—are examined to illustrate how declining deliberative practices affect parliamentary accountability and democratic governance. These case studies are not treated as exhaustive empirical samples but as illustrative cases that help link institutional trends with their democratic consequences.

Overall, this methodological approach enables a systematic and context-sensitive analysis of parliamentary decline while remaining grounded in documented evidence and established scholarly debates.

Decline in Parliamentary Sittings and Deliberative Time:

One of the most visible indicators of parliamentary decline in India is the steady reduction in the number of sitting days and effective working hours of Parliament. While the first two decades after Independence witnessed an average of over 120 sitting days annually, recent years have seen a sharp contraction in both the duration and productivity of parliamentary sessions (PRS Legislative Research; Lok Sabha Secretariat data). This decline has occurred despite the increasing complexity of governance and the expanding scope of state intervention in citizens' lives.

Frequent disruptions, adjournments, and truncated sessions have significantly curtailed time available for debate, scrutiny, and accountability. The erosion of Question Hour—traditionally regarded as the most potent instrument of executive oversight—has further weakened Parliament's role as an accountability mechanism. From the perspective of deliberative democracy, reduced sitting time directly undermines the capacity of elected representatives to engage in reasoned debate, articulate constituent concerns, and subject executive action to public justification.

Alongside declining sittings, there has been a growing tendency to pass legislation through expedited procedures, often with minimal discussion. An increasing number of bills have been passed either on the same day of introduction or after extremely limited debate. This practice marks a departure from the deliberative ethos of parliamentary democracy, where legislation is expected to be the outcome of sustained discussion, dissent, and refinement.

Fast-track lawmaking prioritizes numerical majorities over deliberative legitimacy. While efficiency in governance is not inherently undemocratic, procedural compression becomes problematic when it systematically sidelines debate and dissent. In such circumstances, Parliament risks being reduced to a formal ratifying body rather than a forum for public reasoning and legislative scrutiny.

Parliamentary committees constitute the backbone of legislative scrutiny, offering a relatively non-partisan space for detailed examination of bills, stakeholder consultation, and expert input. However, recent years have witnessed a marked decline in the referral of bills to standing or select committees.

The bypassing of committees weakens the institutional capacity of Parliament to improve legislative quality. Committees enable legislators to move beyond party postures and engage substantively with policy implications. Their marginalisation reflects a shift away from deliberation towards executive-driven lawmaking. From a democratic standpoint, this trend diminishes transparency, reduces inclusivity in policymaking, and limits opportunities for public participation through expert testimonies and civil society engagement.

Lok Sabha Performance (2004–2025)

Lok sabha	Sittings(days)	Time Utilised	Bills Passed	Committee Referrals
14 th (2004-09)	332	87%	248	60%
15 th (2009-14)	356	61%	179	71%
16 th (2014-19)	331	84%	133	25%
17 th (2019-24)	274	88%	179	16%
18 th *(2024-25)	62	82%	39	26%

*Note: 18th Lok Sabha data is based on the term up to the end of the Winter Session in December 2025.

Source: PRS Legislative Research

Executive Dominance and Marginalisation of Parliament:

The decline in parliamentary activity has coincided with a marked increase in executive dominance. Bills are increasingly introduced and passed under executive initiative, often using majority strength in both Houses to bypass extensive debate. Parliamentary committees—historically designed to provide detailed, non-partisan scrutiny—are bypassed or their recommendations routinely ignored.

This trend reflects the marginalisation of Parliament in two ways: first, as a legislative forum, Parliament becomes a formal ratifying body rather than a deliberative institution; second, as a site of accountability, it loses its capacity to challenge or refine executive policy. Executive dominance is further reinforced by the political centralisation of party structures, where parliamentary members

often defer to party leadership, further weakening independent deliberation.

From the lens of deliberative democracy, this concentration of power compromises the quality of public reasoning and undermines the legitimacy of lawmaking. Parliament is no longer primarily a platform for reasoned debate, negotiation, and citizen representation but increasingly a procedural gateway for executive priorities.

Case Studies of Select Legislations:

a) The Farm Laws, 2020:

The three farm laws enacted in 2020 serve as a prominent illustration of deliberative deficit. Introduced and passed during a disrupted parliamentary session, the bills were neither referred to a parliamentary committee nor subjected to extensive debate. Voice votes were used amid opposition protests, raising serious concerns about procedural legitimacy.

The absence of structured parliamentary scrutiny contributed to widespread public distrust and mass mobilization by farmers across the country. The eventual repeal of the laws underscores how legislative outcomes lacking deliberative grounding may fail to command social acceptance, even when backed by a parliamentary majority. The repeal addresses the outcome, not the institutional damage caused by bypassing parliamentary deliberation.

b) Citizenship Amendment Act, 2019:

The passage of the Citizenship Amendment Act (CAA) highlights another instance of compressed deliberation on a matter with profound constitutional and citizenship implications. Despite its far-reaching consequences for the idea of citizenship and equality, the Act was passed after limited debate and without comprehensive committee scrutiny.

The widespread protests that followed indicate a disconnect between parliamentary decision-making and public reasoning. The case illustrates how inadequate deliberation can erode democratic legitimacy and intensify polarization, thereby weakening Parliament's role as a mediator between the state and society.

c) Labour Codes, 2019–2020:

The consolidation of 29 labour laws into four labour codes represents one of the most significant structural reforms in labour regulation since Independence. Yet, these codes were enacted amid disruptions, limited debate, and partial committee examination.

Given their direct impact on workers' rights, industrial relations, and social security, the lack of extensive parliamentary deliberation raises concerns about representativeness and accountability. The labour codes exemplify how large-scale policy transformations are increasingly undertaken without adequate legislative scrutiny or stakeholder consultation.

Impact on Democratic Accountability:

The cumulative effect of reduced sittings, fast-track legislation, committee bypassing, and

weak deliberation has been a systemic erosion of democratic accountability. Parliament's capacity to act as an intermediary between citizens and the executive has diminished, resulting in a concentration of power within the executive branch.

From a deliberative democracy perspective, accountability is not limited to electoral outcomes but depends on continuous justification of decisions through debate, scrutiny, and transparency. When deliberative spaces shrink, citizens' ability to influence policymaking between elections weakens. This erosion fosters public cynicism, distrust in institutions, and a perception of Parliament as disconnected from popular concerns.

Thus, the decline in parliamentary deliberation is not merely a procedural issue but a substantive democratic problem. It affects the quality of laws, the legitimacy of governance, and the protection of citizens' rights in a constitutional democracy.

Impact on Citizens' Rights:

The marginalisation of Parliament and concentration of power in the executive have direct consequences for citizens' rights and the foundational principles of democracy. Laws passed with minimal debate, bypassing committees and deliberative scrutiny, can indirectly affect fundamental rights guaranteed under the Constitution, including:

- **Article 14 (Right to Equality):** Fast-tracked laws may inadequately consider differential impacts on various social groups, leading to inequalities in application or access.
- **Article 19 (Freedom of Speech, Expression, and Assembly):** Laws like the Citizenship Amendment Act (CAA) demonstrate how rapid legislative processes can curtail public consultation and debate, indirectly constraining civic participation and dissent.
- **Article 21 (Right to Life and Personal Liberty):** Executive-dominated legislation, when insufficiently scrutinized, can create regulatory or administrative frameworks that inadvertently affect livelihoods, safety, and socio-economic rights, as seen in the farm laws or labour codes.

The cumulative effect of these processes is reduced representation: citizens' voices and concerns are often underrepresented in legislative debates, weakening Parliament as a forum for deliberation. This leads to a democratic deficit, where the procedural legitimacy of lawmaking persists, but substantive accountability and inclusiveness are compromised.

In essence, the marginalisation of Parliament translates into diminished safeguards for citizens, undermining both the normative and practical dimensions of democratic governance. Strengthening legislative deliberation and committee scrutiny is therefore critical to protect citizens' rights and uphold constitutional principles.

Conclusion:

The present study underscores a significant decline in the functioning of the Indian Parliament, highlighting the multifaceted challenges that undermine its role as the cornerstone of representative

democracy. The analysis reveals that frequent disruptions, reduced sittings, poor attendance, and minimal participation in debates have weakened the institution's capacity to hold the executive accountable. The rise of executive dominance, coupled with the marginalization of parliamentary committees, has facilitated fast-track legislation that often bypasses detailed scrutiny, as evidenced in key case studies including the Farm Laws, Citizenship Amendment Act, and Labour Codes. These developments have profound implications for democratic accountability and citizens' rights, indirectly affecting fundamental principles of equality, liberty, and life by constraining representation and fostering a democratic deficit. The erosion of parliamentary deliberation compromises the capacity of elected representatives to articulate constituent concerns and engage in meaningful oversight, reflecting a systemic shift from a deliberative to a managerial model of governance. Revitalizing the Parliament requires a multi-pronged approach: strengthening legislative committees, codifying parliamentary ethics, ensuring consistent attendance and active participation of MPs, enhancing transparency in legislative processes, and promoting greater interface between citizens and their representatives. Such reforms are essential not only to restore the authority and relevance of Parliament but also to safeguard the democratic ideals enshrined in the Constitution, ensuring that the institution remains a vibrant forum for debate, scrutiny, and protection of citizens' rights. Without decisive action, the continued marginalization of Parliament risks eroding public trust, diminishing the (PRS Legislative Research; Lok Sabha Secretariat data)quality of governance, and weakening the very foundations of India's democracy.

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