



Mains Practice Question

Q. “The use of money bills to pass contentious legislation undermines the bicameral nature of India's parliamentary system”. Analyze this statement in the context of recent legislative practices and their impact on the role of the Rajya Sabha. **(250 words)**

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Approach

- Introduce by mentioning the Constitutional Provisions Related to Money Bills
- Delve into recent legislative practices concerning money bills
- Give impacts of it on the role of Rajya Sabha
- Conclude suitably.

Introduction

Money Bills are a special category of legislation defined under Article 110 of the Indian Constitution.

- **Article 109** stipulates that Money Bills can only be introduced in the Lok Sabha. The **Rajya Sabha** can only make recommendations, which the Lok Sabha may or may not accept.
- While this mechanism aims to **ensure financial stability**, critics argue that it can be **misused to bypass the Rajya Sabha's role** in scrutinizing contentious legislation.

Body

Recent Legislative Practices:

In recent years, the government has increasingly utilized the Money Bill route to pass significant legislation:

- **Aadhaar Act, 2016:** This act, which established the legal framework for the **Aadhaar identification system**, was passed as a Money Bill despite containing provisions that went beyond mere financial matters.
 - In the **Aadhaar case (2018)**, the Supreme Court upheld the Aadhaar Act as a valid Money Bill. However, the dissenting opinion of judges characterized the use of the Money Bill route in this case as an **"abuse of the constitutional process**.
- **Amendments to Prevention of Money Laundering Act (PMLA), 2002:** These amendments, which expanded the powers of enforcement agencies, were **introduced through the Finance Act**.
 - Challenges to the **PMLA amendments and the Electoral Bonds scheme**, both introduced through Money Bills, are currently pending before the Supreme Court.
- **Changes to Foreign Contributions Regulations Act (FCRA), 2010:** Modifications to this act, which regulates foreign donations to Indian organizations, were also passed as part of a Finance Bill.
- **Finance Act, 2017:** This act included amendments to various laws, including those **governing the structure and functioning of tribunals**, which many argued were beyond the scope of a

Money Bill.

Impact on the Role of Rajya Sabha:

- **Diminished Scrutiny:** When a bill is designated as a Money Bill, the Rajya Sabha's role is reduced to **making non-binding recommendations within a 14-day period**.
 - The Lok Sabha is free to accept or reject these suggestions, effectively sidelining the upper house in the legislative process.
- **Limited debate:** The **14-day time limit constraints** thorough discussion on complex issues in the Rajya Sabha, potentially leading to inadequate scrutiny of important legislation.
- **Bypassing opposition:** This practice allows the government to **sidestep potential opposition in the upper house**, where it may lack a majority.
- **Erosion of Bicameral Spirit:** This practice potentially undermines the foundational principle of **legislative checks and balances** in India's parliamentary democracy.

Arguments in Favor of the Practice:

- **Efficiency:** This route promotes swift implementation of government policies, avoiding potential deadlocks in the legislative process.
 - The ruling coalition often lacks a majority in the upper house, making it difficult to pass contentious legislation through the normal process.
- **Mandate utilization:** It allows the government, which has a majority in the popularly elected Lok Sabha, to implement its agenda effectively.

Possible Solutions and Reforms

- **Redefining Money Bills:** Amendments are necessary in **Article 110 of the Constitution** to provide a more precise and narrower definition of money bills, limiting their scope to matters directly related to finance.
 - This would prevent the classification of non-financial legislation as money bills.
- **Joint Sitzings:** Increase the frequency of joint sittings of both Houses of Parliament to resolve disagreements over non-money bills.
 - This would provide a mechanism for the Rajya Sabha to have a more substantial say in lawmaking.
- **Self-Restraint by the Government:** Encourage the government to exercise self-restraint in classifying bills as money bills and to prioritize genuine financial matters.

Conclusion

The use of money bills to pass contentious legislation is a concerning trend that undermines the bicameral nature of India's parliamentary system. While the Constitution **provides for the use of money bills**, it is essential to ensure that **this mechanism is not abused to circumvent the Rajya Sabha's oversight** and promote a more **democratic and inclusive legislative process**.