Legislation needs debate, not blind determination

A close look at parliamentary performance data reveals a qualitative decline — a legislature transformed into a rubber-stamping exercise.

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When arithmetic substitutes for argument, what Parliament passes matters less than what it never had to explain. (HT Archive)

Parliament's Monsoon Session, which commenced on July 20 and is on till August 13, has been marked by a series of contestations on issues surfacing both within and outside Parliament. Two bills, introduced in earlier sessions of Parliament (but not tabled yet), merit greater discussion and scrutiny: the Foreign Contribution (Regulation) Amendment, or FCRA, Bill, 2026, and the Constitution (130th Amendment) Bill, 2025. Both do not just expand executive control, but also remove all space for an independent decision-maker. The two bills need to be read against a decade of precedents describing the same institutional habit: Whenever a court or a federal structure has stood between the Centre and a decision it wanted to make alone, the response has been to legislate the obstacle away.

The FCRA Bill, introduced on March 25, was framed as tidying up "legal gaps". Internally, it does something larger by inserting a new Chapter, IIIA, into the FCRA Act, 2010, creating a Designated Authority that, under Section 16C, wields powers resembling a civil court's in order to supervise, manage, or permanently vest in itself any foreign-funded asset — hospitals, schools, etc — the moment a registration is cancelled, surrendered, or allowed to lapse.

The ministry that cancels a licence effectively appoints the authority that then disposes of what the organisation built, with proceeds flowing to the Consolidated Fund of India. The scale is not trivial; the government's dashboard shows over 22,000 registrations have already been cancelled and roughly 15,000 left not renewed as of April 2026, making for a population of institutions already standing to be impacted by the mechanism now being written into law.

How the FCRA has evolved over the years

This is also not a first move. The original FCRA, enacted during the Emergency in 1976, targeted political funding, the 2010 Act broadened oversight of NGOs, the 2020 amendment mandated a single State Bank of India account, cut permissible administrative spending from 50% to 20%, made Aadhaar mandatory for office-bearers, and banned the onward transfer of funds between organisations. Each iteration has tightened the State's grip on the same sector. The 2026 Bill is the point at which oversight of funds becomes ownership of assets.

Constitutional scholars flag conflict with Article 300A, since the Authority can act ahead of any judicial finding, and with Article 30, which guarantees minorities the right to run their own educational institutions, a concern sharpened by Rules notified in June barring organisations engaged in "proselytisation", a term the law does not define, from FCRA eligibility altogether. The government invokes the Financial Action Task Force (FATF); yet, the FATF's 2024 review found India only partially compliant on non-profit safeguards and asked for a targeted, risk-based approach, not a blanket mechanism across the sector. A UN Special Rapporteur had flagged the FCRA's chilling effect on associational freedom in 2016; a decade later, the amendment answers that warning by expanding the very power it criticised.

Constitution Amendment Bill and 30-day custody rule

The Constitution (130th Amendment) Bill performs a parallel manoeuvre against a different check: judicial conviction. It follows directly from Arvind Kejriwal governing Delhi from Tihar Jail for months in 2024 without resigning. Introduced in the Lok Sabha last August and sent to a Joint Parliamentary Committee in November, it would amend Articles 75, 164, and 239AA so that a prime minister, Union minister, chief Minister, or state minister held in custody for 30 consecutive days, on a charge carrying five years' imprisonment or more, must resign by the 31st day or automatically cease to hold office. Custody, set by an investigating agency's timing and a bail order, replaces conviction that is decided by a court after trial, as the trigger for removing an elected head of government.

That the Bill reaches for Article 239AA is not incidental. This is the same provision the Supreme Court interpreted in May 2023, ruling unanimously that Delhi's elected government held control over its administrative services and that this "chain of accountability" was essential to representative government. Within eight days, the Centre issued an Ordinance overriding that verdict, later enacted as the GNCTD (Amendment) Act, 2023, handing control to the Lieutenant Governor, answerable to the Centre.

The 130th Amendment Bill proposes to amend the same Article a second time for a different purpose, but to the same effect: reducing what a court decision protects. Several Opposition parties have boycotted the Joint Committee on the ground that whoever controls the tempo of arrests and bail hearings would, in effect, control the removal of rivals from office. The panel, headed by BJP MP Aparajita Sarangi, is understood to have retained the 30-day clause while adding unspecified “safeguards”; yet, on July 17, days before the session began, it deferred even adopting that report, seeking further consultation.

The government would appear to be testing the limits of the Opposition, the judiciary and the public. There is a pattern to how this government legislates once it senses the numbers turning in its favour, and the Monsoon Session may turn out to be almost a textbook case of this.

None of this makes foreign-funding oversight and ministerial accountability illegitimate as reforms; each deserves attention. But a two-thirds majority assembled through defection and merger to tighten executive control is not the sustained public persuasion Article 368 was written to demand. Civil society and an elected rival, both in their own Bill, are being asked to trust a discretion the texts of the respective Bills do not constrain.

A close look at the data on parliamentary performance reveals a qualitative decline — a legislature transformed into a rubber-stamping exercise seen so far, where extra hours are utilised to move legislation faster rather than to sharpen it. Each parliamentary session across the Houses appears less like a debating chamber and more like a corporate board meeting where the decisions were made long before the attendees arrived. When arithmetic substitutes for argument, what Parliament passes matters less than what it never had to explain. Governments’ ambitions and desires are clear, their executive upholding is apparent. The end goal is no longer blowing in the wind. One must have their eyes wide shut to think otherwise.

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