

Public Policy Making without Parliamentary Debate: A Democratic Deficit

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Abstract— The cornerstone of representative governance is parliamentary deliberation, which bestows legitimacy upon public policy through discourse, oversight, and openness. In India, the Constitution designates Parliament as the principal legislative body, responsible for ensuring that a spectrum of interests is voiced and rigorously examined prior to policy implementation. Nevertheless, recent trends indicate a significant rise in the development of public policy and legislation characterized by reduced parliamentary discussion, insufficient committee review, and an augmented influence of executive authority. This analysis critically investigates whether these practices have led to a deficiency in India's parliamentary democratic system. This paper asserts that although executive expediency might be defensible in extraordinary situations, the consistent diminishing of Parliament's role erodes democratic legitimacy, compromises federal principles, and erodes public confidence through the recent legislative studies including The Farm Laws (2020) and The Criminal Law Reforms, 2023. The research concludes by underscoring the imperative to reinvigorate parliamentary institutions to preserve India's constitutional democracy.

Index Terms— Parliamentary Deliberation, Representative Governance, Public Policy, Legislative Process in India, Democratic Accountability, Transparency, Parliamentary Oversight, Policy Legitimacy.

I. INTRODUCTION

Democracy, in its representative form, is not merely a system of periodic elections but a continuous process of deliberation, accountability, and participation. In parliamentary democracies, legislatures serve as the principal arenas where public policy is debated, scrutinized, and legitimized. The Indian Parliament, comprising the Lok Sabha and the Rajya Sabha, is constitutionally entrusted with this role. Articles 107

to 111 of the Constitution outline the legislative process, while parliamentary debates and committee systems provide the necessary deliberative framework for democratic governance.¹

Despite this constitutional vision, recent years have witnessed growing concerns about the erosion of parliamentary deliberation in India. Several significant policies and legislations have been enacted with limited debate, reduced sitting days, and minimal committee scrutiny. Critics argue that this trend reflects an increasing centralization of power in the executive, raising questions about democratic accountability and legitimacy. Supporters, on the other hand, justify such practices in the name of efficiency, decisiveness, and governance reforms. This paper seeks to critically examine whether public policy making without adequate parliamentary debate results in a democratic deficit in India. It explores theoretical perspectives on deliberative democracy, analyses recent legislative practices, and evaluates their implications for democratic governance.

II. CONCEPTUALIZING DEMOCRATIC DEFICIT

The erosion of parliamentary deliberation has long-term implications for democratic governance in India. Democratic legitimacy depends not only on electoral mandates but also on inclusive and transparent decision-making processes. Strengthening parliamentary institutions is therefore essential for sustaining constitutional democracy. Revitalizing parliamentary debates, strengthening committee systems, and fostering a culture of deliberation are necessary reforms.

In the Indian context, a democratic deficit emerges when Parliament is reduced to a procedural institution rather than a deliberative forum. The bypassing of

debate, frequent use of ordinances, and diminishing role of parliamentary committees contribute to this deficit. Democratic legitimacy, which depends on both electoral mandates and deliberative processes, is consequently undermined.²

III. THEORETICAL FRAMEWORK: DELIBERATIVE DEMOCRACY

Deliberative democratic theory provides a normative framework for evaluating the role of parliamentary debate in democratic systems. Jürgen Habermas argues that legitimacy in democratic governance arises from communicative rationality, where decisions are justified through public reasoning.³ According to this perspective, democratic institutions must facilitate inclusive and reasoned deliberation.

Robert Dahl similarly emphasizes “effective participation” and “enlightened understanding” as essential criteria for democracy.⁴ Legislatures, therefore, are not merely law-making bodies but forums for collective reasoning. In parliamentary systems, debates, question hours, and committee deliberations institutionalize these democratic principles.

When parliamentary deliberation is curtailed, policy decisions may still be legally valid but lack normative legitimacy. The dominance of executive decision-making thus represents a shift away from deliberative democracy towards what some scholars describe as executive democracy.

IV. PARLIAMENTARY DEMOCRACY IN INDIA: CONSTITUTIONAL AND INSTITUTIONAL FRAMEWORK

The Constitution of India envisages Parliament as the central institution of democratic governance. Parliamentary sovereignty, though limited by constitutional supremacy, is exercised through debates, motions, and legislative scrutiny. The Rajya Sabha plays a crucial role in representing states and federal interests, while the Lok Sabha reflects popular representation. Parliamentary committees, including standing and select committees, enhance legislative scrutiny by examining bills in detail, consulting experts, and inviting public feedback. Studies indicate that committee scrutiny improves legislative quality and democratic accountability.⁵ However, recent

trends reveal a decline in the effectiveness of these institutions. The number of parliamentary sittings has decreased, and the proportion of bills referred to committees has fallen significantly. This institutional weakening raises concerns about the health of parliamentary democracy in India.

V. PUBLIC POLICY MAKING WITHOUT PARLIAMENTARY DEBATE

Public policy making without parliamentary debate can take several forms: executive ordinances, delegated legislation, expedited passage of bills, and the use of money bills to bypass the Rajya Sabha. While these mechanisms are constitutionally permitted, their excessive use undermines democratic norms. The increasing reliance on ordinances reflects executive impatience with parliamentary processes. Similarly, the frequent disruption of parliamentary sessions and the curtailment of debates further marginalize legislative deliberation. These practices collectively contribute to executive dominance in policy formulation.

VI. CASE STUDIES OF RECENT INDIAN LEGISLATION

The Farm Laws, 2020

The enactment of the three farm laws in 2020 exemplifies policy making without adequate parliamentary debate. The bills were passed during a brief parliamentary session with limited discussion and without referral to standing committees.⁶ The absence of deliberation and stakeholder consultation contributed to widespread protests and eventual repeal of the laws.

This episode underscores the consequences of bypassing parliamentary scrutiny. It highlights how legislative legitimacy depends not only on numerical majorities but also on deliberative processes.

VII. THE FARM LAWS, 2020: REFORM, RESISTANCE, AND DEMOCRATIC LEGITIMACY

The enactment of the Farm Laws, 2020 marked a transformative yet contentious moment in contemporary Indian legislative history. In September 2020, the Parliament of India passed three major

agricultural reform legislations: the Farmers Agreement on Price Assurance and Farm Services Act, 2020, the Farmers' Produce Trade and Commerce Act, 2020 and the Essential Commodities (Amendment) Act, 2020. These laws were introduced as part of a broader reform agenda aimed at liberalizing agricultural markets, encouraging private investment, and increasing farmers' incomes through competitive price mechanisms.⁷ The Government argued that structural reforms were necessary to dismantle inefficiencies in the Agricultural Produce Market Committee (APMC) system and to integrate Indian agriculture into a unified national market.⁸

The first law permitted inter-state and intra-state trade of agricultural produce outside APMC-regulated mandis without the imposition of state market fees.⁹ The second law provided a statutory framework for contract farming, enabling agreements between farmers and agribusiness firms, with dispute resolution mechanisms handled by executive authorities rather than civil courts.¹⁰ Certain foods, including cereals, pulses, oilseeds, onions, and potatoes, were removed off the list of essential commodities in the third law, which revised the Essential Commodities Act, 1955.¹¹ These measures reflected a neoliberal policy orientation emphasizing deregulation, private participation, and market efficiency.

However, the legislative process itself became a subject of controversy. The bills were initially promulgated as ordinances in June 2020 during the COVID-19 pandemic and were later passed in Parliament in September 2020 amid intense opposition protests. In the Rajya Sabha, the Deputy Chairman adopted a voice vote despite demands for a recorded division, leading to allegations of procedural irregularity and erosion of deliberative norms. Critics argued that the truncated parliamentary debate signified executive dominance over the legislature, thereby raising concerns regarding democratic accountability.¹²

Federalism emerged as another critical issue in the debate. Agriculture is constitutionally a State subject under Entry 14 of the State List. Several state governments contended that the central legislation encroached upon state jurisdiction without adequate consultation. Scholars observed that the central government relied on Entry 33 of the Concurrent List (trade and commerce in foodstuffs) to justify its legislative competence, thereby expanding the scope

of Union authority in agrarian governance.¹³ This constitutional tension intensified political resistance and deepened Centre-State friction.

The most visible consequence of the Farm Laws was the unprecedented farmers' protest movement. Beginning in November 2020, thousands of farmers—primarily from Punjab, Haryana, and Western Uttar Pradesh—mobilized and camped at the borders of Delhi. The protests persisted for over a year, becoming one of the longest sustained agrarian movements in independent India.¹⁴ Farmers expressed apprehensions regarding the potential dismantling of the Minimum Support Price (MSP) regime and feared corporate monopolization of agricultural markets. The movement gained widespread national and international attention, highlighting the intersection of economic reform and social justice in a democratic polity.

Judicial intervention further shaped the trajectory of the controversy. The Indian Supreme Court established an expert committee to promote communication and halted the Farm Laws' implementation in January 2021.¹⁵ While the Court's intervention temporarily suspended enforcement, it did not resolve the underlying political impasse. Eventually, on 19 November 2021, Prime Minister Narendra Modi announced the removal of the three laws. The repeal was formalized through the Farm Laws Repeal Act, 2021, enacted by Parliament in December 2021.¹⁶ The Farm Laws episode provides a significant case study in contemporary public policy making in India. It underscores the importance of stakeholder consultation, federal negotiation, and procedural transparency in sustaining reform initiatives. While economic liberalization aims at efficiency and modernization, democratic legitimacy depends on deliberation and consent. The repeal of the Farm Laws illustrates that in a plural and federal democracy; policy sustainability requires not only legislative authority but also social acceptance and political accommodation.¹⁷

VIII. CRIMINAL LAW REFORMS, 2023

India's criminal justice system has long been governed by colonial-era laws such as the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872. In 2023, the Government of India introduced new legislation to replace these

frameworks, emphasizing modernization, efficiency, and decolonization of legal structures.¹⁸ While these reforms are significant in scope, the process through which they were enacted has generated debate. Critics argue that the passage of these laws without extensive parliamentary discussion undermines democratic norms and legislative accountability.¹⁹

The newly enacted criminal laws introduce several reforms aimed at transforming India's justice system. The *Bharatiya Nyaya Sanhita, 2023* replaces the Indian Penal Code and introduces provisions such as community service as a form of punishment and expanded definitions of offences including organized crime and terrorism.²⁰ The *Bharatiya Nagarik Suraksha Sanhita, 2023*, which replaces the Code of Criminal Procedure, stresses procedural efficiency through mechanisms like as electronic First Information Reports (e-FIRs), time-bound investigations, and the digitization of judicial proceedings.²¹ The *Bharatiya Sakshya Adhiniyam, 2023* modernizes evidentiary rules by recognizing electronic records and digital evidence as primary forms of proof.²² The replacement of colonial-era criminal laws through the *Bharatiya Nyaya Sanhita*, *Bharatiya Nagarik Suraksha Sanhita*, and *Bharatiya Sakshya Adhiniyam* represents a major legal transformation. However, the speed of passage and limited debate raised concerns about insufficient scrutiny of substantive legal changes.

The three criminal law bills were introduced in Parliament in August 2023 and referred to the Department-related Parliamentary Standing Committee for detailed examination. The Committee submitted its report with recommendations, following which revised bills were introduced in December 2023.²³ The Lok Sabha passed the bills on 20 December 2023, and the Rajya Sabha passed them on 21 December 2023, after which they received presidential assent.²⁴ Although the procedural requirements of legislation were formally fulfilled, the speed of passage has been widely criticized. The limited duration of debate and the absence of extensive clause-by-clause discussion have raised concerns about the depth of parliamentary scrutiny applied to these significant reforms.

One of the most critical issues associated with the Criminal Law Reforms 2023 is the perceived lack of meaningful parliamentary debate. During the Winter Session of Parliament in 2023, a large number of

opposition Members of Parliament were suspended, which significantly reduced the scope for dissent and critical engagement.²⁵ This unusual political context has led to questions about whether the legislative process adequately reflected democratic deliberation. Furthermore, the bills were passed within a short time frame, limiting opportunities for detailed discussion. Scholars and commentators have argued that such a rushed process is inconsistent with the principles of deliberative democracy, particularly when dealing with laws that have far-reaching implications for civil liberties and criminal justice administration.²⁶

In addition to procedural concerns, the content of the reforms has also been subject to criticism. One major concern relates to the expansion of state power through broad definitions of offences such as organized crime and acts affecting national sovereignty. Critics argue that such provisions may be prone to misuse and could potentially infringe upon fundamental rights.²⁷

The increased reliance on digital evidence and technological processes, while beneficial in improving efficiency, raises questions regarding privacy, data security, and the capacity of legal institutions to manage such transitions effectively.²⁸ Moreover, some analysts contend that despite claims of decolonization, many provisions of the new laws closely resemble those of the earlier statutes, suggesting continuity rather than substantive transformation.²⁹

The Government of India has defended the reforms by emphasizing their necessity and long-term benefits. It has argued that the new laws aim to deliver justice more efficiently, reduce delays, and incorporate modern technological tools into the legal system.³⁰ The government has also highlighted that consultations were conducted over several years and that the Standing Committee process provided an opportunity for stakeholder input. While these justifications underscore the importance of reform, they do not fully address concerns regarding the adequacy of parliamentary debate and the broader implications for democratic governance. The Criminal Law Reforms 2023 represent a landmark shift in India's legal landscape, with the potential to significantly transform the criminal justice system. However, the manner in which these laws were enacted raises important questions about parliamentary democracy and legislative accountability. The limited scope for debate,

combined with the political circumstances surrounding their passage, suggests a need for greater emphasis on deliberative legislative practices.

For these reforms to achieve their intended objectives, it is essential that they be subject to ongoing judicial scrutiny, academic evaluation, and, where necessary, legislative reconsideration. Ultimately, the legitimacy of such transformative laws depends not only on their content but also on the democratic processes through which they are enacted. The marginalization of Parliament weakens accountability mechanisms and reduces public trust in democratic institutions. It also impacts federalism by restricting the function of the Rajya Sabha in advocating state concerns. Over time, such practices risk institutionalizing executive dominance and normalizing democratic deficit. The erosion of parliamentary deliberation has long-term implications for democratic governance in India. Democratic legitimacy depends not only on electoral mandates but also on inclusive and transparent decision-making processes. Strengthening parliamentary institutions is therefore essential for sustaining constitutional democracy. Revitalizing parliamentary debates, strengthening committee systems, and fostering a culture of deliberation are necessary reforms. Without these measures, Indian political system will drift towards a majoritarian and executive-centric model of governance.

IX. CONCLUSION

The Indian Parliament, formerly lauded as the pinnacle of democratic governance, is now frequently perceived as a mere endorsement body. The fundamental principles of deliberation, responsibility, and representation are facing peril. Its revitalization necessitates fundamental structural changes, resolute political commitment, sustained public advocacy, and diligent constitutional oversight. A robust Parliament is indispensable for a dynamic democracy and the fulfillment of constitutional principles. Public policy making without adequate parliamentary debate constitutes a significant democratic deficit in India. While exceptional circumstances may justify expedited decision-making, the routine bypassing of Parliament undermines democratic accountability, federal principles, and public trust. Parliamentary debate is not an obstacle to governance but a cornerstone of democratic legitimacy. Reinforcing legislative deliberation is essential to preserving India's constitutional and democratic ethos. The deterioration of parliamentary operations in India represents a systemic degradation that has been developing over several decades, rather than a problem confined to a specific political party or a temporary occurrence. This has significantly undermined the legislature's constitutionally mandated function as the primary body for national oversight. Crucial reforms are imperative to re-establish the institutional ethos that the Constitution intended.

ENDNOTES

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1