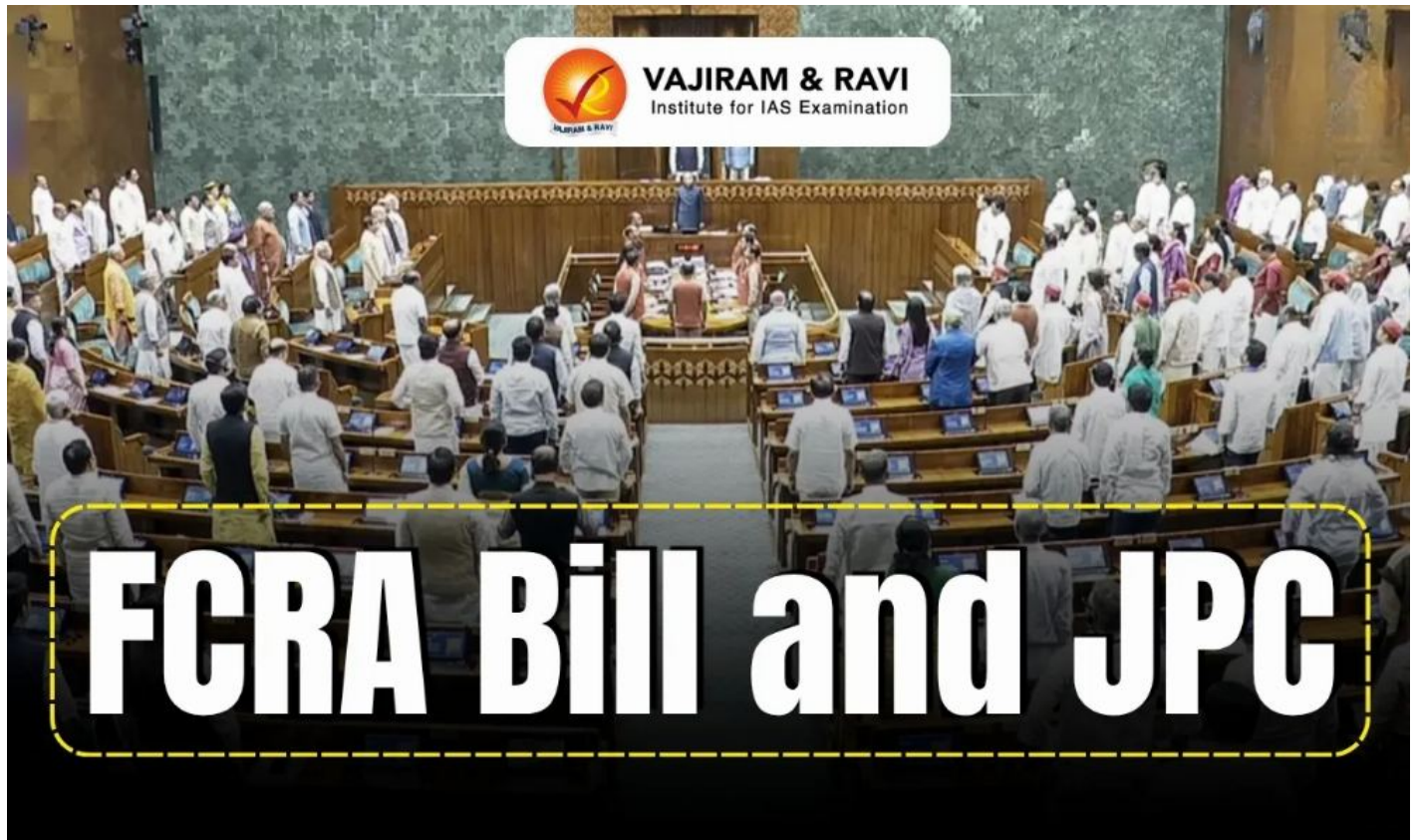


FCRA Bill and JPC: How Effective Are Parliamentary Committees in Legislative Scrutiny?

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FCRA Bill and JPC Latest News

- The Lok Sabha has referred the **Foreign Contribution (Regulation) Amendment Bill, 2026** to a Joint Parliamentary Committee (JPC), amid strong objections over provisions including the retrospective vesting of foreign-funded assets in a government-designated authority.
- This has renewed debate on how much difference parliamentary committees actually make when the ruling party holds a majority within them.

Purpose of Parliamentary Committees

- Parliamentary committees exist to address a basic limitation of Parliament: the two Houses have limited time to examine an increasingly complex body of legislation and policy.
- Smaller committees can:
 - Spend considerably more time examining a Bill

- Question officials and hear experts/stakeholders
- Scrutinise provisions clause by clause
- The committee system is not meant to replicate the political contest on the House floor.
- As Rajya Sabha's literature describes it, the underlying philosophy is:
 - influence, not direct control;
 - advise, not command;
 - criticism, not obstruction;
 - scrutiny, not initiative;
 - accountability, not prior approval.

Types of Parliamentary Committees

- **Department-related Standing Committees:** Examine the functioning and policies of ministries on an ongoing basis.
- **Financial Committees:** Scrutinise government expenditure.
- **Select Committees:** Constituted by one House to examine a specific Bill.
- **Joint Parliamentary Committee (JPC):** Has members from both Lok Sabha and Rajya Sabha, constituted for a specific Bill or issue.
- Committees can call for persons, papers, and records, and take evidence — but their recommendations are not binding on the government.

The Central Limitation: Ruling Party Majority

- JPC membership broadly reflects the strength of parties in Parliament.
- Since the ruling party or alliance typically has a majority in the Lok Sabha, it also holds a majority in the JPC, and the chairperson is usually from the government benches.
- Decisions are taken by **majority vote**, with the chairperson holding a casting vote in case of a tie.
- However, this does not render the Opposition powerless. Within a committee, the Opposition can:
 - Demand specific witnesses
 - Question officials
 - Put evidence on record
 - Propose changes to the draft report
 - File a dissent note if it disagrees with the majority
- The real question, therefore, is **not whether Opposition MPs are heard, but whether they can actually change the law** — and here, the record is far less encouraging.

Have JPCs Actually Changed Laws?

- Yes — but by modification, not by overturning.
- **Stock Market Scam JPC (2001-02):** Under the then NDA government, produced detailed recommendations on regulatory surveillance and coordination between SEBI and stock exchanges. The government reported action on 236 recommendations.

- **Pesticide Residues JPC (2004):** Confirmed unacceptable pesticide levels in soft drinks and recommended stringent safety standards, contributing to subsequent regulatory action.
- **Multi-State Co-operative Societies (Amendment) Bill, 2022:** The JPC's recommendations on the Cooperative Election Authority's composition and functioning were largely incorporated into the final law.
- **Biological Diversity (Amendment) Bill, 2021:** Retained the government's broad approach but incorporated some safeguards and clarifications.
- **Financial Resolution and Deposit Insurance (FRDI) Bill, 2017:** Following JPC scrutiny of controversial "bail-in" provisions and concerns over depositor protection, the government eventually withdrew the Bill altogether — though broader public and political opposition also contributed.

When Opposition Dissent Didn't Prevail

- **Personal Data Protection Bill JPC:** Retained broad government exemptions despite Opposition objections on surveillance safeguards. The 2019 Bill was eventually withdrawn, and a new law was introduced in 2022 — though it too retained broad exemption powers for the government.
- **Citizenship (Amendment) Bill, 2016:** The JPC retained the Bill's central objective despite Opposition concerns on the religious criterion and implications for Assam and secularism. The 2019 Act broadly followed the original approach.
- **2G JPC:** Broadly defended the government's position on telecom allocation despite Opposition dissent notes. Its conclusions had limited influence — the legal and political trajectory was shaped more directly by CAG findings and the Supreme Court's cancellation of licences.
- This shows the partisan character of JPCs is not unique to any one government — when an issue is politically central to the ruling side, its majority tends to be decisive.

Has the Committee System Weakened Over Time?

- Data from PRS Legislative Research shows a sharp decline in the referral of Bills to parliamentary committees generally:
 - 14th (2004-09) ~60%
 - 15th (2009-14) ~71%
 - 16th (2014-19) ~25%
 - 17th (2019-24) ~16%
- The emerging pattern: routine scrutiny has weakened, even as JPCs are increasingly reserved for particularly contentious legislation.

Why the FCRA Referral Matters

- The government had the numbers to push the FCRA Bill through the Lok Sabha directly.
- Instead, following strong objections, it opted for a JPC — giving stakeholders a **formal forum** to place concerns on record, while the government retains the discretion to decide which concerns it is willing to accommodate.

Conclusion

- JPCs rarely overturn a government's core legislative intent, but they consistently force explanation, modification, and public scrutiny — a meaningful check even within majoritarian limits.
- The declining use of committee scrutiny overall makes the FCRA Bill's JPC referral a notable, if modest, reaffirmation of deliberative process over numerical dominance.

Source: IE

Source: <https://vajiramandravi.com/current-affairs/fcra-bill-and-jpc-how-effective-are-parliamentary-committees-in-legislative-scrutiny/>

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