



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

THE ACCOUNTABILITY DEFICIT IN INDIAN CONSTITUTIONAL LAW: EXECUTIVE DOMINANCE, JUDICIAL DEFERENCE AND THE EROSION OF PARLIAMENTARY SCRUTINY

AUTHORED BY - ANISHA MAAN

Amity law school, Noida

Abstract

India's constitutional design envisages a Parliament that holds the government to account however the growing gap has separated the constitution from the legislative practices making them parallel lines next to intersect again. the fundamental component of India's constitutional system is parliamentary accountability closely connected with the principles of constitutionalism, separation of powers, responsible government and rule of law, parliament is not merely a law making institution: it is a constitutional mechanism for controlling and holding the executive accountable. A system has been established by the constitution of India by which the executive is formally accountable to the legislature, particularly through article 75 {3} 164 {2} making ministers collectively responsible to the elected house but overly dominant executive, reinforced by party discipline under the Tenth Schedule, has reduced that answerability to a formality. the mere existence of constitutional responsibility does not necessarily ensure its effective exercise. This paper aims to trace the government's control of the legislative agenda manifesting in reduced sitting days, bills passed with minimal debate, lesser references to standing committees. It examines the disruption and suspension of Question Hour, historically the most direct means of interrogating ministers, and the weakening of adjournment motions and short-duration discussions, the paper aims at shedding light to critically analyse the legislative and constitutional mechanisms. Under articles 118, 105 and further investigate the relevant provisions.

Ultimately, the strength of the Indian democracy is vested not merely in constitutional powers, but in parliament's ability to transform that power into meaningful scrutiny, deliberation and accountability.

Keywords:-

Parliamentary accountability, executive dominance, constitutional law, legislative scrutiny, separation of powers.

Table of Contents

- Introduction
- Research Objectives, Research Questions, and Methodology
- Conceptual Framework: What Is the Accountability Gap?
- Constitutional Foundations of Parliamentary Accountability
- The Anatomy of Decline
 - 5.1 Fewer sitting days, thinner debate
 - 5.2 Question Hour and the other instruments of scrutiny
 - 5.3 Committees bypassed
 - 5.4 Ordinances
 - 5.5 The Money Bill route
 - 5.6 The Tenth Schedule and the disciplined legislator
 - 5.7 Suspensions and the management of dissent
- The Judicial Response
- Comparative Perspectives: United Kingdom and South Africa
- Towards Reform
- Conclusion
- Bibliography

WHITE BLACK
LEGAL

Introduction:-

The framers did not simply drift into a system. The framers chose it fully aware of the alternatives.

During the Constituent Assembly Dr B.R. Ambedkar defended the Westminster model because he believed that an executive that is examined every day by the legislature is better than one that is only examined at elections even if daily examination makes stability a little smaller¹.

The Supreme Court accepted this view on. In *Ram Jawaya Kapur* it said that the Indian executive is modeled after the cabinet and is answerable to the legislature², and in *Shamsher Singh* it ruled that the President and Governors follow the advice of the Council of Ministers³. The problem is that the written rule about accountability and the way it is practiced have drifted apart. Article 75(3) says that the Council of Ministers is jointly responsible to the House of the People. Responsibility only exists if the tools that support it are strong: enough time for debate questions that must be answered committees that can look at a Bill before it becomes law and members who can vote against the government without losing their seats. All of these tools have become weaker. This paper begins with a simple observation. The fall of scrutiny in India usually does not show up as one unconstitutional act. The fall of scrutiny is the sum of small choices each that can be defended on its own: a shortened session a Bill declared a Money Bill, an ordinance made while Parliament is closed or a suspension for disorder. Courts are made to look at one act at a time. Courts are not good, at looking at acts together. That mismatch is what the paper calls the accountability gap.

The empirical evidence is now well established. The Lok Sabha from 2019 to 2024 met for days compared to previous Lok Sabhas. It also referred a smaller portion of Bills, to committees than earlier Lok Sabhas had done⁴. The sections that follow examine whether these numbers point to an issue and not just a political one.

Research objectives

1. To find out the rules and traditions in the constitution that make the executive responsible to Parliament.
2. To record the ways and methods that have led to checking by Parliament.
3. To look at how the decisions by the Supreme Court, about ordinances, the Tenth

¹ Constituent Assembly Debates, vol. VII (4 Nov. 1948) (speech of Dr B.R. Ambedkar).

² *Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549

³ *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831

⁴ PRS Legislative Research, Vital Stats: Functioning of the 17th Lok Sabha (2024)

Schedule, Money Bills and privilege have limited the power of the executive.

4. To learn from the United Kingdom and South Africa.
5. To suggest changes that can be made without changing the constitution if possible.

Research questions

1. What constitutional provisions establish parliamentary accountability and legislative control over the executive in India?
2. How does executive dominance affect legislative scrutiny, parliamentary committees and financial accountability?
3. What principles have Indian courts developed concerning legislative procedure, parliamentary privilege and constitutional accountability?
4. What institutional and procedural reforms can strengthen parliamentary scrutiny while preserving effective governance?

RESEARCH METHODOLOGY

This research follows an analytical research methodology. Primary sources include the Constitution of India parliamentary rules of procedure, legislation and judicial decisions of the Supreme Court and High Courts. Secondary sources include writings, parliamentary research reports and institutional publications.

The research uses legal analysis to examine how constitutional text, judicial interpretation and parliamentary practice relate to one another. Parliamentary statistics are used to show how much legislative scrutiny occurs. The paper does not see committee referral or limited debate, as auto-matic proof that something is unconstitutional; instead it looks at what those situations mean for deliberative democracy and responsible government.

The study mainly looks at the Union Parliament. Its conclusions may also matter for State Legislatures. It recognises that parliamentary procedure, constitutional validity and political accountability are questions that need different legal and institutional answers.

Conceptual Framework: What Is the Accountability Gap:-

Walter Bagehot described the constitution as giving Parliament many duties that go beyond making laws⁵. These duties are to choose and keep a government in power to educate the people to show the people's opinion and to inform the people by revealing how the government

⁵ Walter Bagehot, The English Constitution (1867)

acts. Only the last duty is relevant to us. In a system the main role of the legislature is not to draft laws because the majority party has most of the power to make laws. Instead the legislature compels ministers to explain and justify their actions before the public and ministers risk losing the confidence of the legislature if they cannot.

The paper defines the term "accountability gap" as the space between the duty and the actual performance of the institutions. Three parts can be identified. The first part is answerability, which's the duty to provide information and explanations. The second part is enforceability, which's the power of Parliament to impose consequences. The third part is independence, which's the free-dom of members and committees to examine matters without facing punishment from their own party. A gap can appear in any of the three parts. Questions may be. Then avoided, which is a gap in answerability. Committee recommendations may be ignored, which is a gap in enforceability. A member may not be able to vote according to conscience without risking disqualification, which's a gap in independence.

The literature on separation of powers is useful, for this discussion. Ackerman has argued that the traditional trio of legislature, executive and judiciary conceals the fact that modern governance relies on a group of integrity institutions and that parliamentary systems concentrate power in the hands of the majority party. This is precisely the weakness found in India. When the executive holds the majority the legislatures oversight function relies on rules and conventions that the ex-ecutive can shape

Constitutional Foundations of Parliamentary Accountability

The Constitution provides the foundations in scattered provisions of one single clause. Article 75(3) makes the Council of Ministers collectively responsible to the Lok Sabha and Article 164(2) does the same for State Councils of Ministers and Legislative Assemblies. Article 85 requires that no than six months pass between the last sitting of one session and the first sitting of the next. Articles 105 and 194 guarantee freedom of speech in the legislatures so that members can question and criticise without fear of action. Article 118 allows each House to make its rules of procedure, which is where Question Hour, adjournment motions and committees actually live⁶ There are three observations to make. First the Constitution sets a minimal floor. The Constitu-tion says nothing about how days Parliament must sit, whether Question Hour must be held or whether Bills must go to committees. All of that sits in rules and practice which the presiding of-ficers and the government of the day control. Second the

⁶ India Const. arts. 75, cl. 3; 85; 105; 118; 164, cl. 2; 194.

Constitution assigns discretion to officers who are in practice drawn from the ruling party, namely the Speaker and the Chairman. Third the Supreme Court has recognised democracy and parliamentary government as part of the structure⁷ but the basic structure doctrine addresses the validity of constitutional amendments and fundamental features. The Supreme Court has seldom been used to measure the day-, to-day quality of scrutiny.

This helps to explain why the gap has been able to widen. The Constitutional text secures the existence of accountability mechanisms. Leaves their intensity to politics.

The Anatomy of Decline

Fewer sitting days, thinner debate

Parliament cannot scrutinise a government it rarely meets to examine. The National Commission to Review the Working of the Constitution recommended in 2002 that Lok Sabha should sit for least 120 days a year and Rajya Sabha for at least 100 days. The practice has fallen well short. PRS data shows that 15th Lok Sabha sat for 357 days across its term 16th for about 331 days and 17th for about 274 days⁸. Since a full term is five years the recent average is 55 days a year nowhere, near the recommended minimum.

I feel Parliament is missing its role. Sitting days does not merely compress the calendar. It changes how legislation is made. When the Business Advisory Committee, on which government commands a majority, allots time a Bill may receive a few hours of debate. In September 2020 the three farm laws passed Rajya Sabha by voice vote amid protests while opposition members demanded a division⁹. Whatever the person thinks of the merits of those laws the manner of passage illustrates the point: a major measure affecting a part of the population cleared a House of Parliament without a recorded vote.

Members business offers a further sign. No members Bill has become law since 1970 so the one channel through which backbenchers can set the agenda has effectively closed.

Question Hour and the other instruments of scrutiny

Question Hour is the way for the government to be held responsible. A minister has to answer a question that a member has asked in advance and more questions can be asked to test the answer. This is also the easiest way for the government to avoid responsibility. It happens at a

⁷ Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225; Indira Nehru Gandhi v. Raj Narain, 1975 Supp SCC 1.

⁸ PRS Legislative Research, supra note 4.

⁹ Rajya Sabha Debates, 20 Sept. 2020.

time and if the meeting gets interrupted this part is the first to be lost. When meetings are stopped again and again during the hour questions are sometimes only answered in writing if at all. This takes away the chance for questions, which makes the whole process weaker.

In the Monsoon Session of 2020 Question Hour was not held all. The reason given was that the pandemic needed a schedule. Members from the opposition said that checking how the government handled the pandemic was exactly what was needed¹⁰. The Winter Session that year was canceled too. These choices were made because of health concerns. Were not clearly against the law.. They showed that Question Hour only continues if the people in charge and the government want it to.

Other ways of holding the government responsible have not worked better. Motions to stop the meeting for issues under Rule 56 of the Lok Sabha rules are usually not accepted. Discussions that last a time under Rule 193 and notices to bring attention to something under Rule 197 depend on the Speaker's choice to include them¹¹. The same problem happens again and again. A method meant to make the government answer for its actions is controlled by people from the party, as the government.

Committees bypassed

The departmental related standing committees, created in 1993 were meant to give Parliament a special, cross-party, non-adversarial way to examine Bills and budgets. I believe committees work best when Bills are sent to them before debate begins. The data shows a drop in that practice. PRS reports that 71 per cent of Bills introduced in the 15th Lok Sabha were sent to committees compared with about 60 per cent in the 14th about 25 per cent in the 16th and about 16 per cent in the 17th¹². Sending a Bill to a committee is not mandatory. It depends on the decision of the Speaker or the Chairman after talking with the government. The Supreme Court has recognised the value of committee reports in *Kalpana Mehta*, where it held that parliamentary committee reports can be used in court as aids to interpretation without breaking privilege¹³. That decision confirms the reliability of committee work. Does not force Parliament to use committees. The gap therefore lies between respect for committees in principle and their marginalisation, in practice.

¹⁰ Lok Sabha and Rajya Sabha records, Monsoon Session 2020.

¹¹ Rules of Procedure and Conduct of Business in Lok Sabha, rr. 56, 193, 197.

¹² PRS Legislative Research, supra note 4.

¹³ *Kalpana Mehta v. Union of India*, (2018) 7 SCC 1

Ordinances

Article 123 lets the President issue an ordinance when Parliament is not sitting and "immediate action" is needed. This ordinance must be sent to Parliament. Will end six weeks after Parliament meets again unless it gets approved before then. The power was designed for emergencies.

The Supreme Court has been watching closely for misuse. In the case of *D.C. Wadhwa v. State of Bihar* the Court strongly criticized the habit of issuing the same ordinance over and over without letting the legislature look at it. The Governor of Bihar had done this times over many years. In *Krishna Kumar Singh v. State of Bihar* a bigger bench of judges said that repromulgating an ordinance without Parliament's approval is cheating the Constitution and breaking the lawmaking process¹⁴.

The Court has mostly stayed out of whether the "immediate action" part is really true in each case. It treats the President's or Governor's decision as a call not one for the courts to check. This is clear in cases where an ordinance is used to undo a court's decision. In May 2023 a Constitution Bench in *Government of NCT of Delhi v. Union of India*¹⁵ said the Delhi government has power over services, in the Capital with some exceptions. Within days the Union government passed an ordinance to bring back control. Later Parliament turned that into a law.

You don't have to pick a side in the argument to see what's happening. The pattern shows: the ordinance power can be used to respond to an unfavorable court ruling. Before Parliament even gets a chance to talk about it.

The Money Bill route

Article 110 defines a Money Bill in a narrow way. It says a Money Bill can only include provisions that deal with financial matters listed in the article. Article 109 says the Rajya Sabha cannot block a Money Bill. It can only suggest changes. The Lok Sabha does not have to accept these suggestions. Under Article 110(3) the Speaker of the Lok Sabha has the say when certifying a Bill as a Money Bill. This means the Speaker's decision cannot be challenged in court.

The idea behind this system was to make sure the lower house, which is directly elected has control over taxes and spending. It was meant to protect the elected representatives from

¹⁴ *Krishna Kumar Singh v. State of Bihar*, (2017) 3 SCC 1

¹⁵ *Government of NCT of Delhi v. Union of India*, (2023) 9 SCC 1

being blocked by the house on financial matters.. This system can be misused. When a government does not have a majority in the Rajya Sabha it may classify a Bill that has far-reaching effects as a Money Bill. This allows the government to avoid scrutiny from the house and skip any amend-ments proposed there.

This issue came into focus during the Aadhaar case. The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act 2016 was certified as a Money Bill. The Rajya Sabha made some recommendations. The Lok Sabha rejected them. The Supreme Court had to decide if this certification was valid.

In the case of K.S. Puttaswamy v. Union of India the majority said the certification was correct because the main purpose of the Act was to deliver subsidies from the Consolidated Fund.. Justice Chandrachud disagreed. He said the Act had provisions that went beyond the scope of Article

110. He called the certification a fraud on the Constitution. He argued that it was used to avoid the Rajya Sabha, which's a vital part of the law-making process¹⁶.

Later in Rojer Mathew v. South India Bank Ltd. a Constitution Bench questioned how the courts should review the Speaker's certification. The bench said the issue was too important to be decid-ed by a group of judges. So it referred the question to a larger bench¹⁷. As of now this issue has not been resolved. So there is still a constitutional uncertainty. Governments still have a strong reason to use this route because it helps them pass laws faster without facing opposition, in the Rajya Sabha.

The Tenth Schedule and the disciplined legislator

The Tenth Schedule, added by the Constitution (Fifty-second Amendment) Act 1985 disqualifies a member who voluntarily gives up party membership or votes against a party whip. the main aim was to stop defection. However the side effect was that every member became a vote that had to be delivered. In Kihoto Hollohan v. Zachillhu the Supreme Court upheld the Schedule against challenge but held that the Speaker when deciding disqualification acts as a tribunal and the Speakers decision is subject to judicial review¹⁸. The Supreme Court struck down paragraph 7 which sought to remove that jurisdiction because paragraph 7 had not been ratified by the States. The Tenth Schedule has a consequence for accountability. I

¹⁶ K.S. Puttaswamy v. Union of India (Aadhaar), (2019) 1 SCC 1; see also Aadhaar (Targeted De-livery of Financial and Other Subsidies, Benefits and Services) Act, 2016, No. 18, Acts of Par-liament, 2016 (India).

¹⁷ Rojer Mathew v. South India Bank Ltd., (2020) 6 SCC 1.

¹⁸ Kihoto Hollohan v. Zachillhu, 1992 Supp (2) SCC 651.

notice that a member who votes against the government on a confidence or money motion risks losing the seat. Because of that risk the incentive to scrutinise ministers of the party that the member belongs to becomes weak. The only meaningful opposition comes from the opposition across the aisle and the government majority can outvote that opposition. The 91st Amendment closed the exception for splits in 2003 making cross-party defections harder. The 91st Amendment did not touch the party whip.

The enforcement design is also in tension with the logic of accountability. I see that disqualification petitions go to the Speaker and the Speaker usually belongs to the party that benefits from the decision. In *Keisham Meghachandra Singh v. Hon'ble Speaker, Manipur Legislative Assembly* the Supreme Court observed that this arrangement invites delay urged Parliament to consider a permanent independent tribunal and directed that the Speaker decide petitions within three months absent exceptional circumstances¹⁹. In *Subhash Desai v. Principal Secretary, Governor of Maharashtra* the Supreme Court again examined the Speaker's powers in a charged dispute, over a split party²⁰. The cases show the Supreme Court seeking incremental correction, not structural change.

Suspensions and the management of dissent

The presiding officers can suspend members for conduct. When used proportionately this power protects the House. When used at scale this power removes the opposition. Lets the government pass Bills without resistance. After eight Rajya Sabha members were suspended following disorder over the farm Bills in September 2020. Again in December 2023 when more than a hundred and forty members of the two Houses were suspended in one session several important Bills, including the criminal law reform Bills were passed with very small opposition benches²¹. The point is not that every suspension was unfair. The point is that there are no standard tests, for proportionality and that the Houses own procedures let the matter fall to those who benefit.

The Judicial Response

The Court's record is mixed, and its mixed quality has a pattern. Where an abuse is egregious and formally visible, as with the serial re-promulgation of ordinances, the Court intervenes. Where the abuse is a matter of degree, it defers, invoking either parliamentary privilege or the

¹⁹ *Keisham Meghachandra Singh v. Hon'ble Speaker, Manipur Legislative Assembly*, (2020) 2 SCC 1

²⁰ *Subhash Desai v. Principal Secretary, Governor of Maharashtra*, (2023) 13 SCC 1.

²¹ Lok Sabha and Rajya Sabha records and bulletins, Monsoon Session 2020 and Winter Session 2023.

internal affairs of the House.

The privilege cases explain the deference. Article 122 provides that the validity of parliamentary proceedings cannot be questioned on the ground of any alleged irregularity of procedure. In *Raja Ram Pal v. Hon'ble Speaker, Lok Sabha*, a Constitution Bench held that the Court may review the exercise of privilege, such as the expulsion of members, but only for constitutional violations and gross illegality, not for ordinary procedural irregularity²². That is a sensible rule for protecting legislative autonomy. It also means that the gradual narrowing of Question Hour or committee referral falls outside review, because the claim is not that the House broke a rule but that it used its discretion badly.

The following table summarises the principal decisions discussed.

Case	Issue	Holding in brief	Effect on scrutiny
<i>Kesavananda Bharati v. State of Kerala</i> (1973)	Limits on amendment	Basic structure cannot be amended	Foundation for democracy as a protected feature
<i>D.C. Wadhwa v. State of Bihar</i> (1987)	Re-promulgation of ordinances	Practice condemned as subverting legislative power	Strong, but confined to extreme abuse
<i>Kihoto Hollohan v. Zachillhu</i> (1992)	Tenth Schedule	Upheld; Speaker's decision reviewable	Preserves whip discipline
<i>Raja Ram Pal v. Speaker</i> (2007)	Parliamentary privilege	Reviewable for illegality, not irregularity	Limits review of House procedure
<i>Krishna Kumar Singh v. State of Bihar</i> (2017)	Ordinance re-promulgation	Fraud on the Constitution	Strengthens Article 123 limits
<i>Kalpna Mehta v. Union of India</i> (2018)	Committee reports in court	Usable as aids to interpretation	Confirms committee authority, no duty to refer
<i>K.S. Puttaswamy (Aadhaar)</i> (2019)	Money Bill certification	Certification upheld by majority; dissent critical	Leaves the route open
<i>Roger Mathew v. South India Bank Ltd.</i> (2019)	Money Bill certification	Majority approach doubted; referred	Unresolved
<i>Keisham Meghachandra Singh v. Speaker</i> (2020)	Disqualification delay	Three-month time limit for Speakers	Incremental correction

²² *Raja Ram Pal v. Hon'ble Speaker, Lok Sabha*, (2007) 3 SCC 184.

Two features of this record stand out. First every effective intervention focuses on the form of legislation. For example intervention asks whether an ordinance was used properly or a Bill was certified properly. Intervention does not focus on the quality of scrutiny that happened before. Second the Court often points out a problem but then refuses to provide a structural remedy. In-stead the Court wants Parliament to act. That is institutionally understandable. The problem re-mains with the body that mainly benefits from intervention.

Comparative Perspectives: United Kingdom and South Africa United Kingdom

I find the United Kingdom useful for two reasons. The United Kingdom is the source of the model that India adopted and the United Kingdoms system shows how much of Westminster accountability depends on convention. Prime Ministers Questions, the departmental select committees set up in 1979 and the Liaison Committees review of the Prime Minister are all products of practice, not law.. This practice has proven sturdier than Indias partly because select committee chairs are elected by the House and not chosen by the whips, which gives them a level of independence. The United Kingdom also demonstrates how law can protect scrutiny when convention fails. In *R (Miller) v. The Prime Minister*, the Supreme Court held that the prorogation of Parliament for five weeks was unlawful because it frustrated Parliaments ability to perform its functions of legislating and holding the government to account without reasonable justification²³. This reasoning identifies accountability as a constitutional principle that limits a otherwise broad executive power. As for Money Bills, the Parliament Act 1911 provides for the Speakers certificate. Defines a Money Bill by reference, to a closed list and limits the delaying power of the House of Lords which makes the category narrow and rarely controversial²⁴.

South Africa:-

Section 55(2) of the South African Constitution says the National Assembly must set up ways to make sure all executive bodies answer to it. It must also keep an eye on how executive power's used. In the case of *Economic Freedom Fighters v. Speaker of the National Assembly*²⁵ the Constitutional Court said the Assembly had not done its job when it came to holding the

²³ *R (Miller) v. The Prime Minister*, [2019] UKSC 41.

²⁴ Parliament Act 1911, 1 & 2 Geo. 5, c. 13, s. 1 (U.K.)

²⁵ *Economic Freedom Fighters v. Speaker of the National Assembly*, 2016 (3) SA 580 (CC) (S. Afr.

President accountable over the Nkandla issue. The reason- It did not act on the steps ordered by the Public Protector. This case shows that courts in South Africa treat oversight as a duty that must be followed not just something that is hoped for in politics.

The lesson for India is not that India should copy the African wording. It is that when a constitutional duty is written in terms of obligation courts have a basis to enforce it. In contrast the Indian Constitution talks about responsibility. It does not demand any particular process. That difference matters. It means the Indian system leaves room for interpretation while South Africa's approach gives courts a role, in requiring action.

Towards Reform

First, a minimum number of sitting days. The NCRWC recommended 120 days for the Lok Sabha and 100 for the Rajya Sabha.[32] This could be given effect through the Houses' rules, or through a statute or constitutional amendment if a binding standard is wanted. The point is to re-move the executive's discretion to shorten sessions.

Second, protected Question Hour. The rules could provide that when Question Hour is lost to disruption, oral questions carry over to the next sitting, and that a minister who fails to answer within a fixed period must make a statement to the House. A guaranteed weekly slot for questions to the Prime Minister, as in the UK, would add a visible form of accountability at the top.

Third, presumptive committee referral. Rather than leaving referral to discretion, the rules could require referral of every Bill unless the presiding officer records written reasons for urgency. A written reason is itself a form of accountability, because it can be debated and contested. **Fourth, tighter limits on ordinances and Money Bill certification.** Ordinance-making could be linked to a reasoned statement of urgency laid with the ordinance, and to a rule that an ordinance cannot reverse a judicial decision within a fixed period. For Money Bills, the larger bench contemplated in *Rojer Mathew* should settle that certification is reviewable on the ground that the Bill goes beyond Article 110(1), and Parliament might require the Speaker to give reasons.

These reforms share one design principle. They convert discretionary choices into rule-bound ones, so that departing from the norm requires a recorded reason. This approach has a practical advantage: it does not depend on the unlikely event of a government voluntarily surrendering power, because the change can begin with parliamentary rules and the practice of the presiding officers, which a public and judicial audience can monitor.

Conclusion:-

The main point of this paper can be explained in three sentences. Parliamentary accountability in India has been reduced not by any mistake but by the buildup of power that the executive and the offices it manages have gained. The courts have watched over cases like repeatedly using ordinances but they have not taken action on everyday issues like the decrease in Question Hour because the rules about rights and the way the constitution is written stop them from doing that. A lasting solution therefore needs rules that control that power and the courts need to check if those rules are broken.

The idea that was first mentioned is mostly correct. At the time the proof has some limits. The numbers that were talked about are not the evidence and a full study would need more detailed analysis of the Rajya Sabha, state legislatures and the quality of debates not just how many debates there are. These are areas for research.

The people who created the constitution cared more about responsibility than, about stability. Whether that idea still fits the constitution depends on whether Parliaments own rules and the courts that watch over them keep the constitution alive.

Bibliography

Constitutional and statutory materials

- Constitution of India 1950, arts. 75, 85, 105, 109, 110, 118, 122, 123, 164, 194; Tenth Schedule.
- Constitution (Fifty-second Amendment) Act 1985.
- Constitution (Ninety-first Amendment) Act 2003.
- Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act 2016.
- Constitution of the Republic of South Africa 1996, s. 55(2).
- Parliament Act 1911 (UK).
- Rules of Procedure and Conduct of Business in Lok Sabha, rr. 56, 193, 197. Reports and other sources
- Constituent Assembly Debates, vol. VII (4 November 1948).
- National Commission to Review the Working of the Constitution, *Report* (2002).
- PRS Legislative Research, *Vital Stats: Functioning of the 17th Lok Sabha* (2024), and earlier equivalent reports on the 14th to 16th Lok Sabhas.
- Lok Sabha and Rajya Sabha records and bulletins, Monsoon Session 2020 and Winter Session 2023.