
A CRITICAL ANALYSIS OF EXECUTIVE ACCOUNTABILITY IN A PARLIAMENTARY DEMOCRACY WITH SPECIAL REFERENCE TO INDIA AND THE UK

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ABSTRACT

India as we all know is the largest parliamentary democracy in the world. The United Kingdom is however the oldest parliamentary democracy in the world. The two nations have consistently built a system of parliament which has a bicameral legislature and goes with the concept of separation of powers. This separation of powers has led to the nations having separate functions for all the wings of the parliament. However, we often see instances where the executive is not kept in check and is often levied of their accountability to the parliament. This paper focuses on looking at the concept of executive accountability in a parliamentary democracy with special reference to two of the most important parliamentary democracies in the world, India and the United Kingdom.

KEYWORDS: Executive accountability, parliamentary democracy, separation of powers, bicameral legislation, India, United Kingdom

INTRODUCTION

Accountability is a complex idea that is difficult to pin down in concrete terms. In general, accountability exists when an individual or body or the execution of duties or functions by that individual or entity, is subject to another's inspection, direction or request that they give information or justification for their actions.¹ Answerability and enforcement are two independent levels of the accountability idea. Answerability entails providing details about one's acts as well as arguments for their validity. Enforcement implies that the public or the institution in charge of accountability can penalise the offender or correct the wrongdoing.²

Parliamentary democracy is defined by the executive's accountability to the Parliament. The gradual process by which the legislature has consistently asserted its authority is abundantly seen in an overview of the parliamentary system's development. The legislature's jurisdiction over the executive originates from the basic idea that the legislature reflects the people's will and as such, has the authority to monitor how the legislature's laws are executed by the executive.³

In a parliamentary democracy, as we all know, the legislature makes laws, the executive implements them and the judiciary interprets and enforces them, according to the Constitution. While the judiciary is separate from the other two parts of government, the government is constituted by a majority of legislators. As a result, the government's actions are held collectively accountable to Parliament. This means that Parliament may hold the government, which includes the executive, accountable for its actions and examine how it operates.⁴

The separation of powers seen in parliamentary democracies calls for the need for executive accountability. Separation of powers can thus be seen as a system of checks and balances meant to prevent any one branch from wielding too much power and it is a system in which one

¹ R.S. Hurst & M. O'Brien, *The Note on Accountability in Governance and Its Sub Sections*. WASHINGTON DC: WORLD BANK INSTITUTE (2005), https://www.worldbank.org/content/dam/Worldbank/Event/MNA/yemen_cso/english/Yemen_CS0_Conf_Social-Accountability-in-the-Public-Sector_ENG.pdf.

² E. Akpanuko & I. E. Asogwa, *Accountability: A Synthesis*, 2 IJFA 170, 170 (2013).

³ V. K Agnihotri, *The Role Of Committees In Parliamentary Oversight Of The Executive*, INTER-PARLIAMENTARY UNION- PANAMA SESSION (Apr. 2011) <https://www.asgp.co/sites/default/files/documents/WESLDTEXMERHRFYWCPMVLIJVDVSKHT.doc>.

⁴ Vatsal Khullar, *Role of Parliament in holding the Government accountable*, PRSINDIA (Nov. 22, 2017), <https://prsindia.org/theprsblog/role-of-parliament-in-holding-the-government-accountable>.

branch's power may be contested by another one, calling for accountability.⁵ The executive arm of government has exclusive power and accountability for the state bureaucracy's everyday operations. The executive branch serves as the chief of state, chief diplomat, commander in chief, legislative contributor and economic protector.⁶ As a result, close monitoring of the executive branch's power is critical.

Working in this perspective, parliaments and democratic institutions are the centre of accountability. Because accountability guarantees that public officials' actions and choices are subject to monitoring, it contributes to improved governance by ensuring that government projects accomplish their stated aims and react to the needs of the communities they are supposed to help. Evaluating the continuous efficacy of public officials or public entities ensures that they are functioning to their maximum capacity, delivering value for money in the delivery of public services, inspiring trust in the government and being responsive to the communities they serve.⁷ This is why there truly exists the need for executive accountability.

EXECUTIVE ACCOUNTABILITY IN INDIA

We are all well aware and acquainted with the system of parliament followed in India. The Indian Constitution establishes a Parliament that includes an elected President⁸ and two Houses, the Lok Sabha and the Rajya Sabha⁹. The President selects the Prime Minister and the other Council of Ministers on his advice. The House of the People or the Lok Sabha holds the Council of Ministers collectively responsible¹⁰. The President convenes the two Houses of Parliament on a regular basis and he has the power to prorogue both Houses and disband the House of the People. He is also considered as the Head of the Executive.¹¹

The Indian Constitution establishes a parliament that includes an elected president and two houses, the Lok Sabha and the Rajya Sabha. The parliament, like other parliamentary systems, acts as a focal point for accountability and supervision. The Indian parliament has a number of accountability tools available to it. The Lok Sabha's lower chamber has many ad hoc and

⁵ Brenda Erickson, Separation of Powers-An Overview, NCSL (May 1, 2021),

<https://www.ncsl.org/research/about-state-legislatures/separation-of-powers-an-overview.aspx>.

⁶ Nidhi Singh & Anurag Vijay, *Separation of Powers: Constitutional Plan and Practice*, 3 IJSRP 1, 3 (2013).

⁷ Andualem Nega Ferede, Executive Accountability in Parliamentary Democracies: A Comparative Overview: Britain, Germany, India and Ethiopia, 9 BLR 583, 584 (2018).

⁸ INDIA CONST. art. 54

⁹ INDIA CONST. art. 79

¹⁰ INDIA CONST. art. 75

¹¹ INDIA CONST. art. 53

standing committee structures. The majority of the Lok Sabha committees are Rajya Sabha joint committees. These committees examine the actions of several government ministries.¹²

Parliamentary committees are sometimes referred to as mini-legislatures. Due to a lack of time, Parliaments, being huge bodies, are unable to thoroughly study the whole range of the administration.¹³ Parliament's monitoring and scrutiny duties grow more extensive and concentrated thanks to Parliamentary Committees. As a result, the Committees have grown into powerful and effective tools for parliamentary inquiry and supervision of administrative actions, especially in India.¹⁴

Furthermore, the Indian parliament has executive check measures in place, including no confidence motion¹⁵, a significant opposition and various assurance and accountability systems. A motion of no confidence in the government can be introduced in parliament, which, if successful, will result in the government's dissolution.¹⁶ No confidence motions, on the other hand, are only as successful as the option available to change a sitting government. No confidence motions may only succeed in extremely specific circumstances, such as when governments have a tiny majority and a small segment of the population has reasons to defect to another coalition or call a general election, which would result in the collapse of the government.¹⁷

EXECUTIVE ACCOUNTABILITY IN THE UNITED KINGDOM

The United Kingdom is a unitary state with a parliamentary government. It also has a government, a bicameral legislature which includes the House of Commons and the House of Lords and a judiciary, with the House of Lords serving as the highest court of appeal.¹⁸ The United Kingdom's constitution is not contained in a single document. Its constitution, on the other hand, is made up of statute law, common law and conventions.¹⁹ The head of state or the Monarch is distinct from the head of government, the Prime Minister), with the former

¹² G. Assefa, *Ensuring Constitutionalism through Parliamentary Oversight*, 3 CLS 168, 170 (2010).

¹³ V.K. AGNIHOTRI, PARLIAMENTARY PRACTICES :SECRETARY-GENERAL, RAJYA SABHA AT CONFERENCES (2002-2011) 150 (Rajya Sabha Secretariat 2011)

¹⁴ *Id.*

¹⁵ Rules of Procedure and Conduct of Business in Lok Sabha, 1952, R 198

¹⁶ *Id.*

¹⁷ Assefa, *supra* note 12, at 170

¹⁸ Chau Pak Kwan-Research and Library Services Division, *Executive Accountability in the United Kingdom, Germany, France and hong Kong*, LEGISLATIVE COUNCIL SECRETARIAT (May 22, 2001)<https://www.legco.gov.hk/yr00-01/english/library/0001in14.pdf>.

¹⁹ *Id.*

performing mostly ceremonial duties. A cabinet made up of members of the legislature is led by the prime minister. And the executive branch, which comprises the monarch, prime minister and cabinet, is governed by parliament.

There are two basic perspectives on Parliament's role in relation to the Executive. The first is about parliamentary sovereignty, ministerial accountability and parliamentary scrutiny. The second alludes to the government's responsibilities, the dangers of political meddling in the work of public workers and the significance of discussion over control.²⁰

According to Halsbury's Laws of England, the Executive Legislative Relations are as follows:

"Parliament is not an administrative power, but it has a strong influence over the actions of the Crown and the executive government, as well as the administration of the laws it has passed, either directly or indirectly. This control is achieved in a variety of methods, including:

1. By the legal constraints that bar the Crown or its ministers from levying any tax on the people or keeping a permanent army in times of peace without Parliament's approval.
2. By the constitutional doctrine that supply is provided yearly by the House of Commons and must be approved by the legislature each year;
3. By enforcing the norm that all supplies made to the Crown must be devoted to the specific reasons for which they were made; and
4. By the Constitution's Doctrine, which holds a Minister of the Crown accountable to Parliament for any act done in his ministerial role, or by the Ministry or department of which he is the political head, or for any advice given to the Sovereign."²¹

Ministers who make up the executive branch in the United Kingdom are answerable to parliament and, via parliament, to the public. Ministers are jointly responsible for government policy and individually responsible for the functioning of their respective ministries. Ministers are supposed to respect the ideals of collective responsibility²², according to the British Ministerial Code. They have a responsibility to parliament to answer for and be held accountable for their department's policies, decisions and actions. The majority of supervision

²⁰ H.V. Wiseman, *Parliament and the Executive: An Analysis with Readings*, 3 (1996)

²¹ 28 HALSBURY, LAWS OF ENGLAND, 300-301(3rd ed. 1964).

²² Ministerial Code, 2019, p. 4, Cabinet Office, 2019 (UK).

is carried out through 30 parliamentary committees, including the public accounts committee of the House of Commons, which is led by a member of the opposition.²³ The Prime Minister meets them on every wednesday to answer all questions regarding the accountability of the executive.²⁴

The House of Commons plays an important role in analysing the government's work through a variety of techniques, including questioning ministers in the chamber and the employment of select committees. It has the authority to compel the government's resignation. Following a loss in the House of Commons on a major topic, the administration is forced to quit or face dissolution. However, practise reveals that the only way to quit or dissolve is to lose on a confident motion.

COMPARATIVE ANALYSIS

The Prime Minister's Question Time in the United Kingdom has established a place for the opposition to address current concerns and check the executive. Ministers in the United Kingdom have both collective and individual accountability for government policy, which is not the situation in India. The Parliament of Commons has the authority to compel the government to resign unless each minister who knowingly misled the house willingly resigns to the prime minister. It is unable to organise any confidence motion against the executive. However, in India the majority of Lok Sabha committees are Rajya Sabha joint committees that examine the activity of several government ministries. This is a unique arrangement that is not found in other parliamentary systems. Opposition parties have the opportunity to pick whatever issues they wish to address during opposition day. This allows them to handle important national problems and implant opposing viewpoints. In developed countries, ad hoc and standing committees, proper house composition with the opposition, and other specific arrangements like as opposition day, vote of no confidence and truth-finding procedures play a significant role, which is to an extent not properly followed in India.

In the United Kingdom, calling and examining the prime minister and other ministers as the circumstances require, is another tool for the parliament to monitor the executive. If the house believes that the chief executive or his subordinates should be summoned and questioned, it will make the necessary preparations and examine the matter. In light of its findings, the house

²³ *Id.* at 1.

²⁴ *Id.* at 24.

may order that the problems be addressed and that the chief executive adopt both constructive and punitive actions. In a parliamentary system, a vigilant and effective opposition is just as important as a majority ruling party, which is not commonly observed in India as there are no frequent meetings between the ruling government and the opposition.

CONCLUSION

As we have observed, though the United Kingdom and India are parliamentary democracies, there are a few differences that can be observed when it comes to the idea of executive accountability. The main difference comes in the form of the establishment of a code. The Ministerial Code set out by the Cabinet Office, UK lays down guidelines and code of conduct to be followed by the executive and shows us how the government emphasizes on the importance given to executive accountability in a parliamentary democracy. India, as we have now observed, has no specific code laid down. Instead in India there are specific provisions seen under the Constitution which calls for executive accountability. However there is a series of booklets issued by the Rajya Sabha under the heading of “Executive- It’s Accountability to the Parliament”. But this is very vague in nature, issued in the form of recommendations or suggestions and in no manner matches up to a strictly laid down code of conduct as we can see in the United Kingdom.

However, it is true that both nations being parliamentary democracies, have a clear separation of powers and indeed consider the idea of executive accountability. Thus, we can conclude that though India and the United Kingdom have measures that contribute to executive accountability, they are not the same and are only similar in nature with the UK having a more strict accountability with respect to their executive, when compared to India.