

# Constitutional Bodies and Political Accountability: Strengthening Democratic Institutions in India

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## **Abstract:**

Independent constitutional bodies were created by the framers of the Indian Constitution to secure the conditions on which representative government can be trusted: fair elections, honest public finances, merit-based recruitment and equitable fiscal federalism. This paper examines how far these bodies still perform that role and how they are themselves held to account. Using a doctrinal reading of constitutional provisions and Supreme Court judgments, together with secondary data from the Election Commission of India, the Comptroller and Auditor General, PRS Legislative Research, the Association for Democratic Reforms and the Finance Commissions, it develops a five-dimension framework of horizontal accountability covering appointment, tenure, resources, transparency and follow-up. The framework is applied to the Election Commission, the Comptroller and Auditor General, the Union Public Service Commission and the Finance Commission, with comparative reference to statutory watchdogs such as the information commissions and the Lokpal. The analysis shows that constitutional safeguards on tenure and removal are strong, but that appointment procedures, resourcing and weak parliamentary follow-up leave key institutions exposed to executive influence. The paper argues that the credibility of constitutional bodies depends less on their textual independence than on transparent appointments, adequate resources and effective legislative and judicial scrutiny, and it proposes a reform agenda accordingly.

**Keywords:** constitutional bodies; political accountability; Election Commission of India, Comptroller and Auditor General; horizontal accountability; democratic institutions; India

## **1. Introduction**

India's democracy is usually measured by its elections: seventeen general elections to the Lok Sabha between 1952 and 2019, an electorate of more than 900 million in the most recent of them, and repeated peaceful transfers of power at the Union and State levels (Guha, 2007).

Yet elections capture only one side of political accountability. Citizens can reward or punish governments every five years, but between elections the conduct of those in power must be checked by institutions that they do not command. The framers of the Constitution understood this need. Alongside the legislature, executive and judiciary, they created independent constitutional bodies to conduct elections, audit public money, recruit civil servants on merit, apportion revenues between the Union and the States, and protect

historically disadvantaged groups. Ambedkar called the Comptroller and Auditor General (CAG) probably "the most important officer in the Constitution of India" (Constituent Assembly of India, 1949).

The design has been tested repeatedly, but the tests of 2023 are unusually pointed. In March, a Constitution Bench of the Supreme Court held in *Anoop Baranwal v. Union of India* (2023) that, until Parliament legislates, the Chief Election Commissioner and the Election Commissioners must be appointed on the advice of a committee of the Prime Minister, the Leader of the Opposition and the Chief Justice of India. In August, the Government introduced a Bill in the Rajya Sabha that would replace the Chief Justice on that committee with a Union Cabinet Minister nominated by the Prime Minister (Parliament of India, 2023). A Constitution Bench reserved judgment on 2 November in the challenge to the electoral bonds scheme for anonymous political donations (*Association for Democratic Reforms v. Union of India*, n.d.). Also in November, 86 retired civil servants wrote to the President that the number of CAG audit reports placed before Parliament had fallen sharply (Constitutional Conduct Group, 2023). A citizens' report released in October found four of India's 29 information commissions, including Telangana's, defunct and more than three lakh cases pending (Satark Nagrik Sangathan [SNS], 2023). Each episode asks what makes an institution a reliable check on power, and who checks the checkers.

This paper examines how the constitutional bodies of India secure political accountability and how they are themselves held to account. It asks four questions. First, how does the Constitution design independence and accountability for these bodies? Second, what does the available evidence show about the performance of the principal bodies, notably the Election Commission of India (ECI) and the CAG? Third, how do the courts, Parliament and statutory watchdogs interact with them? Fourth, which reforms would most strengthen them? The paper contributes an integrated assessment that treats appointment, tenure, resources, transparency and follow-up as one system, and it assembles indicators from official and civil-society sources into eight tables so that trends are visible. The position described is that of November 2023.

Sections 2 and 3 set out the framework and method; Sections 4 to 10 examine constitutional design, the ECI, the CAG, other bodies, statutory watchdogs, the judiciary and Parliament; Sections 11 and 12 propose reforms and conclude.

## 2. Conceptual Framework: Horizontal Accountability and the Fourth Branch

Accountability is a relationship in which an actor must explain and justify conduct to a forum, which may question the actor, pass judgement, and impose consequences (Bovens, 2007). Scholars of new democracies distinguish two components: answerability, the duty to supply information and reasons, and enforcement, the capacity to sanction violations (Schedler et al., 1999). Vertical accountability runs from citizens to rulers through elections, the press, and civil society. Horizontal accountability, in O'Donnell's (1998) influential formulation, is exercised by state agencies that are legally empowered, and in fact willing and able, to oversee, prevent or sanction unlawful acts of other state agencies. The qualifier matters: an agency may hold formal powers yet lack the independence, resources or political backing to use them.

Constitutional bodies are the institutional core of horizontal accountability. Ackerman (2000) argued that modern states need an "integrity branch" beside the classical three, and Tushnet (2021) describes electoral commissions, auditors and anti-corruption agencies as a fourth branch whose purpose is to protect constitutional democracy itself. Ginsburg and Huq (2018) call such bodies guardrails: they do not decide who governs but police the rules by which governors are chosen and restrained, which makes them prime

targets for executives seeking to entrench themselves. Bermeo (2016) shows that contemporary democratic backsliding proceeds less by coups than by incremental measures, including changes to appointments, budgets and jurisdiction, that leave institutions standing but hollowed out. Khaitan (2020) applies this lens to India, and Levitsky and Ziblatt (2018) add that democracies also depend on informal norms of forbearance in the use of formal powers.

This paper therefore treats constitutional bodies both as accountability agents and as accountability objects. It assesses each body on five dimensions: (1) appointment, meaning who selects members and through what process; (2) tenure and removal, the security of office; (3) resources and administrative autonomy, including budget and staff; (4) transparency and reasoned reporting, the body's own answerability; and (5) follow-up, the willingness of legislatures, courts and governments to act on its findings. Weakness on any one dimension undermines the others: a commission with secure tenure but a captured appointment process, or whose reports are never debated, is not a reliable check.

### 3. Method and Data

The study is doctrinal and descriptive. It reads the constitutional text, statutes and Supreme Court judgments to identify the formal design of each body, and it uses secondary data to assess performance: turnout figures from the ECI; profiles of elected members from Association for Democratic Reforms (ADR) analyses of candidate affidavits; counts of CAG reports compiled by the Constitutional Conduct Group; Finance Commission devolution shares; legislative-scrutiny indicators from PRS Legislative Research; and pendency data on information commissions from SNS. Three cautions apply: affidavit-based data reflect what candidates declare; counts of CAG reports vary with classification; and no indicator proves causation, since a fall in audit reports may reflect staffing, procedure or political pressure. The tables are offered as patterns to be explained, not as proof of a single cause.

### 4. Constitutional Design of Independent Bodies

Table 1 summarises the principal independent bodies provided for in the Constitution.

**Table 1- Principal Constitutional Bodies and Their Safeguards**

| Body                            | Provision     | Appointing authority              | Protection of tenure                                                         | Main accountability route              |
|---------------------------------|---------------|-----------------------------------|------------------------------------------------------------------------------|----------------------------------------|
| Election Commission of India    | Art. 324      | President (procedure unspecified) | CEC removable as a Supreme Court judge; ECs only on CEC's recommendation     | Judicial review                        |
| Union Public Service Commission | Arts. 315–323 | President                         | Removal only after Supreme Court inquiry (Art. 317); six-year term or age 65 | Annual report to Parliament (Art. 323) |
| Comptroller and Auditor General | Arts. 148–151 | President, by warrant             | Removable as a Supreme Court judge; barred from later government office      | Reports to Parliament; Public Accounts |

|                                           |                       |                             |                                 |                                                           |
|-------------------------------------------|-----------------------|-----------------------------|---------------------------------|-----------------------------------------------------------|
|                                           |                       |                             |                                 | Committee (Art. 151)                                      |
| Finance Commission                        | Art. 280              | President; every five years | Fixed by Presidential order     | Action-taken memorandum laid before Parliament (Art. 281) |
| National Commissions for SCs, STs and BCs | Arts. 338, 338A, 338B | President                   | Set by Presidential rules       | Reports laid before Parliament                            |
| State Election Commissions                | Art. 243K             | Governor                    | Removable as a High Court judge | Judicial review                                           |
| GST Council                               | Art. 279A             | Union and State ministers   | Not applicable                  | Three-fourths weighted majority                           |

*Note.* Compiled from the Constitution of India. CEC = Chief Election Commissioner; EC = Election Commissioner.

Three features stand out. First, the framers took most care over security of tenure. The Chief Election Commissioner and the CAG can be removed only in the manner and on the grounds applicable to a Supreme Court judge, which requires an address by both Houses of Parliament, and members of the Union Public Service Commission can be removed only after the Supreme Court has found misbehaviour. State Election Commissioners have the same protection as High Court judges. These provisions make removal politically costly.

Second, the framers left the appointment process largely unregulated. Articles 148(1) and 324(2) provide for appointment by the President, which in practice means on the advice of the Council of Ministers, and Article 324(2) adds that appointment is subject to any law made by Parliament. For more than seven decades no such law on selection existed; the Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991 governs conditions of service, not selection. The design secures the office-holder after appointment but leaves entry to the executive of the day.

Third, constitutional status has been extended by amendment: the Eighty-ninth (2003) created separate commissions for Scheduled Castes and Scheduled Tribes, the One Hundred and First (2016) the GST Council, and the One Hundred and Second (2018) constitutional status for the National Commission for Backward Classes (Laxmikanth, 2019). Such status makes a body harder to reshape than a statutory one, but it does not guarantee independence in practice.

The Supreme Court has reinforced the design. In *Indira Nehru Gandhi v. Raj Narain* (1975), it treated free and fair elections as part of the basic structure of the Constitution, the doctrine first articulated in *Kesavananda Bharati v. State of Kerala* (1973; see Krishnaswamy, 2009). Independent electoral administration is therefore an element that Parliament cannot amend away.

## 5. The Election Commission of India

The ECI is the most visible constitutional body. Article 324(1) vests in it the superintendence, direction and control of electoral rolls and of elections to Parliament, State legislatures and the offices of President

and Vice-President. The Supreme Court has read this as a reservoir of residuary power that operates where legislation is silent, though it must be exercised consistently with law and fairness (*Mohinder Singh Gill v. Chief Election Commissioner*, 1978). The Commission became a three-member body in 1993, and under T. N. Seshan (Chief Election Commissioner, 1990–96) it enforced the Model Code of Conduct with a firmness that changed expectations of the office (Quraishi, 2014). Table 2 shows that turnout in the two most recent general elections reached historic highs.

**Table 2- Voter Turnout in Selected Lok Sabha General Elections**

| Election year | Turnout (%) | Election year | Turnout (%) |
|---------------|-------------|---------------|-------------|
| 1952          | 61.2        | 2004          | 58.1        |
| 1977          | 60.5        | 2009          | 58.2        |
| 1984          | 63.6        | 2014          | 66.4        |
| 1991          | 56.7        | 2019          | 67.4        |
| 1999          | 60.0        |               |             |

*Note.* Figures rounded to one decimal place. Source: Election Commission of India (n.d.).

Turnout stayed between roughly 55 and 64 percent for most of the period and then rose above 66 percent. Because it is shaped by party mobilisation and the participation of poorer voters (Ahuja & Chhibber, 2012), it cannot be credited to the Commission alone, but it suggests that administrative capacity has kept pace with a growing electorate.

The Commission's contribution to accountability goes beyond polling. On petitions brought by ADR, the Supreme Court held in *Union of India v. Association for Democratic Reforms* (2002) and *People's Union for Civil Liberties v. Union of India* (2003) that voters have a right to know the criminal, financial and educational background of candidates, and the Commission implemented this through mandatory affidavits. Table 3 summarises the profile of winning candidates in the last three Lok Sabha elections.

**Table 3- Profile of Winning Candidates in Lok Sabha Elections, 2009–2019**

| Indicator                                        | 2009 | 2014 | 2019 |
|--------------------------------------------------|------|------|------|
| Winners with declared criminal cases (%)         | 30   | 34   | 43   |
| Winners with declared serious criminal cases (%) | 14   | 21   | 29   |
| Winners declaring assets above ₹1 crore (%)      | 58   | 82   | 88   |
| Average declared assets per winner (₹ crore)     | 5.3  | 14.6 | 20.9 |

*Note.* Percentages rounded. Based on candidate affidavits as analysed by the Association for Democratic Reforms (2009, 2014, 2019).

The data are double-edged. Disclosure made these patterns visible, which is an accountability gain, but the figures show that voters send candidates with declared criminal cases to Parliament in rising proportions. Vaishnav (2017) attributes this less to voter indifference to crime than to parties' need for candidates who can finance campaigns and voters' belief that such candidates can deliver where state capacity is weak. The Commission cannot resolve this alone, as it cannot disqualify candidates. The Supreme Court declined to bar persons against whom charges have been framed from contesting and left the matter to Parliament (*Public Interest Foundation v. Union of India*, 2018), though it required parties

to publish the criminal antecedents of their candidates together with reasons for selecting them (*Rambabu Singh Thakur v. Sunil Arora*, 2020). Disqualification on conviction was strengthened when the Court struck down the provision that let convicted legislators remain in office pending appeal (*Lily Thomas v. Union of India*, 2013).

Money is the second weak point. The electoral bonds scheme, introduced through the Finance Act, 2017, permits donations to parties through bearer instruments whose donors are not publicly disclosed. Petitioners argue that this undermines the right to information recognised in 2002 and 2003; the Government defends it as a way of reducing cash donations. The question was open at the time of writing (*Association for Democratic Reforms v. Union of India*, n.d.).

The most consequential question, however, concerns the Commission's own independence. Successive bodies, among them the Dinesh Goswami Committee on Electoral Reforms (1990), the National Commission to Review the Working of the Constitution (2002), the Second Administrative Reforms Commission (2007) and the Law Commission (2015), recommended broader consultation in appointments, differing on the composition of the proposed body. In *Anoop Baranwal* (2023), the Supreme Court found that Article 324(2) had gone unfulfilled for decades and fixed an interim committee of the Prime Minister, the Leader of the Opposition or the leader of the largest opposition party, and the Chief Justice. The Bill introduced in August 2023 replaces the Chief Justice with a Cabinet Minister and proposes to align the status and salary of Commissioners with the Cabinet Secretary rather than a Supreme Court judge (Parliament of India, 2023). Supporters argue that Article 324(2) entrusts the task to Parliament and that the Court's direction was expressly temporary. Critics respond that a panel in which the Prime Minister and his nominee form two of three members gives the executive a built-in majority and defeats the purpose of consultation. The episode illustrates the paper's central point: a body can have textbook protection of tenure and still be exposed at the point of entry.

## 6. The Comptroller and Auditor General

The CAG audits the accounts of the Union and the States, and the reports are laid before Parliament or the State legislature, where the Public Accounts Committee examines them (Constitution of India, arts. 149–151; Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971). The CAG is thus the legislature's instrument against the executive, ensuring that money voted by Parliament is spent as voted, which is why Ambedkar ranked the office so highly (Constituent Assembly of India, 1949).

The CAG's reports on 2G spectrum (Comptroller and Auditor General of India, 2010) and coal block allocation (Comptroller and Auditor General of India, 2012) put presumptive losses of ₹1.76 lakh crore and ₹1.86 lakh crore on the public agenda. The Supreme Court later declared the coal allocations since 1993 illegal and cancelled 204 of them (*Manohar Lal Sharma v. Principal Secretary*, 2014). The 2G estimate, however, did not survive a criminal trial: a special CBI court acquitted all accused in December 2017 (*Central Bureau of Investigation v. A. Raja*, 2017). Rai (2014), the CAG of the time, defends the audits, while critics argued that notional-loss estimates lacked rigour. Audit findings are not adjudications, and the CAG's credibility rests on methodological care as much as on independence.

The pressing concern in 2023 is output and follow-up. Table 4 reports the number of audit reports on the Union Government placed before Parliament, as compiled by the Constitutional Conduct Group.

**Table 4- CAG Audit Reports on the Union Government Placed before Parliament, 2015–2023**

| Year | Reports | Year               | Reports |
|------|---------|--------------------|---------|
| 2015 | 54      | 2020               | 17      |
| 2016 | 43      | 2021               | 28      |
| 2017 | 50      | 2022               | 30      |
| 2018 | 19      | 2023 (to November) | 16      |
| 2019 | 18      |                    |         |

*Note.* Source: Constitutional Conduct Group (2023). Counts differ slightly across compilations depending on how reports are classified.

Fewer reports do not necessarily mean weaker audit, since reports vary in scope and the CAG also audits State governments. But the fall from 50 reports in 2017 to 19 in 2018, and 16 by November 2023, is large, and the retired officers' letter asks whether the office has slowed or is reluctant to present its findings (Constitutional Conduct Group, 2023). Data on the audit department's staff and funding are needed to explain the trend.

Appointment is again the structural gap. The Constitution prescribes no qualifications or selection procedure for the CAG, and in practice senior civil servants have generally been chosen at the executive's discretion. The bar on later government office (Art. 148(4)) reduces the incentive to please the executive, but it creates no process that the public can scrutinise.

## 7. The UPSC, the Finance Commission and Other Constitutional Bodies

The Union Public Service Commission (UPSC) and the State Public Service Commission's embody the principle that entry to public service should be by merit and not patronage. Their members are protected from removal, but consultation under Article 320 is advisory (Laxmikanth, 2019), and the State commissions depend on the integrity of their own administration. In March 2023, the Telangana State Public Service Commission cancelled its Group-I preliminary examination, held in October 2022 and attended by more than 2.8 lakh candidates after question papers were leaked (Deccan Chronicle, 2023). The examination re-held in June was itself set aside by the High Court in September for procedural lapses (The South First, 2023). The episode shows that constitutional status cannot substitute for operational integrity.

The Finance Commission under Article 280 recommends how the divisible pool of Union taxes is shared with the States. Table 5 shows the States' recommended share across successive commissions.

**Table 5- States' Share in the Divisible Pool of Union Taxes Recommended by Finance Commissions**

| Finance Commission | Award period | States' share (%) | Change (points) |
|--------------------|--------------|-------------------|-----------------|
| Twelfth            | 2005–2010    | 30.5              | +1.0            |
| Thirteenth         | 2010–2015    | 32.0              | +1.5            |
| Fourteenth         | 2015–2020    | 42.0              | +10.0           |
| Fifteenth          | 2021–2026    | 41.0              | –1.0            |

*Note.* The Twelfth Commission's change is measured from 29.5 percent under the Eleventh. The Fifteenth Commission's 41 percent reflects the reorganisation of Jammu and Kashmir into Union Territories. Sources: Fourteenth Finance Commission (2015); Fifteenth Finance Commission (2020).

The Fourteenth Commission's ten-point increase was the largest in the series (Fourteenth Finance Commission, 2015). Accountability here depends on Article 281, which requires the recommendations to be laid before Parliament with a memorandum on action taken, and on the wider fiscal environment. Because cesses and surcharges are not shared with the States, the effective transfer can fall short of the headline share, a concern noted by the Fifteenth Commission (2020) and long central to the political economy of Indian federalism (Rao & Singh, 2005). The GST Council, created in 2016, gives the Union one-third and the States together two-thirds of voting weight, with decisions requiring a three-fourths majority. In *Union of India v. Mohit Minerals Pvt. Ltd.* (2022), the Supreme Court held that the Council's recommendations are persuasive and not binding on legislatures, preserving legislative autonomy but leaving the Council's authority ambiguous.

The commissions for Scheduled Castes, Scheduled Tribes and Backward Classes investigate and monitor safeguards and report to the President, whose reports are laid before Parliament. As with the CAG, their effect depends on parliamentary follow-up.

## 8. Statutory Watchdogs and the Fragility of Ordinary Law

Many institutions that citizens use most directly, such as the information commissions, the Lokpal and the National Human Rights Commission, are statutory and not constitutional. Table 6 compares their selection arrangements and a principal concern about each.

**Table 6- Selected Statutory Accountability Bodies: Selection Committees and Concerns**

| Body                             | Statute                                | Selection committee                                                                                    | Principal concern                                               |
|----------------------------------|----------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| Central Information Commission   | Right to Information Act, 2005 (s. 12) | Prime Minister, Leader of Opposition, Cabinet Minister nominated by the Prime Minister                 | 2019 amendment lets the Union set terms and salaries; vacancies |
| Lokpal                           | Lokpal and Lokayuktas Act, 2013        | Prime Minister, Speaker, Leader of Opposition, Chief Justice or nominee, jurist                        | First Lokpal appointed in 2019, five years after the Act        |
| National Human Rights Commission | Protection of Human Rights Act, 1993   | Prime Minister, Speaker, Home Minister, Opposition leaders of both Houses, Rajya Sabha Deputy Chairman | Relies on government officers for investigation (s. 14)         |

*Note.* Compiled from the statutes cited in the table.

Statutory bodies can be reshaped by an ordinary majority. The Right to Information (Amendment) Act, 2019 replaced the fixed five-year term and the salary parity of information commissioners with the Chief Election Commissioner and Election Commissioners by terms and salaries to be prescribed by the Central

Government, a change critics saw as weakening independence from the executive. The Digital Personal Data Protection Act, 2023 amended the personal-information exemption in the same Act, which advocates fear will widen grounds for refusal.

The performance data are troubling. The SNS report for 2022–23 found that four of the 29 information commissions (Jharkhand, Telangana, Mizoram and Tripura) were completely defunct because no new commissioners had been appointed, that six commissions, including the Central Information Commission, were functioning without a chief, that more than three lakh cases were pending, and that ten commissions had estimated waiting times of a year or more (SNS, 2023). Pending appeals and complaints in the 26 commissions supplying data in 2022 stood at about 3.14 lakh, up from about 2.18 lakh in 2019, though the number of commissions reporting differs across years (SNS, 2022). Vacancy, not only statutory design, is the mechanism: an office left unfilled cannot be dismissed, but it cannot hold anyone to account either. Selection committees usually include the Leader of the Opposition. Since no party has held recognised opposition status in the Lok Sabha since 2014, statutes and the Court's direction in *Anoop Baranwal* substitute the leader of the single largest opposition party, which works only if honoured in practice (Levitsky & Ziblatt, 2018).

## 9. The Judiciary as Guardian of the Guardians

The Supreme Court has been the most active external check on constitutional bodies. Table 7 lists judgments that shaped their independence and accountability.

**Table 7- Landmark Judgments Bearing on Constitutional Bodies and Electoral Accountability**

| Case                                                                   | Year | Principle established                                                                 |
|------------------------------------------------------------------------|------|---------------------------------------------------------------------------------------|
| <i>Indira Nehru Gandhi v. Raj Narain</i>                               | 1975 | Free and fair elections form part of the basic structure                              |
| <i>Mohinder Singh Gill v. Chief Election Commissioner</i>              | 1978 | Article 324 confers wide residuary powers on the ECI, subject to law and fairness     |
| <i>Union of India v. Association for Democratic Reforms</i>            | 2002 | Voters have a right to know candidates' backgrounds                                   |
| <i>Lily Thomas v. Union of India</i>                                   | 2013 | Convicted legislators disqualified immediately; provision protecting them struck down |
| <i>Supreme Court Advocates-on-Record Association v. Union of India</i> | 2015 | Judicial appointments commission struck down as violating judicial independence       |
| <i>Anoop Baranwal v. Union of India</i>                                | 2023 | Interim committee to appoint the CEC and ECs until Parliament legislates              |

*Note.* Compiled from the judgments cited in the References.

The judgments show a pattern: the Court steps in where the political process has failed to build or protect accountability institutions. The pattern has costs: commentators warn that when courts fill legislative gaps, as in *Anoop Baranwal*, they strain relations with the elected branches and enlarge their own authority

(Mehta, 2007; Sathe, 2002). Defenders reply that where Parliament has been silent for decades no other actor can protect the guardrail.

The Court's own accountability is also at issue. In *Supreme Court Advocates-on-Record Association v. Union of India* (2015), it struck down the Ninety-ninth Amendment and the National Judicial Appointments Commission, protecting judicial independence, but left judicial appointments to a collegium that operates with limited public reasoning. The Court thus demands transparent appointments for other bodies while its own remain less transparent, an asymmetry that weakens the force of its interventions and shows that independence must be paired with answerability in every branch.

## 10. Parliament as the Forum of Accountability

Parliament is the forum to which the CAG, the UPSC, the Finance Commission and the national commissions report. If their reports are not debated, accountability is incomplete. Table 8 shows two indicators of legislative scrutiny drawn from PRS Legislative Research.

**Table 8- Legislative Scrutiny of Bills across Recent Lok Sabhas**

| Lok Sabha                    | Bills referred to committees (%) | Bills introduced and passed in the same session (%) |
|------------------------------|----------------------------------|-----------------------------------------------------|
| 14th (2004–2009)             | 60                               | n.a.                                                |
| 15th (2009–2014)             | 71                               | 17.5                                                |
| 16th (2014–2019)             | 25                               | 33.3                                                |
| 17th (2019–, to August 2023) | 17.6                             | 58.2                                                |

*Note.* The 17th Lok Sabha figures cover 210 Bills. n.a. = not available in the source. Source: PRS Legislative Research data as reported in Business Standard (2023).

The trend is clear: referral to committees, where technical scrutiny occurs away from the floor, has fallen from 71 percent to under 18 percent, and the share of Bills passed in the session in which they are introduced has risen more than threefold. In the Monsoon Session of 2023, the Lok Sabha functioned for 43 percent of its scheduled time and the Rajya Sabha for 55 percent, while 23 Bills were passed (PRS Legislative Research, 2023). Bills touching accountability institutions, including the amendments to the information-rights regime noted above, are therefore often enacted with limited scrutiny. The Public Accounts Committee, by convention chaired by an Opposition member, remains an important forum for CAG reports (Laxmikanth, 2019), but it can examine only what is laid before it. If fewer audit reports are tabled and fewer Bills studied in committee, follow-up weakens even where independent scrutiny is intact.

## 11. Reform Agenda

The evidence suggests reforms in three groups. The first concerns entry. Appointment to the ECI, the CAG, the UPSC and the information commissions should be governed by statute and not left to executive discretion. A selection committee that includes the Leader of the Opposition and an independent judicial or expert member, publishes eligibility criteria and shortlists in advance, and records reasons would meet the direction in *Anoop Baranwal* and the recommendations of the Law Commission (2015) and the Second Administrative Reforms Commission (2007).

The second group concerns autonomy and resources. The Constitution already charges the administrative expenses of the CAG's office and the expenses of the UPSC to the Consolidated Fund (arts. 148(6), 322), and a comparable arrangement, with a permanent secretariat, should be considered for the ECI, whose expenditure lacks that protection. The 2019 amendments to the Right to Information Act should be revisited so that information commissioners regain fixed terms and salary parity. Vacancies in statutory commissions should be filled within a fixed period, and the audit department's staffing and funding should be published.

The third group concerns transparency and follow-up. The CAG should publish an annual audit programme and a public record of reports submitted to the government and awaiting tabling, and reports should be tabled within a fixed time. Parliament should adopt a rule that significant Bills, and all Bills touching independent bodies, are referred to committees, with time-bound debate on committee and audit reports. State-level bodies need equal attention: State Public Service Commissions require transparent selection and secure examination systems, and defunct State information commissions should be revived promptly. Finally, political finance needs a durable answer, through the Court's decision or legislation, that preserves the voter's right to know who funds parties.

Each proposal strengthens a dimension identified in Section 2, and their common logic is that independence and answerability reinforce one another: bodies that give reasons, publish data and are selected openly are harder to capture and easier to defend.

## 12. Conclusion

This paper has argued that constitutional bodies are the backbone of horizontal accountability in India, and that their strength depends on more than constitutional text. The analysis yields five findings. First, the constitutional design is robust on tenure but leaves appointment to the executive, a gap Parliament left unfilled for decades and the Supreme Court addressed only in 2023. Second, the ECI has delivered administrative excellence and, through disclosure rules, informational accountability, but it cannot deal with candidates' criminal records or opaque political finance. Third, the fall in CAG reports placed before Parliament shows that formal independence does not ensure output or follow-up. Fourth, statutory watchdogs are fragile because ordinary law can reshape them and vacancies can silence them. Fifth, the courts and Parliament, which should complete the accountability chain, are themselves under strain: the Court's interventions raise questions of legitimacy and of its own appointments, while parliamentary scrutiny of Bills has declined markedly.

The broader implication is that democratic institutions are strengthened less by creating new ones than by making existing ones answerable and adequately equipped. The reforms proposed here, statutory and inclusive appointment, insulated resources, published data and mandatory follow-up, are modest in cost but demanding in political will. The paper has limits: it relies on secondary compilations, cannot establish causation, and reflects November 2023, when the Bill on election commissioner appointments and the electoral bonds case were unresolved. Future research could combine interviews with former office-holders, comparative study of guardian institutions elsewhere (Tushnet, 2021), and systematic tracking of vacancies, budgets and tabling delays. The Indian experience already shows that guardrails matter most when they are hardest to maintain, and that their defence is a task for courts, legislatures and citizens alike.

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