

PARLIAMENTARY AND PRESIDENTIAL GOVERNMENT: A STUDY OF U.K., U.S., AND INDIA

by

Dr. Gunjan¹

ABSTRACT

Parliament is sovereign as A.V. Dicey mentioned; it has the power to enact and repeal laws, and no court can do so. Additionally, Montesquieu's principle of separation of power influenced the creation of the U.S. Congress. It operates under a rigid written constitution that gives judges the power to invalidate laws that violates it.

Granville Austin explains that the Indian Parliament is a hybrid that uses Westminster customs from the United Kingdom but still restricted by federalism, judicial review, and a written constitution. M.P. Jain continues to highlight that, as compared to the United Kingdom, the Indian parliament is not sovereign and is required to operate within the boundaries of the constitution. By comparing the composition, functions, and powers of these three legislatures allows us to observe that how democracies vary, how they maintain a balance between representation, accountability, and law-making

Keywords— Parliament , Legislature, Supreme Court, Constitution

¹ Assistant Professor, Law Department (Guest Faculty), Himachal Pradesh University Regional Center, Mohli, Dharmshala, District Kangra, Himachal Pradesh - 176218

INTRODUCTION

The Legislature is one of the most important organs of any democracy, as it reflects the will of the people. It is the organ where policies are discussed, laws are drafted, and the government is held responsible. However, legislatures differ across different regions. History, political philosophy, and constitutional decisions are all reflected in their design. Three different paths have been shown by US, India, and the UK. Many refer to the British parliament as the “mother of parliaments”². Parliament is sovereign as A.V. Dicey mentioned; it has the power to enact and repeal laws, and no court can do so.³ Additionally, Montesquieu’s principle of separation of power influenced the creation of the U.S. Congress.⁴ It operates under a rigid written constitution that gives judges the power to invalidate laws that violates it.

Granville Austin explains that the Indian Parliament is a hybrid that uses Westminster customs from the United Kingdom but still restricted by federalism, judicial review, and a written constitution. M.P. Jain continues to highlight that, as compared to the United Kingdom, the Indian parliament is not sovereign and is required to operate within the boundaries of the constitution.⁵ By comparing the composition, functions, and powers of these three legislatures allows us to observe that how democracies vary, how they maintain a balance between representation, accountability, and law-making.⁶

2. HISTORICAL DEVELOPMENT OF LEGISLATURES

2.1. United Kingdom:

The parliament of the United Kingdom evolved gradually over the centuries. Magna Carta (1215) compelled King John to acknowledge that he could not levy taxes without his barons’ approval. This marked a turning point in the development of the belief that popular consent was necessary for government power.⁷

² John Bright, *Speeches On Questions Of Public Policy* 57 (Macmillan 1868).

³ A.V. Dicey, *Introduction To The Study Of The Law Of The Constitution* 39

⁴ *Marbury V. Madison*, 5 U.S. (1 Cranch) 137 (1803).

⁵ Granville Austin, *The Indian Constitution: Cornerstone Of A Nation* 147–50 (Oxford Univ. Press 1966).

⁶ *Writ Petition (Civil) No. 494 of 2012*, (2017) 10 SCC 1; AIR 2017 SC 4161

⁷ *Magna Carta Ch. 12 (1215)*, Reprinted In A.E. Dick Howard, *Magna Carta: Text And Commentary* 43 (Rev. Ed. 1998)

The long-term significance of Magna Carta extends beyond its immediate provisions. Sir James Holt's authoritative study of the Charter traces how its core principle that royal authority is subject to law became the ideological foundation upon which later parliamentary claims to supervise the Crown were built, a lineage that the framers of the Indian Constitution also drew upon when designing constitutional limits on executive action.⁸

- Model parliament (1295) brought together nobles, clergy, and commoners, which established the framework for the bicameral system.⁹
- English Civil War (1642-49) brought attention to the conflict between the monarch and parliament, which resulted to the temporary abolition of the monarchy.
- Bill of Rights (1689) confirmed that parliament is supreme and without the consent of it, the monarch cannot revoke laws or impose taxes.¹⁰

According to Dicey (1885), the theory of parliamentary sovereignty originated from this history. This basically shows that parliament has complete legal authority. Laws passed by parliament cannot be repealed by courts. When the Brexit Withdrawal Act (2018) was approved by parliament, for example, courts were only able to examine procedural issues and could not reverse the statute itself.¹¹

The United Kingdom's lack of a single written constitution is another different aspect. Its constitutional framework includes conventions, court judgments, and laws (such as Human Rights Act of 1998). According to K.C., Wheare, the U.K. constitution is adaptable because it can be modified by common laws (Wheare, *Modern Constitutions*).¹²

The adaptability of the UK constitutional framework continues to be tested by contemporary legislative developments. The House of Lords (Hereditary Peers) Act 2026, which received Royal Assent in March 2026, abolished the right of the remaining hereditary peers to sit in the House of Lords, completing a process of reform that the House of Lords Act 1999 had left unfinished. This episode illustrates Wheare's observation that constitutional change in the UK proceeds through

⁸ J.C. Holt, *Magna Carta* (2nd edn, Cambridge University Press 1992) 1-5.

⁹ See J.E.A. Jolliffe, *The Constitutional History of Medieval England 347-49* (Oxford Univ. Press 4th ed. 1961) (discussing the model parliament of 1295).

¹⁰ The Bill of Rights (1689) confirmed that parliament is supreme and that without its consent, the monarch cannot revoke laws or impose taxes.

¹¹ *European Union (Withdrawal) Act 2018*, c. 16 (U.K.); see *Miller v. Secretary of State for Exiting the European Union* [2017] UKSC 5, [2018] AC 61.

¹² K.C. Wheare, *Modern Constitutions* 22-23.

ordinary legislation rather than through any special amendment procedure, underscoring both the flexibility and the continued evolution of the Westminster model.¹³

2.2. United States:

When the British Parliamentary power was rejected, the U.S. legislature was developed. Because of their opposition to “taxation without representation”, colonist started the American Revolution (1776).¹⁴ A new legislative framework was established by the constitution of 1787.¹⁵ Montesquieu (1748) had an impact on the framers because he maintained that liberty needs the separation of power between the legislative, executive and the judiciary. For this reason, congress was created to be separate from the president.

There are two houses in congress:

- House of Representatives-

The House of representatives was directly elected for two years and had representation based on population.¹⁶

- Senate-

Equal representation for each state, two members per state, each serving a six-year term.

The president is not a member of congress, in contrast to the United Kingdom. Montesquieu’s theory of the separation of power is reflected in this. The U.S. Constitution is not flexible, and judiciary restricts the power of congress. In *Marbury v. Madison* (1803), the Supreme Court established its power to invalidate unconstitutional laws. Later, the court declared statutes allowing racial segregation in schools unconstitutional in *Brown v. Board of Education* (1954) (U.S. Supreme Court, 1954).¹⁷

Congress is strong but not sovereign as a result. The judiciary’s power of review and the president’s veto serve as checks on it.

2.3. India:

¹³ House of Lords Library, 'House of Lords Reform: Hereditary Members at the End of the 2024-26 Session' (Lords Library, April 2026) <<https://lordslibrary.parliament.uk/house-of-lords-reform-hereditary-members-march-2026/>> accessed 9 August 2026.

¹⁴ the declaration of independence para. 2 (u.s. 1776);

¹⁵ u.s. Const. Pmb.; see also jack n. Rakove, original meanings: politics and ideas in the making of the constitution 54–58

¹⁶ u.s. Const. Art. I, § 2, cl. 1–3.

¹⁷ *Brown v. Board of Education*, 347 U.S. 483, 495 (1954).

During colonial control, India's legislative institutions were developed.

- Indian Councils Act (1861) introduced limited Indian representation in legislative processes.¹⁸
- Government of India Act (1919) increased the number of centralized legislatures.¹⁹
- Government of India Act (1935) established a bicameral legislature at the centre level as well as provincial autonomy.

After independence, the constituent assembly (1946-49) considered between a presidential system like to the United States and a parliamentary system like to the United Kingdom. Eventually, India modified the Westminster model and adopted it.²⁰

According to Granville Austin (1966), the Indian constitution established a parliament capable of leading social change and democracy.²¹ As compared to the United Kingdom, Parliament was not sovereign. M.P. Jain argues that courts have the authority to invalidate laws that violate the constitution and that parliament must operate within it.²²

In **Kesavananda Bharti v. State of Kerala** (1973), the Supreme Court established the “basic structure doctrine”, which limits parliament's power to amend the constitution.²³ Later, the court limited the use of emergency powers by parliament against states in **S.R. Bommai v. Union of India**.²⁴

India is therefore a hybrid constitutional like the US but parliamentary like the UK.

3. COMPOSITION OF LEGISLATURES

3.1 United Kingdom:

The parliament of the United Kingdom is bicameral:

- Houses of Commons – 650 directly elected Members of parliament (MPs). As the dominant house, it controls government accountability and finances.²⁵
- House of Lords - It is composed of bishops, life peers, and a few hereditary peers. Its primary function is to amend and postpone laws, as restricted by Parliament Acts.

¹⁸ Indian Councils Act, 24 & 25 Vict. C. 67 (1861) (U.K.)

¹⁹ Government of India Act, 9 & 10 Geo. 5 c. 101 (1919) (U.K.).

²⁰ B. SHIVA RAO, the framing of india's constitution: a study 210–15 (indian institute of public administration 1968).

²¹ Granville Austin, *The Indian Constitution: cornerstone of a nation* 50–55 (oxford univ. Press 1966).

²² M.P. Jain, *Indian Constitutional Law* 247–49 (8th ed. Lexisnexis 2018).

²³ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India).

²⁴ *S.R. Bommai v. Union of India*, (1994) 3 SCC 1 (India)

²⁵ See House Of Commons, Uk Parliament, *The House Of Commons* (2024),

- Monarch – The monarch is a member of parliament in theory, although they only give ceremonial assent.²⁶

This system combines custom and knowledge (Lords) with democracy (Commons).

3.2 United States:

The United States Congress is likewise bicameral:

- House of Representatives- 435 members who are chosen for two- year terms depending on population.²⁷
- Senate- 100 members, two from each state, with six-year terms.

The president is not a member of congress in this instance. Member of Congress cannot be not allowed to serve in execution office. This illustrates the separation of powers proposed by Montesquieu.²⁸

3.3 India:

The Indian Parliament is Bicameral according to Article 79-122 of the Indian constitution.

- Lok Sabha (House of the People) - The 543 members of Lok Sabha are chosen directly and serve five-year terms. Particularly when it comes to financial matters, it is the most powerful house.²⁹
- Rajya Sabha (Council of States) – The 245 members of the Rajya Sabha are chosen by state legislatures or the president may nominate them. Though it is less powerful than the Lok Sabha.³⁰
- President of India – The Indian President formally participates in parliament, assents to bills, and has the authority to return the bills for again reconsidering. (Article 111).³¹

According to K.C. Wheare, India has a federal structure but a strong central tendency. This can be seen in parliament, where the Lok Sabha controls legislation and the Rajya Sabha represents the states.

4. POWERS OF LEGISLATURES

²⁶ UK Parliament, The Role Of The Monarch In Parliament (2024),

²⁷ U.S. Const. Art. I, § 2, Cl. 1–3.

²⁸ Charles De Montesquieu, The Spirit Of The Laws Bk. XI, Ch. 6

²⁹ Id. Art. 81; See Parliament Of India, Lok Sabha (2024)

³⁰ India Const. Art. 80; See Rajya Sabha,

³¹ India Const. Art. 111.

Legislators have more authority than just passing ordinary laws. Holding executive accountable, control over finances, and amending the constitution are also included. However, these powers differ, depending upon whether a system's constitution is written or unwritten, rigid or flexible, federal or unitary.

Modern Constitution by K.C. Wheare (1951) explains that constitutions can be either rigid (like the U.S., where parliament can amend constitutional principles through ordinary law) or flexible (like the U.K., where parliament can amend constitutional principles through ordinary law).³² Wheare claims that India possesses both rigid and flexible aspects, making it a hybrid.

4.1 Legislative Powers:

• United Kingdom-

Parliament in the United Kingdom has unrestricted legislative power. According to Dicey (1885) argues that Parliament's sovereignty allows it to enact Laws on any subject matter, including changing the throne's succession or abolishing fundamental rights. There is no written constitution to restrain it.

For example:

The Brexit laws of 2018-2020 showed parliament's power to reshape the United Kingdom's relationship with Europe.³³

The Human Rights Act (1998), which included European human rights law, was passed by parliament, and later considering repealing it.³⁴

• United States-

According to the written constitution (1787), congress in the United States enacts legislation. However, there are two things that restrict its power:

1. Separation of Powers- The president can veto bills (Article I, Section 7). A two-thirds majority in congress can override this.

2. Judicial review- According to Marbury v. Madison (1803), the Supreme Court has the authority to invalidate unconstitutional statutes.³⁵

³² U.S. Const. Art. V; See K.C. Wheare, Modern Constitutions 19–21 (Oxford Univ. Press 1951).

³³ European Union (Withdrawal) Act 2018, C. 16 (U.K.); European Union (Withdrawal Agreement) Act 2020,

³⁴ Human Rights Act 1998, C. 42 (U.K.); See Ministry Of Justice, Human Rights Reform (2022),

³⁵ Marbury V. Madison, 5 U.S. (1 Cranch) 137 (1803).

For Examples:

. In *Brown v. Board of Education* (1954), the U.S. Supreme Court invalidated segregation statutes passed by state legislature.³⁶

. In *United States v. Lopez* (1995), declared that Congress had exceeded its power in enacting a law prohibiting firearms in school zones.³⁷

• India-

The Indian parliament enacts laws in accordance with the 1950 written constitution. Its legislative authority is restricted by:

1. The seventh schedule, which outlines the federal division of responsibilities, allows parliament to enact laws on the union list (e.g., defence, foreign affairs), the state list (e.g., emergency), and the concurrent list (shared with states).

2. Judicial review: Unconstitutional laws may be invalidated by courts.

Case laws:

. In *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court of India ruled that parliament could not change the basic structure of the constitution.³⁸

. In *I.R. Coelho v. State of Tamil Nadu* (2007), it was decided that even laws listed in the ninth schedule might be challenged in court.³⁹

4.2 Financial Powers:

• United Kingdom

The primary function of parliament is to control finances. Money bills are under the sole jurisdiction of the House of Commons. The government is expected to resign if it loses a finance vote. The Bill of rights (1689) established the idea, limiting the power of monarch to impose taxes without the approval of parliament.⁴⁰

³⁶ *Brown V. Bd. Of Educ.*, 347 U.S. 483 (1954).

³⁷ *United States V. Lopez*, 514 U.S. 549 (1995)

³⁸ *Kesavananda Bharati V. State Of Kerala*, (1973) 4 Scc 225 (India)

³⁹ *I.R. Coelho V. State Of Tamil Nadu*, (2007) 2 Scc 1 (India)

⁴⁰ *Bill Of Rights 1689*, 1 W. & M., C. 2 (Eng.)

Modern example: Prime Minister James Callaghan's Labour government was forced to resign in 1979 after losing a vote of confidence related to economic concerns.

• United States

According to Article I of the constitution, congress has major financial power:

. Section 7 states that "All bills for raising revenue shall originate in the House of Representatives".⁴¹

. The federal budget, taxes, and borrowing policies are set by congress.⁴²

The government shuts down if congress is unable to approve a budget. For example, in 2018- 2019, the longest U.S. Government shutdown in history lasted 35 days due to a disagreement between president trump and congress over funding for a border wall. This shows how financial control serves as an executive check.

• India

According to Article 110, the Lok Sabha of India has primary control over money bills. The Rajya Sabha is only limited to make recommendations. If the Lok Sabha fails to approve the annual budget, it is regarded as a vote of no confidence in the government.⁴³

According to the case of **Shamsher Singh v. State of Punjab (1974)**, the president works with the assistance and counsel of council of ministers, which reports to the lok sabha in financial matters [Supreme Court of India, 1974].

Example: There was controversy in 2016 when the Aadhar Act was approved as a money bill. **In Rojer Mathew v. South Indian Bank Ltd. (2019)**, the Supreme Court questioned whether the money bill's certification was accurate.⁴⁴

4.3 Amending Powers:

• United Kingdom

In the United Kingdom, ordinary law allows parliament to amend constitutional rules. For example, the House of Lords' authority was diminished, by the parliament Acts of 1911 and 1949.⁴⁵ The U.K. Constitution is hence flexible, according to wheare (1951).

⁴¹ U.S. Const. Art. I, § 7.

⁴² U.S. Const. Art. I, § 8

⁴³ Shamsher Singh V. State Of Punjab, (1974) 2 Scc 831 (India)

⁴⁴ Rojer Mathew V. South Indian Bank Ltd., (2019) 6 Scc 1 (India)

⁴⁵ Parliament Act 1911, 1 & 2 Geo. 5 C. 13 (Uk); Parliament Act 1949, 12, 13 & 14 Geo. 6 C. 103 (Uk).

• United States

The constitution of the United States is extremely rigid. According to Article V, amendments must be approved by three-fourths of state legislatures and have a two-thirds majority in both Houses of congress. Since 1787, just 27 amendments have been enacted. For instance, prohibition was abolished by the twenty-first amendment in 1933. This shows why the US Constitution is regarded as the most rigid in the world.⁴⁶

• India

According to Article 368, India has a hybrid system in which:

- . Some provisions can be amended by a simple majority.
- . The majority of provisions need a special majority of parliament.
- . Some provisions require ratification by at least half of the states, such as federal features.

Case Law: **Kesavananda Bharati (1973)** introduced the basic structure doctrine, which limited the authority to amend some provisions. An example would be the 1976 42nd amendment, which attempted to grant parliament unrestricted power but was partially invalidated by the Supreme Court.⁴⁷ Thus, India is a country that is both flexible and rigid.

5. FUNCTIONS OF LEGISLATURES

Law-making is not the only function of the legislature. It also performs other important function such as representing people, supervising the executive branch, maintains accountability, debates policy, and gives legitimacy to government acts. While the purpose of the legislature in the United States, India, And the United Kingdom are similar, their actual functions may vary.⁴⁸

5.1 Law making function:

In the United Kingdom, parliament has the power to enact laws on any subject matter. The House of Lords acts as a revision chamber, while the House of Commons play the primary role. Parliament's ability to influence society is seen by the National Health Service Act of 1946, which established the NHS.⁴⁹ Dicey (1885) argues that since parliament is sovereign, its laws cannot be invalidated by judges.⁵⁰

⁴⁶ U.S. Const. Art. V; U.S. Const. Amend. Xxi

⁴⁷ Kesavananda Bharati V. State Of Kerala, (1973) 4 Scc 225 (India)

⁴⁸ SNational Health Service Act, 1946, C. 81 (U.K.)ee arend Lijphart, Patterns Of Democracy: Government Forms And Performance In Thirty-Six Countries 185–90

⁴⁹ National Health Service Act, 1946, C. 81 (U.K.)

⁵⁰ A.V. Dicey, Introduction To The Study Of The Law Of The Constitution 38–39

In the United States, according to written constitution, congress enacts legislation. The president must sign bills after they have been passed by both houses. The president can veto a bill, but it can be reversed by congress with a two-third majority. Laws can be reviewed by courts as well. The U.S. Supreme Court demolished the line-item veto in **Clinton v. City of New York (1998)**, establishing that only congress has complete legislative power.⁵¹

In India, Article 246 allows the parliament to enact laws on subject matter included in the Union List and Concurrent List. The president must ratify the laws after they have been passed by both Houses. To break deadlocks, a joint sitting is occasionally held, like for the Prevention and Terrorism Act (2002). However, laws must comply with the Constitution. In the 2017 case of **K.S. Puttaswamy v. Union of India**, the Supreme Court examined the Aadhar Act to make sure it protects basic fundamental rights.⁵²

5.2 Representative Function-

The legislature serves as the primary representative body of the people.

The House of Commons in the UK uses elected members of parliament to represent the people. Despite not being elected, the House of Lords contributes tradition and competence.⁵³

There are differences in representation in the United States. The Senate provides all states, irrespective of size, equal authority, whereas the House of Representatives represents the people. This supports the federal concepts as stated by wheare (1951) in his investigation of the federal government.⁵⁴

In India, the Rajya Sabha represents the states, whereas the Lok Sabha directly represents the people. However, the Lok Sabha has more influence due to its political and financial powers. As an illustration of the importance of state representation, the Rajya Sabha's approval was required in order to pass the GST Bill in 2016.⁵⁵

5.3 Oversight and Accountability-

The accountability of the executive is one of the legislators' most important roles.

In the U.K., the House of Commons must always have faith in the Prime Minister and Cabinet. Parliament can overthrow the government with a no-confidence vote, debate policy, and

⁵¹ Clinton V. City Of New York, 524 U.S. 417 (1998).

⁵² K.S. Puttaswamy V. Union Of India, (2017) 10 Scc 1 (India)

⁵³ Uk Parliament, The House Of Commons (2024),

⁵⁴ K.C. Wheare, Federal Government 27–29 (4th Ed., Oxford Univ. Press 1963)

⁵⁵ India Const. Arts. 79–122; See Press Information Bureau, Govt. Of India, Gst Bill Passed By Rajya Sabha

interrogate ministers. James Callaghan's Labour government, for instance, collapsed in 1979 as a result of losing this vote.⁵⁶

In the U.S., Congress uses hearings, impeachments, and financial control to hold the president accountable. The Watergate hearings, which took place from 1973 to 1974 and revealed president Nixon's misconduct, are a well-known example. Bill Clinton (1998), Donald Trump (2019, 2021), and Andrew Johnson (1868) have all been impeached by the congress.⁵⁷

In India, according to Article 75, the Lok Sabha is the joint responsible body for the Prime Minister and Council of Ministers. Question hour, zero hour, and committees such as the Public Accounts Committee are some of the ways that Parliament exercises their control.⁵⁸ The Supreme Court emphasised parliamentary accountability in federal concerns and restricted the abuse of emergency powers in *S.R. Bommai v. Union of India* (1994).⁵⁹ The Vajpayee government was collapsed in 1999 after losing a vote of no-confidence by a single vote.

In practice, however, the efficacy of these oversight mechanisms has been questioned by scholars and research organisations alike. According to data published by PRS Legislative Research, the proportion of Bills referred to parliamentary standing committees fell from 71 per cent during the 15th Lok Sabha (2009-2014) to approximately 16 per cent in the 17th Lok Sabha (2019-2024). The 17th Lok Sabha also recorded only 47 per cent productivity and Parliament met for an average of around 55 to 70 sitting days per year over the past decade, compared to over 120 days annually during the 1950s. These trends point to a structural weakening of Parliament's deliberative and oversight functions, even as the formal accountability mechanisms described in the Constitution remain in place.⁶⁰

6. COMPARATIVE ANALYSIS: SIMILARITIES AND DIFFERENCES

When we compare the legislature of the United States, India and the United Kingdom, there appears some clear similarities and differences.

⁵⁶ Vernon Bogdanor, *The Fall Of The Callaghan Government: The 1979 Vote Of No Confidence*,

⁵⁷ U.S. Const. Art. I, § 2, § 3; See U.S. Senate

⁵⁸ India Const. Art. 75; See Parliament Of India, Question Hour And Zero Hour,

⁵⁹ *S.R. Bommai V. Union Of India*, (1994) 3 Scc 1 (India).V

⁶⁰ PRS Legislative Research, 'Legislative Productivity in India' (Drishti IAS, 10 July 2025)

<<https://www.drishtias.com/daily-updates/daily-news-analysis/legislative-productivity-in-india>> accessed 9 August 2026; Pratul Sharma, 'The Silent Parliament: Decline in Sitting Days is a Threat Even AI Can't Solve' *The Week* (3 January 2026) <<https://www.theweek.in/voices/columns/pratul-sharma/2026/01/03/the-silent-parliament-decline-in-sitting-days-is-a-threat-even-ai-cant-solve.html>> accessed 9 August 2026.

In the United Kingdom, Parliament is supreme. Whatever Parliament decides becomes law because there is no written constitution to restrict it. Its acts cannot be invalidated by courts.⁶¹

In the United States, Congress is strong but not supreme. It is governed by a strict written constitution. The judicial review power (*Marbury v. Madison*, 1803) and the president's veto serve as checks. In this case, congress is subordinate to the constitution.⁶²

In India, Parliament is powerful, but not as independent as the UK's. It is governed by a written constitution and subject to judicial supervision. In *Kesavananda Bharati* (1973), the Supreme Court stated that Parliament cannot amend the constitution's "basic structure."⁶³

Regarding amending powers, India is the combination of rigid and flexible, the United States is rigid and the United Kingdom is flexible. In terms of executive relations, the U.S. follows to the presidential system with rigorous separation of powers, whilst the U.K. and India follow the parliamentary system (Executive accountable to legislature)⁶⁴

7. LESSONS FOR INDIA

India has valuable lessons to gain from this comparison.

India can learn from the United Kingdom how to increase debate quality and strengthen parliamentary norms. Despite not being codified, conventions help in maintaining democracy.⁶⁵

The United States can help India to improve its committee structure. U.S. Congressional committees have a great deal of ability to hold the executive branch responsible. Enhancing monitoring is another benefit of giving Indian parliamentary committees greater autonomy.⁶⁶

The urgency of this lesson is underscored by recent data on parliamentary functioning in India. Research compiled by the Vidhi Centre for Legal Policy and PRS Legislative Research shows that the Anti-Defection Law introduced by the Tenth Schedule of the Constitution, while designed to prevent opportunistic floor-crossing, has had the unintended effect of suppressing independent legislative deliberation by compelling Members of Parliament to vote along strict party lines. PRS Legislative Research has noted that this structural constraint, combined with the declining referral

⁶¹ A.V. Dicey, *Introduction To The Study Of The Law Of The Constitution* 38–39

⁶² *Marbury V. Madison*, 5 U.S. (1 Cranch) 137

⁶³ *Kesavananda Bharati V. State Of Kerala*, (1973) 4 Scc 225 (India)

⁶⁴ K.C. Wheare, *Federal Government* 27–29

⁶⁵ A.V. Dicey, *Introduction To The Study Of The Law Of The Constitution* 38–39

⁶⁶ K.C. Wheare, *Federal Government* 27–29 (4th Ed., Oxford Univ. Press 1963); See U.S. House Of Representatives, *Committees: Powers And Procedures*

of Bills to committees, has accelerated the shift of effective law-making power from Parliament to the executive, a trend that reformers argue merits serious constitutional attention.⁶⁷

As M.P. Jain says, the Indian parliament needs to keep in mind that, unlike the British legal system, it is not sovereign, as stated in the Indian Constitution. Despite its strength, it is restricted by the constitution and judicial review. Enhancing discussions, meetings, and committees will increase their efficacy.⁶⁸

8. CONCLUSION

The Constitutions of the United States, India, and the United Kingdom shows three different traditions. The U.S. Congress reflects Montesquieu's separation of powers, which includes checks and balance⁶⁹ the Indian parliament reflects Austin's concept of hybrid constitutionalism and Jain's reminder that it is restricted by judicial review;⁷⁰ and the U.K. parliament reflects the parliamentary sovereignty principle as discussed by Dicey.⁷¹

Despite their differences, all legislatures have the same purposes: to enact laws, represent people, and ensure that government is held responsible. The United States highlights the importance of checks and balances, the United Kingdom shows the value of flexibility and tradition, and India shows how elements of both can be merged in order to suit a different type of federal democracy.

According to Austin (1966), the Indian parliament is about social change as much as politics. Enhancing its functioning will benefit Indian democracy as a whole.⁷²

⁶⁷ PRS Legislative Research, 'The Anti-Defection Law' (PRS Legislative Research)

<https://prsindia.org/files/parliament/discussion_papers/The_Anti-Defection_Law.pdf> accessed 9 August 2026; Rukmini Parthasarathy and others, 'Anatomy of India's Anti-Defection Law' (Vidhi Centre for Legal Policy, April 2024) <<https://vidhilegalpolicy.in/research/anatomy-of-indias-anti-defection-law/>> accessed 9 August 2026.

⁶⁸ M.P. Jain, Indian Constitutional Law 8–10

⁶⁹ Montesquieu, *The Spirit Of The Laws* Bk. Xi, Ch. 6 (1748); See U.S. Const. Arts. I–III

⁷⁰ Granville Austin, *The Indian Constitution: Cornerstone Of A Nation* 23–25 (Oup 1966); M.P. Jain, Indian Constitutional Law 8–10

⁷¹ A.V. Dicey, *Introduction To The Study Of The Law Of The Constitution* 38–3

⁷² Granville Austin, *The Indian Constitution: Cornerstone Of A Nation* 23–25