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EDITORIAL ANALYSIS

Ten Minutes for the Supreme Court: The Compression of Legislative Scrutiny

 THE HINDU

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POLITY ·

GS2

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Ten Minutes for the Supreme Court: The Compression of Legislative Scrutiny

 The Hindu

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INTERVIEW ANGLE

"Disruption and legislation-without-debate reinforce each other: the Opposition disrupts because it believes scrutiny is unavailable, and the government legislates through disruption because the House is already disrupted. If you had to break that loop with one procedural change, what would it be and why that one?"

✓ Every fact web-verified against primary sources

THE LIFT LINE

A Bill can be lawfully passed by a House that is not listening. Nothing in the rules requires anyone to have read it, and that is the finding, not the complaint.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

Parliamentary decline is among the most frequently attempted and least well-answered GS2 topics, because most answers describe symptoms, disruption, fewer sittings, ordinances, without identifying the rules that produce them. This editorial supplies the structural account, which lets a candidate write about mechanisms rather than manners, and it comes with a live illustration from the same week.

GS Paper 2: Parliament and State legislatures, structure, functioning, conduct of business, powers and privileges and issues arising out of these; separation of powers; appointment to and functioning of constitutional bodies.

MECHANISM	FUNCTION	HOW IT HAS WEAKENED
Floor debate	Public deliberation, recorded positions	Sitting days down from about 135 a year in the 1st Lok Sabha to 55 a year in the 17th
Departmentally Related Standing Committees	Detailed, non-partisan, off-floor scrutiny	Referral is discretionary; share of Bills referred fell 60 per cent (14th LS) to 71 per cent (15th) to 25 per cent (16th) to about 18 per cent (17th)
Division	Records each member's vote	Must be pressed, and is difficult to obtain in a disrupted House; voice vote records nothing
Rajya Sabha review	Second-chamber scrutiny	Bypassed where a Bill is certified as a money bill
Question Hour and Zero Hour	Executive accountability	Frequently lost to disruption or curtailed

BACKGROUND AND CONTEXT

The occasion is the Monsoon Session of 2026. The Supreme Court Bill's passage was reported by one outlet as having taken under ten minutes; what is uncontested across all reporting, and is sufficient for the argument, is that it passed **without any discussion**. The sequence, which matters and is frequently reported loosely, was this:

BILL	PASSAGE
Registration of Births and Deaths (Amendment) Bill, 2026	Introduced Lok Sabha 29 July; passed Lok Sabha 31 July ; passed Rajya Sabha 4 August , by voice vote amid protests
MSME Development (Amendment) Bill, 2026	Introduced Rajya Sabha 28 July; passed Rajya Sabha 3 August . It has not passed the Lok Sabha and remains pending overall
Supreme Court (Number of Judges) Amendment Bill, 2026	Introduced Lok Sabha 20 July; passed Lok Sabha 3 August , by voice vote, without any discussion
Indian Statistical Institute Bill, 2026	Introduced Lok Sabha 3 August , amid slogans; not referred to a Departmentally Related Standing Committee; pending

The most significant fact about the third of these is not in the passage record at all. The Bill **replaces the Supreme Court (Number of Judges) Amendment Ordinance, 2026, issued on 16 May 2026**. The strength of the apex court was therefore altered in the first instance by an **executive instrument under Article 123**, and the legislature's ratifying role was discharged without a word of debate. That sequence is the file's thesis in a single item, and it also connects to the ordinance-repromulgation **jurisprudence** in *D.C. Wadhwa v. State of Bihar* (1987) and *Krishna Kumar Singh v. State of Bihar* (2017).

The Opposition's demand through this period was **two-limbed**, and reporting that names only one limb misdescribes the standoff. The Opposition sought the **Home Minister's** presence in the House on (i) the **police action of 20 July 2026** against student protesters at the "Sansad Chalo" march, alleging that the Ministry of Home Affairs had authorised the use of **pellet guns**, and (ii) allegations concerning the **handling of donations at the Ayodhya Ram Temple**. A distinct and earlier standoff, from 20 to 23 July, had turned on a demand for the **Education Minister's** resignation over examination integrity, and he resigned on 25 July 2026. Collapsing the two into a single grievance, as much commentary does, loses the fact that the House had already forced one ministerial resignation and was pressing a second, different demand when these Bills passed.

A note on framing: the source op-ed argues that the extreme centralisation of power has been undermining resilience within Indian political institutions. The procedural account developed below, on sitting days, committee referral, voice votes and money bills, is this article's development of that thesis rather than the columnist's own analysis.

THE CORE ARGUMENT / ISSUE

The structural account

The behavioural account says: members behave badly, therefore Parliament functions badly. It is not wrong, and it is insufficient, because it cannot explain why the behaviour is stable across governments, parties and Speakers.

The structural account identifies the rules and practices that make the behaviour rational.

Sitting days. The Lok Sabha averaged roughly **135 days a year in the first Lok Sabha**, and about 130 a year through the 1950s. The average fell **below 100 from the 1980s and never recovered**, to around 70 in the 2000s, and to **55 days a year in the 17th Lok Sabha (2019 to 2024)**, the fewest of any full-term House. For comparison, the legislatures of the United Kingdom, Canada and Australia sit between 100 and 150 days a year.

Every reduction compresses the time available per Bill, and time is the input scrutiny is made of. **Article 85** requires only that six months not elapse between the last sitting of one session and the first sitting of the next, which sets no floor on how long a session must be or how many times it must sit.

Committee referral is discretionary, and its use has collapsed. The 1993 system was designed for exactly this problem: a floor too partisan and too crowded for line-by-line work. Seventeen committees were created in 1993 with 45 members each; the system was restructured in 2004 to **24 committees of 31 members each, 21 from the Lok Sabha and 10 from the Rajya Sabha**, with 16 under the Speaker's jurisdiction and 8 under the Chairman's. They take evidence, hear stakeholders and produce reports.

But referral is made by the Speaker or the Chairman and is not automatic, and the proportion of Bills referred has fallen sharply:

LOK SABHA	SHARE OF BILLS REFERRED TO COMMITTEES
14th	60 per cent
15th	71 per cent
16th	25 per cent
17th	about 18 per cent

That collapse, from 71 per cent to under a fifth in the space of two Houses, is the single strongest piece of evidence for the structural account, and it is the figure to carry into an answer. A discretionary remedy is unavailable when the person exercising the discretion belongs to the majority whose Bill would be scrutinised. Recommendations are in any case advisory.

The voice vote. A voice vote records no individual position. A member cannot be praised or blamed by constituents for a vote that does not exist in the record. Obtaining a **division**, which does record positions, requires a member to press for it and requires the Chair to permit it, which is precisely what an orderly House provides and a disrupted one does not.

The money-bill route. Certification of a Bill as a money bill under **Article 110** removes effective Rajya Sabha scrutiny. **Article 110(3)** declares the Speaker's certification final, but that finality is not absolute: in **Rojer Mathew v. South Indian Bank (2019)** a five-judge bench held that certification is **not immune from judicial review**, albeit on a high **threshold**, and referred the Article 110(1) question, along with the correctness of the money-bill holding in **K.S. Puttaswamy (2018)** on Aadhaar, to a larger bench. The Aadhaar majority had upheld the certification without conclusively settling the scope of review, which is precisely why the question returned.

Each of these is a rule or a settled practice. None depends on who is in office.

Why the counter-argument has force

The Opposition is not merely acted upon.

An Opposition that suspends the business of both Houses over a demand extraneous to the Bills listed for consideration has made a choice, and the choice has costs it bears directly. It forfeits the opportunity to examine those Bills clause by clause. It removes the orderly conditions under which a division could be pressed. And it supplies the government with the most convenient justification available: that debate was attempted and proved impossible.

The tactic should also be assessed against its own objective. It did not produce the Minister's presence. It did not produce scrutiny of the four Bills that passed. Judged on results rather than intent, sustained disruption transferred legislative capacity from the Opposition to the government.

The reinforcing loop, which is the point

The two accounts are not alternatives. They interlock.

The Opposition disrupts because it judges that scrutiny is unavailable through ordinary means, referral will not be granted, time will not be allotted, amendments will not be accepted. The government legislates through disruption because the House is already disrupted and the business must be transacted. Each side's behaviour confirms the other's premise.

That loop is stable, which is why exhortation fails. It can only be broken from outside, by changing the procedural conditions that make each side's calculation reasonable.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

When a dysfunction persists across changes of personnel, look for the rule that makes the behaviour rational rather than for the character defect that makes it regrettable. Institutions produce behaviour, and behaviour that survives every change of government, party and presiding officer is being produced by something more durable than the individuals involved. The diagnostic question is: what would a reasonable actor with these incentives and these procedural options do? If the answer is the observed behaviour, the problem is the options, not the actor. This frame transfers to judicial pendency, bureaucratic risk-aversion, regulatory capture and police investigation practice.

THE DIAGRAM IN WORDS

Picture a room with a long table where a document is meant to be read aloud, questioned and amended before it is signed. Over time, three things happen. The room is booked for fewer hours each year. The side door leading to a smaller room, where documents used to be examined line by line, is now opened only when the person holding the key chooses to open it. And the signature at the end has been replaced by a show of hands that nobody records. None of these changes forbids reading the document. Each simply makes reading it optional, and eventually the document is signed in a room where everyone is shouting and nobody has read it. No rule was broken. The room stopped being a room where documents are read.

WAY FORWARD

- ❶ **Guarantee a minimum number of sitting days** for each House by rule or statute, since every other reform depends on time existing to use.
- ❷ **Make committee referral the default**, with an exception available only by a recorded and reasoned order of the Speaker or Chairman, which preserves flexibility for genuine urgency while removing silent discretion.
- ❸ **Protect time for the Opposition on every Bill**, allocated by rule rather than by negotiation, so that scrutiny does not depend on the majority's goodwill.

- ④ **Publish a legislative impact assessment and consultation record with every Bill**, which supplies the material for scrutiny even where floor time is short.
- ⑤ **Strengthen the independence of the Chair**, through convention or rule restricting post-retirement office, since discretionary powers over referral, division and disciplinary action are only as neutral as the office exercising them.
- ⑥ **Require a division on Bills of constitutional significance**, so that positions on measures altering constitutional institutions are recorded as a matter of course.

PYQ LINKAGE AND PRACTICE

UPSC has repeatedly tested [parliamentary committees](#), the money-bill controversy, the decline in sitting days, anti-defection and the role of the Speaker in GS2. This editorial connects those separate questions into a single structural argument, which is the form a high-scoring answer takes.

Practice question: “The decline of parliamentary scrutiny in India is produced by procedural design rather than by the conduct of members, and is therefore not remediable by appeals to conduct.” Examine this claim with reference to committee referral, sitting days and voting procedure, and suggest reforms that would restore deliberative capacity. (250 words, 15 marks)

Interview angle: Disruption and legislation-without-debate reinforce each other: the Opposition disrupts because it believes scrutiny is unavailable, and the government legislates through disruption because the House is already disrupted. If you had to break that loop with one procedural change, what would it be and why that one?

Sources: The Hindu, PRS Legislative Research, Lok Sabha Secretariat

Source: Ten Minutes for the Supreme Court: The Compression of Legislative Scrutiny — Ujiyari.com | Free UPSC & State PCS Editorial Analysis

• KEY ARGUMENTS AT A GLANCE

The erosion of the Opposition's institutional role in Parliament is structural rather than merely behavioural: the space for deliberation, committee scrutiny and recorded dissent has been progressively compressed by declining sitting days, falling rates of committee referral, the use of the money-bill route and passage amid disruption, so that a Bill altering the composition of the Supreme Court could clear the Lok Sabha in under ten minutes without a word of debate.



SUPPORTING

- Legislating through disruption has become a settled practice rather than an exception. In the week of 31 July to 4 August 2026, the Registration of Births and Deaths (Amendment) Bill cleared the Lok Sabha on 31 July and the Rajya Sabha on 4 August, the MSME Development (Amendment) Bill cleared the Rajya Sabha on 3 August, and the Supreme Court (Number of Judges) Amendment Bill, itself replacing an Ordinance of 16 May 2026 that had already altered the strength of the apex court by executive instrument, cleared the Lok Sabha on 3 August without any discussion.
- The Departmentally Related Standing Committee system, introduced in 1993 precisely to supply the detailed, non-partisan scrutiny that a disrupted floor cannot, depends on referral by the Speaker or Chairman, which is discretionary; the share of Bills referred fell from 71 per cent in the 15th Lok Sabha to 25 per cent in the 16th and about 18 per cent in the 17th, so the principal remedy for a compressed floor has been withdrawn precisely as the floor has weakened.
- The voice vote compounds the problem: it records no individual position, so a member cannot be held to account by constituents for a Bill's passage, and the requirement of a division must be pressed and can be lost in a disrupted House, which means the accountability mechanism depends on the very order that is absent.



COUNTER

The Opposition is not a passive victim of this compression and shares responsibility for it. Sustained disruption over a demand extraneous to the Bill under consideration forfeits the opportunity to scrutinise it, converts the floor into a space where debate is impossible and supplies the government with the justification for passage without discussion. A boycotted or shouted-down House cannot simultaneously be the site of the deliberation

the Opposition demands, and the tactic has plainly failed on its own terms since it has produced neither concessions nor scrutiny.

**WAY FORWARD**

Restore the structural conditions for deliberation rather than appealing to conduct: a minimum number of guaranteed sitting days, mandatory referral of Bills to Departmentally Related Standing Committees subject only to a recorded and reasoned exception, guaranteed time allocation for the Opposition on every Bill, an independent Speaker convention with post-office restrictions, and publication of the legislative impact assessment and consultation record with every Bill.


MAINS ANSWER FRAMEWORK
QUESTION

Examine the proposition that the decline of parliamentary scrutiny in India is a structural rather than a behavioural problem, and assess the reforms that would restore deliberative capacity to the legislature. (250 words)

INTRODUCTION

That a Bill altering the sanctioned composition of the Supreme Court passed the Lok Sabha in under ten minutes without debate is not, in itself, unlawful; the House was in session, the quorum held and the vote was taken. It is nonetheless a failure of the institution, and the significant question is whether it reflects the conduct of particular members or the structure within which they operate.

BODY

The structural case rests on several converging trends. Sitting days have fallen from roughly 135 a year in the first Lok Sabha to 55 a year in the 17th, the fewest of any full-term House, against 100 to 150 in the legislatures of the United Kingdom, Canada and Australia, which compresses the time available for any Bill. Referral to Departmentally Related Standing Committees, the mechanism introduced in 1993 to supply detailed scrutiny outside the floor, is discretionary in the Speaker or Chairman and has fallen from 71 per cent of Bills in the 15th Lok Sabha to about 18 per cent in the 17th, so the principal alternative to floor debate is unavailable precisely when the floor fails. Passage by voice vote amid disruption records no individual position, which removes the accountability link between a member and a vote, and obtaining a division requires an orderly House.

The money-bill route, tested in Puttaswamy and again in Rojer Mathew, allows the Rajya Sabha to be bypassed on matters whose classification is contested. Each of these is a rule or a practice rather than a personality, and together they mean that a government with a majority need not seek scrutiny and an Opposition seeking it has no procedural means to compel it.

The counter-position is real and should be stated: an Opposition that disrupts sustained proceedings over a demand extraneous to the Bill before the House forfeits the scrutiny it says it wants, and supplies the justification for passage without debate. Both propositions can hold at once, and the important observation is that they are mutually reinforcing, which is what makes the pattern stable rather than episodic.

CONCLUSION

Because the problem is structural, appeals to conduct will not resolve it. The reforms that would be procedural and unglamorous: guaranteed minimum sitting days, mandatory committee referral subject to a recorded and reasoned exception, protected time for the Opposition on every Bill, and publication of consultation records and impact assessments alongside legislation, so that scrutiny does not depend on the goodwill of the majority or the restraint of the minority.

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