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# Presidential or Parliamentary System in Indian Context

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**ABSTRACT:** There are basically two forms of democratic government systems – Presidential and Parliamentary. India follows a parliamentary form of government modelled on Britain's. Our founding fathers had strong reasons for adopting this, as opposed to the presidential system. In this article, we compare both systems for the polity and governance sections.

Apart from the parliamentary and presidential systems, there can also be a hybrid system incorporating features of both systems. The chief difference between these systems is the extent of power separation between the legislative, the executive and the judiciary. Another major difference between the presidential and parliamentary systems is the accountability of the executive to the legislature.

First, we will discuss both forms of government systems enumerating their merits and drawbacks and then do a comparison of both the systems.

**KEYWORDS:** presidential, parliamentary, Indian, context, democratic, legislature, head, electoral, system

## I. INTRODUCTION

### Presidential System of Government

In a presidential system, the head of the government leads an executive, that is distinct from the legislature. Here, the head of the government and the head of the state are one and the same. Also, a key feature is that the executive is not responsible to the legislature.[1]

### Features of the Presidential System

1. The executive (President) can veto acts by the legislature.
2. The President has a fixed tenure and cannot be removed by a vote of no-confidence in the legislature.
3. Generally, the President has the power to pardon or commute judicial sentences awarded to criminals.
4. The President is elected directly by the people or by an electoral college.

### Merits of Presidential System

The advantages of the presidential system are given below:

- **Separation of powers:** Efficiency of administration is greatly enhanced since the three arms of the government are independent of each other.
- **Expert government:** Since the executive need not be legislators, the President can choose experts in various fields to head relevant departments or ministries. This will make sure that people who are capable and knowledgeable form part of the government.
- **Stability:** This type of government is stable. Since the term of the president is fixed and not subject to majority support in the legislature, he need not worry about losing the government. There is no danger of a sudden fall of the government. There is no political pressure on the president to make decisions.



- **Less influence of the party system:** Political parties do not attempt to dislodge the government since the tenure is fixed.[2,3]

#### Demerits of Presidential System

The disadvantages of the presidential system are given below:

- **Less responsible executive:** Since the legislature has no hold over the executive and the president, the head of the government can turn authoritarian.
- **Deadlocks between executive and legislature:** Since there is a more strict separation of powers here, there can be frequent tussles between both arms of the government, especially if the legislature is not dominated by the president's political party. This can lead to an erosion in efficiency because of wastage of time.
- **Rigid government:** Presidential systems are often accused of being rigid. It lacks flexibility.
- **Spoils system:** The system gives the president sweeping powers of patronage. Here, he can choose executives as per his will. This gives rise to the spoils system where people close to the president (relatives, business associates, etc.) get roles in the government.

#### Parliamentary System of Government

India chose a parliamentary form of government primarily because the constitution-makers were greatly influenced by the system in England. Another reason the founding fathers saw was that the parliamentary model would only work to accommodate the varied and diverse groups within our population. Also, the strict separation of powers in the presidential system would cause conflicts between the two branches, the executive and the legislature, which our newly-independent country could ill-afford.[4,5]

There are more parliamentary forms of government in the world than there are presidencies. In this system, the parliament is generally supreme and the executive is responsible to the legislature. It is also known as the Cabinet form of government, and also 'Responsible Government'.

#### Features of the parliamentary system

1. **Close relationship between the legislature and the executive:** Here, the Prime Minister along with the Council of Ministers form the executive and the Parliament is the legislature. The PM and the ministers are elected from the members of parliament, implying that the executive emerges out of the legislature.
2. **Executive responsible to the legislature:** The executive is responsible to the legislature. There is a collective responsibility, that is, each minister's responsibility is the responsibility of the whole Council.
3. **Dual executive:** There are two executives – the real executive and the titular executive. The nominal executive is the head of state (president or monarch) while the real executive is the Prime Minister, who is the head of government.
4. **Secrecy of procedure:** A prerequisite of this form of government is that cabinet proceedings are secret and not meant to be divulged to the public.
5. **Leadership of the Prime Minister:** The leader of this form of government is the Prime Minister. Generally, the leader of the party that wins a majority in the lower house is appointed as the PM.
6. **Bicameral Legislature:** Most parliamentary democracies follow bicameral legislature.
7. **No fixed tenure:** The term of the government depends on its majority support in the lower house. If the government does not win a vote of no confidence, the council of ministers has to resign. Elections will be held and a new government is formed.



Although India follows this system chiefly influenced by the British model, there are a few differences between the Indian and British systems.[6,7] They are:

- In India, the PM can be from either the Rajya Sabha or the Lok Sabha. In Britain, the PM will always be from the lower house, the House of Commons.
- In Britain, the speaker once appointed, formally resigns from his/her political party. In India, the speaker continues to be a member of his/her party though he/she is expected to be impartial in the proceedings.
- The concept of a shadow cabinet is absent in India. In Britain, the opposition forms a shadow cabinet that scrutinises the actions and policies of the government. It also offers alternative programmes.

## II. DISCUSSION

### Merits of Parliamentary System

The advantages of the parliamentary system are as follows:

- **Better coordination between the executive and the legislature:** Since the executive is a part of the legislature, and generally the majority of the legislature support the government, it is easier to pass laws and implement them.
- **Prevents authoritarianism:** Since the executive is responsible to the legislature, and can vote it out in a motion of no confidence, there is no authoritarianism. Also, unlike the presidential system, power is not concentrated in one hand.
- **Responsible government:** The members of the legislature can ask questions and discuss matters of public interest and put pressure on the government. The parliament can check the activities of the executive.[8,9]
- **Representing diverse groups:** In this system, the parliament offers representation to diverse groups of the country. This is especially important for a country like India.
- **Flexibility:** There is flexibility in the system as the PM can be changed easily if needed. During the Second World War, the British PM Neville Chamberlain was replaced by Winston Churchill. This is unlike the presidential system where he/she can be replaced only after the entire term or in case of impeachment/incapacity.

### Demerits of Parliamentary System

The disadvantages of the parliamentary system are as follows:

- **No separation of powers:** Since there is no genuine separation of powers, the legislature cannot always hold the executive responsible. This is especially true if the government has a good majority in the house. Also, because of anti-defection rules, legislators cannot exercise their free will and vote as per their understanding and opinions. They have to follow the party whip.
- **Unqualified legislators:** The system creates legislators whose intention is to enter the executive only. They are largely unqualified to legislate.
- **Instability:** Since the governments sustain only as long as they can prove a majority in the house, there is instability if there is no single-largest party after the elections. Coalition governments are generally quite unstable and short-lived. Because of this, the executive has to focus on how to stay in power rather than worry about the state of affairs/welfare of the people.[10,11]
- **Ministers:** The executive should belong to the ruling party. This rules out the hiring of industry experts for the job.
- **Failure to take a prompt decision:** Since there is no fixed tenure enjoyed by the Council of Ministers, it often hesitates from taking bold and long-term policy decisions.



- **Party politics:** Party politics is more evident in the parliamentary system where partisan interests drive politicians more than national interests.
- **Control by the bureaucracy:** Civil servants exercise a lot of power. They advise the ministers on various matters and are also not responsible to the legislature.

### Comparison of Presidential and Parliamentary Systems

Basis	Parliamentary	Presidential
Executive	Dual	Single
Accountability	Executive accountable to legislature	Executive not accountable to legislature
Ministers	Only from among MPs	People outside the legislature can be appointed
Dissolution of lower house	PM can dissolve before the expiry of the term	President cannot dissolve
Tenure	Not fixed	Fixed

Recently, it has been suggested that India **should adopt the presidential form of government** instead of the **parliamentary** style of democracy, inherited from the British.

- These suggestions have been given in the **backdrop of frequent elections** and related administrative as well as financial burden owned by India.

### Parliamentary System of Government

- There are **two executives**:
  - The nominal executive is the head of state e.g. President while the real executive is the Prime Minister, who is the head of government.
- In such a system, the role of president or monarch is primarily ceremonial and the Prime Minister along with the cabinet wields effective power.[12,13]
- Countries with such a system include Germany, Italy, Japan, United Kingdom as well as Portugal.
- The Constitution of India provides for a parliamentary form of government, both at the Centre and in the States.
  - **Articles 74 and 75 deal** with the parliamentary system of government at the Union level and **Articles 163 and 164** contain provisions with regard to the States.
- **Executive is responsible** to the legislature for its policies and acts.





## Presidential System of Government

- There is only **one executive**.
- In this system, the President is both head of state and government, e.g. USA, South Korea etc.
- The executive is **not responsible to the legislature** for its policies and acts, and is constitutionally independent of the legislature in respect of its term of office.
- **Arguments Against the Parliamentary System:**
  - **Unqualified Legislators:** The parliamentary system has created unqualified legislators, who have sought election only in order to wield executive power.
    - It limits **executive posts to those who are electable** rather than to those **who are able**, e.g. the prime minister cannot appoint a cabinet of his choice; he has to cater to the wishes of the political leaders of several parties.
  - **Powerful Executive:** Most of the laws are drafted by the executive and parliamentary input into their formulation and passage is minimal. It has been seen that the ruling party issues a whip to its members in order to ensure unimpeded passage of a bill.[14,15]
    - Since defiance of a whip itself attracts disqualification, MPs blindly vote as their party directs.
    - Hence, the parliamentary system does not permit the existence of a legislature distinct from the executive.
  - **Fickle Legislative Majority:** It has forced governments to concentrate less on governing than on staying in office, and obliged them to cater their coalitions.
    - It puts insurance on **defections and horse-trading**. The **anti-defection Act of 1985** has failed to cure the problem, since the bargaining has shifted to getting enough **MLAs to resign to topple a government**, while promising them offices when they win the subsequent by-elections.
  - **Distorted Voting Preference:**
    - It has distorted the voting preferences of an electorate that knows which individual it wants to vote for but not necessarily which party.
- **Arguments in Favour of Presidential System:**
  - **Stable Executive:** It establishes a stable executive which does not depend upon the **fluctuating will of the legislature** especially in case of coalition governments.[16,17]
    - A system of directly elected chief executives at all levels – panchayat chiefs, town mayors, Chief Ministers (or Governors) and a national President – elected for a fixed term of office,



invulnerable to the whims of the legislature, and with clearly defined authority in their respective domains – would permit India to deal more efficiently with its critical economic and social challenges.

- **Ability Over Electability:** Cabinet posts would not be limited to those who are electable rather than those who are able.
  - The President can appoint anyone as secretaries (equivalent to minister).
- **Effective Check and Balance:** It establishes the presidency and the legislature as two parallel structures. This allows each structure to **monitor and check the other**, hence preventing the abuse of power.
- **Role of Citizens:** At the end of a fixed period of time, the public would be able to judge the individual's performance, rather than on political skill at keeping a government in office.[18]
  - Further, the Indian voter will be able to vote directly for the individual he or she wants to be chosen as a head rather than a majority of **Members of Parliament** and **Legislative** assembly.

### III. RESULTS

- **Argument Against the Presidential Form:**
  - **Lack of Cooperation:** A weakness of the system is its failure to ensure the **co-operation between law-makers and administrators**.
    - Frequent conflicts between the legislature and the executive may lead to **deadlocks**.
  - **Autocratic:** A presidential system **centralises power in one individual** unlike the parliamentary system, where the Prime Minister is the first among equals. The surrender to the authority of one individual, as in the presidential system, is dangerous for democracy.
  - **Concerns over Separation of Powers:** If the legislature is dominated by the same party to which the **President belongs**, he may prevent any move from the legislature.
- **Benefit of Parliamentary System:**
  - **Ensures Diverse Representation:** By looking at the diversity and the number of parties from different states, India needs a diverse cabinet to fulfill the aspirations of millions.[19]
    - Hence, the parliamentary system ensures the **regional representations** by selecting candidates from different parts of the country.
  - **Basic Structure of Constitution:** It is part of the **basic structure of the Constitution**. Altering the parliament system would face legal hurdles.



- **Prevents Authoritarianism:** Since the executive is responsible to the legislature, and can vote it out in a motion of no confidence, there is no authoritarianism. Also, unlike the presidential system, power is not concentrated in one hand, rather in a **group of individuals** (Council of Ministers).
- **Better Coordination:** Since the executive is a part of the legislature, and generally the majority of the legislature support the government, it is easier to pass laws and implement them.
- **Matured System:** It is an old system and can give new ideas with its experience in a democratic setup.

#### IV. CONCLUSIONS

- We should ensure a system of government whose leaders can focus on governance rather than on staying in power. The present parliamentary system has been tried and tested for nearly 70 years. It can be reformed thoroughly to remove the challenges thrown up by it.
- Further there is a need to reform the electoral processes to make democracy more robust. The debate should be on **various loopholes in electoral processes** i.e. from limiting expenditure of political parties and deciding the ceiling on the expenditure, to holding simultaneous elections, declaring the results for a combination of booths instead of constituencies, etc.[20]

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