



A COMPARATIVE ANALYSIS OF PARLIAMENTARY AND PRESIDENTIAL FORM OF GOVERNMENT

By Abinaya S
LLM from Christ (Deemed to be University),
Bangalore.

Introduction:

More than half of the world is now ruled by a democratic government that permits citizens to participate in elections. These democratic administrations might be either representative or direct. A direct democracy vests political power in all citizens of a given state who gather together to make a choice. Individuals chosen through a democratic process, on the other hand, act as go-betweens for the state's citizens and policy decisions. In essence, a person chosen by the people makes decisions on their behalf. Representative democracy may now be separated into two types: parliamentary democracy and presidential democracy. This research study examines the characteristics, benefits, and drawbacks of both parliamentary and presidential representative systems, as well as the differences between them.

Parliamentary form of government:

It is a type of governance in which the legislative and the executive are connected. It is a system in which voters elect members of the legislative Parliament. The legislative is the highest power, and the executive is exclusively accountable to it. The legislative is the highest power, and the executive is exclusively accountable to it.

Features:

- The head of state and the head of government are different under the Parliamentary system of government. Generally, the President or monarch is the head of state. He/she solely has ceremonial capabilities. Usually the Prime Minister is the leader of the government, and he or she has actual authority.
- It can be either bicameral (with two houses) or unicameral (with one house), where former is a system usually consists of a directly elected lower house, which in turn elects the upper house.
- The government's powers are not entirely divided. The distinction between the legislative and the executive is blurred since the executive is part of the legislature.
- This system is also distinguished by majority party rule. However, no administration can have a veto-proof majority, since the Parliament also includes the opposition.
- In this arrangement, the council of ministers is collectively accountable to Parliament. The lower chamber of Parliament has the authority to remove the ruling government by passing a no-confidence resolution.
- Cabinet deliberations are usually kept private under this style of governance and are not meant to be made public.



Advantages:

- There is improved cooperation between the legislative and the executive - It is easier to adopt legislation, implement it, and avoid disagreements since the executive is part of the legislature and the majority of the legislature supports the government. Flexibility- The system is flexible since the PM may be altered as needed.
- Responsible government- The executive is accountable to Parliament, which has the authority to check the government's actions. Members of Parliament can put pressure on the administration by moving resolutions, discussing issues, and asking questions of public concern.
- Representing diverse groups- A parliamentary democracy provides for the representation of many groups. Various linguistic, ethical, ideological and racial groups have equal opportunities to share their opinions and contribute to the formation of better and more appropriate rules and regulations under this system.
- **Prevents authoritarianism- The administration is accountable to the legislature, and the Prime Minister can be removed by a no-confidence vote.** As a result, authority is not concentrated in the hands of a single individual.
- Provides an alternate government- If the no-confidence vote passes, the state's leader asks the opposition to form a government.

Disadvantages:

- **No separation of powers:** The legislative cannot always hold the administration accountable. This is due to anti-defection regulations, which prevent lawmakers from exercising their free will and voting according to their knowledge and beliefs. They must adhere to the party line.
- **Instability:** Only when there is a majority in the parliament the Governments can endure; consequently, if there is no single-largest party after the elections, there is instability. Coalition administrations are insecure and fleeting. As a result, the administration must focus on how to keep power rather than the state of affairs or people's wellbeing.
- **Unqualified legislators:** The system produces lawmakers who are primarily interested in becoming the executive branch and have no ability to legislate.
- **Party politics:** The legislative system is rife with party politics, with partisan interests driving lawmaker's more than national objectives.
- **Failure to take a prompt decision:** The council of ministers is usually at a disadvantage because of the instability of the tenure regime; it generally hesitates to make bold and long-term policy decisions.
- **Control by the bureaucracy:** Civil servants wield authority. They provide advice to ministers on a variety of issues and are not accountable to the legislature.

**EXAMPLE:****FORM OF GOVERNMENT IN INDIA**

India is a sovereign, socialist, secular, democratic, and republican country¹ that follows the Westminster style of governance, often known as Cabinet government or Responsible government also known as parliamentary form of Government. This kind of government is prevalent in Britain, Japan, Canada and India among others.

ELEMENTS OF PARLIAMENTARY SYSTEM IN INDIA

- India has a bicameral legislature, with members of the Lower House (Lok Sabha) elected by the people and members of the Upper House (Rajya Sabha) chosen by elected representatives.
- The Rajya Sabha is a permanent house that cannot be disbanded but the President can dissolve the Lok Sabha on the Prime Minister's suggestion,
- Nominal and Real Executives: In India, the executive is divided into two parts: nominal executive and real executive. The nominal executive is the President, the Head of State. In theory, the Indian Constitution vests all executive powers in the President of India. In reality, however, they are employed by the Prime Minister and the Council of Ministers. The true executive is the Prime Minister.
- In the parliamentary form of Government in our constitution, the president of the Union and the Governors of the state are

required to exercise their functions on the advice of the Council of Ministers. Ministers are required to be or become members of the legislature. The Council of Ministers is declared to be collectively responsible to the legislature.²

- The government is formed by the party that wins the most seats in the Lower House elections. The President selects the Prime Minister and the other ministries on the Prime Minister's proposal.
- Opposition: In elections, the party with the second most votes creates an opposition party. The opposition is critical in keeping the prevailing administration in check.
- Members of the executive adhere to the concept of confidentiality in official legal affairs pertaining to the country.

Presidential form of government:

The three branches of government — the executive, judiciary, and legislature — function independently in the presidential form of government. The President is the top executive and is directly chosen by the population. A Presidential system is sometimes known as a Congress system. The Presidential system of administration may be traced back to mediaeval England, France, and Scotland, when the administrative authority was held by the Monarch or Crown (King/Queen) rather than the estates of the realm (Parliament).

¹ Preamble to the Constitution of India.

² V.N. Shukla's Constitution of India. by Prof (Dr.) Mahendra Pal Singh (Revised). Edition: 13th 2017, Reprinted with Supplement 2021.



Features:

The Presidential system has the following features:

- In this system the President has no formal powers. He is the head of both the executive and the state. He also serves as the ceremonial leader of the executive. He serves as the chief real executive as the leader of the government. As a result, the Presidential system is distinguished by a single executive idea.
- The people or the Electoral College directly elect the President.
- The President can only be removed through an impeachment proceeding for a serious violation of the Constitution.
- The President leads with the assistance of a small group of individuals which is his cabinet. The president appoints non-elected departmental secretaries to the cabinet, which serves as an advisory body. It reports to the President, and he has the authority to remove departmental secretaries.
- The President and his cabinet are neither lawmakers nor responsible to the legislature.
- The Presidential system effectively demonstrates the principle of separation of powers. Members of one branch are not allowed to join the other.
- The President has the authority to veto legislative actions. He or she may also grant forgiveness.

Advantages:

- **Stability:** The president's tenure is set and not subject to parliamentary majority support; his government is stable. The president is not under any political pressure to make a decision.
- **Less influence of the party system:** Because the presidential system of administration has a defined tenure, political parties cannot depose the government.
- **Separation of powers:** Because the three branches of government are independent of one another, administrative efficiency is substantially increased. (This includes the legislative, executive, and judiciary.)
- **Expert government:** Because the executive is not required to legislate, the President can choose specialists in many disciplines to lead appropriate agencies or ministries.

Disadvantages:

- **Spoils system:** The system grants the president broad patronage powers. Here, he can appoint executives as he sees fit. This gives birth to the spoils system, in which those connected to the president are given positions in government.
- **Deadlocks between executive and legislature:** There can be regular squabbles between the two branches of government since there is a more tight separation of powers here. This leads to a decrease in efficiency due to time waste.



- Less responsible executive: The government's leader can become dictatorial since the legislature has no influence on the administration or the president.
- Rigid government: Presidential regimes are frequently criticized for being inflexible.
- It is not adaptable.

EXAMPLE:

PRESIDENTIAL FORM OF GOVERNMENT IN THE USA³:

This system originated in the United States and is the dominant model followed by just a few other democracies, including Philippines, Argentina, Brazil and Mexico.

The President of the United States serves as both the senior executive of the government and the head of state under the American system. The cabinet and heads of numerous executive departments, as well as other administrative bureaus and agencies comprises the executive branch of government, is presided over by the President. The chief executive and subordinate executive officers are in charge of carrying out and enforcing legislation, as well as managing the government's day-to-day activities. The President, in particular, controls the armed forces and is responsible

for the country's defence against internal instability and external invasion.⁴

In the United States, the President, other executive officials, and members of the court can be removed through a constitutionally mandated process of impeachment and conviction.⁵

In the United States, the President serves for four years⁶, Senate members for six years⁷, and House members for two years. Members of the federal judiciary in the United States are appointed for life, unless they opt to resign.

The legislative or law-making branch of government in the United States is the bicameral Congress, which consists of the House of Representatives and the Senate⁸. In USA, there is a clear separation of powers between the executive, the legislature and the judiciary. A law passed by the Congress can be vetoed by the President.

Conclusion

Countries' governance systems differ based on whether they have a presidential or parliamentary system. Some countries have chosen a hybrid of both of these approaches. These systems differ in a variety of ways, including separation of powers, accountability, executives, and so on. Both of these systems have their own set of pros and cons. A country choose the system that best matches its needs. A government must safeguard the security of its citizens through

³ Richard H. Fallone, Jr, *The Dynamic Constitution, An Introduction to American Constitutional law*, Cambridge University Press.

⁴ Article 2 of the U.S Constitution.

⁵ Article 2, Section 4 of the U.S Constitution.

⁶ Article 2, Section 1 of the U.S Constitution.

⁷ Amendment XVII [1913] of the U.S Constitution.

⁸ Article 1, Section 1 of the U.S. Constitution establishes that the U.S. Congress consists of the Senate and the House of Representatives.



effective laws. A government must create and oversee an effective police force, a fair court system, and a strong defense force. The parliamentary system provides for representative governance, which is appropriate in such a diverse country as India. A government must efficiently manage the country's economy in addition to providing amenities and infrastructure. This includes regulating inflation, preserving enough foreign reserves, and encouraging foreign investment. A government must also take action to save the environment from future deterioration. It should take action to safeguard and clean its domestic and international seas, establish wildlife refuges, and invest in renewable energy and power.
