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## CHAPTER 13

# Parliamentary System

**T**he 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 at the Centre and Articles 163 and 164 in the states.

Modern democratic governments are classified into parliamentary and presidential on the basis of the nature of relations between the executive and the legislative organs of the government. The parliamentary system of government is the one in which the executive is responsible to the legislature for its policies and acts. The presidential system of government, on the other hand, is one in which the executive is not responsible to the legislature for its policies and acts, and is constitutionally independent of the legislature with respect of its term of office.

The parliamentary government is also known as cabinet government or responsible government or Westminster model of government and is prevalent in Britain, Japan, Canada and India among others. The presidential government, on the other hand, is also known as non-responsible or non-parliamentary or fixed executive system of government and is prevalent in USA, Brazil, Russia and Sri Lanka among others.

Ivor Jennings called the parliamentary system as 'cabinet system' because the cabinet is the nucleus of power in a parliamentary

system. The parliamentary government is also known as 'responsible government' as the cabinet (the real executive) is accountable to the Parliament and stays in office so long as it enjoys the latter's confidence. It is described as 'Westminster model of government' after the location of the British Parliament, where the parliamentary system originated.

In the past, the British constitutional and political experts described the Prime Minister as '*primus inter pares*' (first among equals) in relation to the cabinet. In the recent period, the Prime Minister's power, influence and position have increased significantly vis-a-vis the cabinet. He/she has come to play a 'dominant' role in the British politico-administrative system. Hence, the later political analysts, like Cross-man, Mackintosh and others have described the British system of government as 'prime ministerial government'. The same description holds good in the Indian context too.

### FEATURES OF PARLIAMENTARY GOVERNMENT

The features or principles of parliamentary government in India are as follows:

1. **Nominal and Real Executives** The President is the nominal executive (*de jure* executive or titular executive) while the

'Kitchen Cabinet'. It is only an advisory body and consists of non-elected departmental secretaries. They are selected and appointed by him/her, are responsible only to him/her, and can be removed by him/her any time.

- (d) The President and his/her secretaries are not responsible to the Congress for their acts. They neither possess membership in the Congress nor attend its sessions.
- (e) The President cannot dissolve the House of Representatives—the lower house of the Congress.
- (f) The doctrine of separation of powers is the basis of the American presidential system. The legislative, executive and judicial powers of the government are separated and vested in the three independent organs of the government.

## MERITS OF THE PARLIAMENTARY SYSTEM

The parliamentary system of government has the following merits:

**1. Harmony Between Legislature and Executive** The greatest advantage of the parliamentary system is that it ensures harmonious relationship and cooperation between the legislative and executive organs of the government. The executive is a part of the legislature and both are interdependent at work. As a result, there is less scope for disputes and conflicts between the two organs.

**2. Responsible Government** By its very nature, the parliamentary system establishes a responsible government. The ministers are responsible to the Parliament for all their acts of omission and commission. The Parliament exercises control over the ministers through various devices like question hour, discussions, adjournment motion, no confidence motion, etc.

**3. Prevents Despotism** Under this system, the executive authority is vested in a group

of individuals (council of ministers) and not in a single person. This dispersal of authority checks the dictatorial tendencies of the executive. Moreover, the executive is responsible to the Parliament and can be removed by a no-confidence motion.

**4. Ready Alternative Government** In case the ruling party loses its majority, the Head of the State can invite the opposition party to form the government. This means an alternative government can be formed without fresh elections. Hence, Dr. Jennings says, 'the leader of the opposition is the alternative prime minister'.

**5. Wide Representation** In a parliamentary system, the executive consists of a group of individuals (i.e., ministers who are representatives of the people). Hence, it is possible to provide representation to all sections and regions in the government. The Prime Minister while selecting his/her ministers can take this factor into consideration.

## DEMERITS OF THE PARLIAMENTARY SYSTEM

In spite of the above merits, the parliamentary system suffers from the following demerits:

**1. Unstable Government** The parliamentary system does not provide a stable government. There is no guarantee that a government can survive its tenure. The ministers depend on the mercy of the majority legislators for their continuity and survival in office. A no-confidence motion or political defection or evils of multiparty coalition can make the government unstable. The Government headed by Morarji Desai, Charan Singh, V.P. Singh, Chandra Sekhar, Deva Gowda and I.K. Gujral are some such examples.

**2. No Continuity of Policies** The parliamentary system is not conducive for the formulation and implementation of long-term policies. This is due to the uncertainty of the tenure of the government. A change in the ruling party is usually followed by changes in the

Prime Minister is the real executive (*de facto* executive). Thus, the President is head of the State, while the Prime Minister is head of the government. Article 74 provides for a council of ministers headed by the Prime Minister to aid and advise the President in the exercise of his/her functions. The advice so tendered is binding on the President<sup>1</sup>.

**2. Majority Party Rule** The political party which secures majority seats in the Lok Sabha forms the government. The leader of that party is appointed as the Prime Minister by the President; other ministers are appointed by the President on the advice of the prime minister. However, when no single party gets the majority, a coalition of parties may be invited by the President to form the government.

**3. Collective Responsibility** This is the bedrock principle of parliamentary government. The ministers are collectively responsible to the Parliament in general and to the Lok Sabha in particular (Article 75). They act as a team, and swim and sink together. The principle of collective responsibility implies that the Lok Sabha can remove the ministry (i.e., council of ministers headed by the Prime Minister) from office by passing a vote of no confidence.

**4. Political Homogeneity** Usually members of the council of ministers belong to the same political party, and hence they share the same political ideology. In case of coalition government, the ministers are bound by consensus.

**5. Double Membership** The ministers are members of both the legislature and the executive. This means that a person cannot be a minister without being a member of the Parliament. The Constitution stipulates that a minister who is not a member of the Parliament for a period of six consecutive months ceases to be a minister.

<sup>1</sup>The 42nd and 44th Amendment Acts of 1976 and 1978 respectively have made the ministerial advice binding on the president.

**6. Leadership of the Prime Minister** The Prime Minister plays the leadership role in this system of government. He/she is the leader of council of ministers, leader of the Parliament and leader of the party in power. In these capacities, he/she plays a significant and highly crucial role in the functioning of the government.

**7. Dissolution of the Lower House** The lower house of the Parliament (Lok Sabha) can be dissolved by the President on recommendation of the Prime Minister. In other words, the Prime Minister can advise the President to dissolve the Lok Sabha before the expiry of its term and hold fresh elections. This means that the executive enjoys the right to get the legislature dissolved in a parliamentary system.

**8. Secrecy** The ministers operate on the principle of secrecy of procedure and cannot divulge information about their proceedings, policies and decisions. They take the oath of secrecy before entering their office. The oath of secrecy to the ministers is administered by the President.

## FEATURES OF PRESIDENTIAL GOVERNMENT

Unlike the Indian Constitution, the American Constitution provides for the presidential form of government. The features of the American presidential system of government are as follows:

- (a) The American President is both the head of the State and the head of government. As the head of State, he/she occupies a ceremonial position. As the head of government, he/she leads the executive organ of government.
- (b) The President is elected by an electoral college for a fixed tenure of four years. He/she cannot be removed by the Congress except by impeachment for a grave unconstitutional act.
- (c) The President governs with the help of a cabinet or a smaller body called



policies of the government. For example, the Janata Government headed by Morarji Desai in 1977 reversed a large number of policies of the previous Congress Government. The same was repeated by the Congress government after it came back to power in 1980.

**3. Dictatorship of the Cabinet** When the ruling party enjoys absolute majority in the Parliament, the cabinet becomes autocratic and exercises nearly unlimited powers. H.J. Laski says that the parliamentary system gives the executive an opportunity for tyranny. Ramsay Muir, the former British Prime Minister, also complained of the 'dictatorship of the cabinet'<sup>2</sup>. This phenomenon was witnessed during the era of Indira Gandhi and Rajiv Gandhi.

**4. Against Separation of Powers** In the parliamentary system, the legislature and the executive are together and inseparable. The cabinet acts as the leader of legislature as well as the executive. As Bagehot points out, 'the cabinet is a hyphen that joins the buckle that binds the executive and legislative departments together.' Hence, the whole system of government goes against the letter and spirit of the theory of separation of powers<sup>3</sup>. In fact, there is a fusion of powers.

**5. Government by Amateurs** The parliamentary system is not conducive to administrative efficiency as the ministers are not experts in their fields. The Prime Minister has a limited choice in the selection of ministers; his/her choice is restricted to the members of Parliament alone and does not extend to external talent. Moreover, the ministers devote most of their time to parliamentary work, cabinet meetings and party activities.

<sup>2</sup>How Britain is Governed is a popular book written by him.

<sup>3</sup>This theory was propounded by Montesquieu, a French political thinker, in his book *The Spirit of Laws* (1748) to promote individual liberty. He stated that concentration of powers in one person or a body of persons would result in despotism and negate individual liberty.

The comparison of the parliamentary and presidential systems in terms of their features, merits and demerits is given in Table 13.1.

## REASONS FOR ADOPTING PARLIAMENTARY SYSTEM

A plea was made in favour of the US presidential system of government in the Constituent Assembly<sup>4</sup>. But, the founding fathers preferred the British parliamentary system due to the following reasons:

**1. Familiarity with the System** The Constitution-makers were somewhat familiar with the parliamentary system as it had been in operation in India during the British rule. K.M. Munshi argued that, 'For the last thirty or forty years, some kind of responsibility has been introduced in the governance of this country. Our constitutional traditions have become Parliamentary. After this experience, why should we go back and buy a novel experience.'<sup>5</sup>

**2. Preference to More Responsibility** Dr. B.R. Ambedkar pointed out in the Constituent Assembly that 'a democratic executive must satisfy two conditions: stability and responsibility. Unfortunately, it has not been possible so far to devise a system which can ensure both in equal degree. The American system gives more stability but less responsibility. The British system, on the other hand, gives more responsibility but less stability. The Draft Constitution in recommending the parliamentary system of Executive has preferred more responsibility to more stability.'

**3. Need to Avoid Legislative—Executive Conflicts** The framers of the Constitution wanted to avoid the conflicts between the legislature and the executive which are bound to occur in the presidential system prevalent in USA. They thought that an infant democracy

<sup>4</sup>K.T. Shah favoured the adoption of the presidential system.

<sup>5</sup>Constituent Assembly Debates, Volume VII, pp. 284-5.

<sup>6</sup>Constituent Assembly Debates, Volume VII, p. 32.

**Table 13.1** Comparing Parliamentary and Presidential Systems

Parliamentary System	Presidential System
<b>Features:</b> <ul style="list-style-type: none"> <li>1. Dual executive.</li> <li>2. Majority party rule</li> <li>3. Collective responsibility.</li> <li>4. Political homogeneity</li> <li>5. Double membership.</li> <li>6. Leadership of prime minister.</li> <li>7. Dissolution of Lower House.</li> <li>8. Fusion of powers.</li> </ul>	<b>Features:</b> <ul style="list-style-type: none"> <li>1. Single executive.</li> <li>2. President and legislators elected separately for a fixed term.</li> <li>3. Non-responsibility</li> <li>4. Political homogeneity may not exist.</li> <li>5. Single membership</li> <li>6. Domination of president.</li> <li>7. No dissolution of Lower House.</li> <li>8. Separation of powers.</li> </ul>
<b>Merits:</b> <ul style="list-style-type: none"> <li>1. Harmony between legislature and executive.</li> <li>2. Responsible government.</li> <li>3. Prevents despotism.</li> <li>4. Wide representation.</li> </ul>	<b>Demerits:</b> <ul style="list-style-type: none"> <li>1. Conflict between legislature and executive.</li> <li>2. Non-responsible government.</li> <li>3. May lead to autocracy.</li> <li>4. Narrow representation.</li> </ul>
<b>Demerits:</b> <ul style="list-style-type: none"> <li>1. Unstable government.</li> <li>2. No continuity of policies.</li> <li>3. Against separation of powers</li> <li>4. Government by amateurs.</li> </ul>	<b>Merits:</b> <ul style="list-style-type: none"> <li>1. Stable government.</li> <li>2. Definiteness in policies.</li> <li>3. Based on separation of powers.</li> <li>4. Government by experts</li> </ul>

could not afford to take the risk of a perpetual cleavage, feud or conflict or threatened conflict between these two organs of the government. They wanted a form of government that would be conducive to the manifold development of the country.

**4. Nature of Indian Society** India is one of the most heterogeneous States and most complex plural societies in the world. Hence, the Constitution-makers adopted the parliamentary system as it offers greater scope for giving representation to various section, interests and regions in the government. This promotes a national spirit among the people and builds a united India.

Whether the parliamentary system should be continued or should be replaced by the presidential system has been a point of discussion and debate in our country since the 1970s. This matter was considered in detail by the Swaran Singh Committee appointed by the Congress government in 1975. The committee opined that the parliamentary system has been doing well and hence, there is no need to replace it by the presidential system.

### DISTINCTION BETWEEN INDIAN AND BRITISH MODELS

The parliamentary system of government in India is largely based on the British parliamentary system. However, it never became a replica of the British system and differs in the following respects:

1. India has a republican system in place of the British monarchical system. In other words, the Head of the State in India (that is, President) is elected, while the Head of the State in Britain (that is, King or Queen) enjoys a hereditary position.
2. The British system is based on the doctrine of the sovereignty of Parliament, while the Parliament is not supreme in India and enjoys limited and restricted powers due to a written Constitution, federal system, judicial review and fundamental rights.
3. In Britain, the Prime Minister should be a member of the Lower House (House of Commons) of the Parliament. In India, the Prime Minister may be a

member of any of the two Houses of Parliament.<sup>7</sup>

- Usually, the members of Parliament alone are appointed as ministers in Britain. In India, a person who is not a member of Parliament can also be appointed as minister, but for a maximum period of six months.

<sup>7</sup>For example, three Prime Ministers, Indira Gandhi (1966), Deve Gowda (1996), and Manmohan Singh (2004), were members of the Rajya Sabha.

- Britain has a system of legal responsibility of the minister while India has no such system. Unlike in Britain, the ministers in India are not required to countersign the official acts of the Head of the State.
- 'Shadow cabinet' is a unique institution of the British cabinet system. It is formed by the opposition party to balance the ruling cabinet and to prepare its members for future ministerial office. There is no such institution in India.