

Parliamentary Form of Government

A Democratic form of government can be classified into a parliamentary and presidential form of government. Indian Parliamentary system has been sourced from the British parliamentary system. Therefore like the British parliament, Indian parliament also comprises two houses. In Britain they call it, the House of Commons and the House of Lords, whereas we call it Lower House (Lok Sabha) and Upper House (Rajya Sabha). As per Article - 79, the Parliament consists of the President, the Lok Sabha and the Rajya Sabha.

A government has **three organs**; the Legislature, the Executive and the Judiciary. Of these three organs, legislature and executive derive their powers from the Parliament. Thus, Parliament occupies a central position. Rajya Sabha and Lok Sabha together constitute Legislature. All the executive power is vested in the president thus parliament is the combination of legislature and executive. Fusion of legislature and executive is the significant feature of parliamentary form of government.

House of People

Politics of Representation

House of people represents the will of the people and according to RPA of 1951 FIRST PAST THE POST (FPTP) method is applied for holding election of Member of Parliament.

Law commission suggested for the adaptation of list system for at least half of the Lok Sabha of seats of India, which will ensure the better representation of minorities. Shankar and Rodrigues's view that in terms of representative function of parliament the process of Indian parliament is positive because earlier there was dominance of upper caste in Lok Sabha but gradually member of parliament belong to OBC, SC and ST maintain domination in the Lok Sabha and now member of parliament is coming from rural background and belonging to agriculture as a profession this makes house of people more democratic. But parliament still faces a daunting task as far as representative functions of parliament are concerned in the **following areas** –

- Having fresh delimitation and ensuring the better representation of north and south.
- **Criminalization of politics** and **Politicization of Criminals** is new challenge for Indian democracy.
- Representations of minorities are not sufficient.

Deliberative Function

Parliament represents the **will of the people**. Member of Parliament can ask the questions, move motions and resolution as a mechanism for knowing the opinion of parliament.

Parliament is highest law making body in the meantime discussion and deliberation is essential for passing of any law and here role of parliamentary committee becomes vital for maintaining control over the executive. But Pratab Bhanu Mehta said that every bill is not referred for the consideration of the parliamentary committee, where as in Britain every bill must be referred for the consideration of parliament.

In case of One Party dominance in the parliament fewer bills are referred for consideration of parliamentary committee even biological diversity bill is passed by the parliament within the time of 10 minutes.

Critics also pointed out that the procedure of voice voting should be repealed and division of vote must be referred in the proceedings of parliament Shankar and Rodrigues's pointed out that a

joint session was held in 1961, despite the presence of majority of congress in both houses. In the recent years there is a tendency of decline in functioning of parliament due to frequent disruption in the proceeding of the parliament. Rising no of ordinances is also a matter of concern for the deliberative role of parliament. According to Article - 123 president shall issue an ordinance in emergency conditions where parliament is not available for law making but now the excessive use of ordinance indicates about the by passing of parliament.

Revising of ordinance is new tendency where ordinance is not a law for time being but it becomes permanent law which undermines the role of parliament.

Accountability Function

The most important dimension of accountability is **Financial Accountability** According to Indian constitution no money can be withdrawn from the consolidated fund of India without approval of parliament. Parliament, particularly the house of the people tables the **cut motion** on demand for grants. Parliament made an additional provision for tightening the control over scrutiny of demand for grants through the **departmental committee**, which came into existence in 1993. Departmental Committee also examines any proposed bill by executive and annual departmental report of every ministry.

Due to frequent disruptions in the parliamentary discussion, the demand for grants are suspended from time to time and then government is bound to take the route of **Guillotine**, which marginalized the role of parliament in order to maintaining control over the executive. CAG and PAC also examine the expenditure done by executive and submit to parliament.

Features

- 1. Responsibility of the executive**
Parliamentary form of government emphasizes on responsibility, unlike a presidential form which prioritizes over stability. Lok Sabha is entitled to pass a no-confidence motion against the Council of Ministers (Article - 75 (3)). Executive or Council of Ministers (CoM) does not enjoy the privilege of a fixed term. Council of Ministers continues in office till it receives the confidence of Lok Sabha. Atal Bihari Vajpayee government lasted only for 13 days in 1996, because it could not get confidence of Lok Sabha.
- 2. Cabinet Rule**
Parliamentary form of government is also known as cabinet government. Each and every decision is taken by the cabinet, collectively. The Cabinet is headed by the Prime Minister.
- 3. Collective responsibility**
Lok Sabha can pass a no-confidence motion against the entire council of ministers. Collectively they swim collectively they sink a well-known principle of parliamentary government. Whole council of ministers shall defend the action of each minister. In a case, when any minister failed to get through the demand for grants in Lok Sabha. The Council of ministers is bound to resign.
- 4. Individual Responsibility**
A minister shall hold office during pleasure of the president (Article - 75 (2)). Thus the individual minister is responsible towards the president. In practice, ministers are responsible to the parliament in general and Lok Sabha in particular. The Prime Minister is free to reshuffle his cabinet.
- 5. Prime Position of the Prime Minister**
Prime Minister is considered as the first among equals, often described by the British constitutional experts as 'Primus inter pares'. The Prime Minister heads the cabinet meeting and decides the agenda. The Prime Minister allocates the portfolios amongst the ministers. However, the number of ministers has been limited to a maximum cap of 15 Percent as per the 91st constitutional amendment. The Prime Minister can reserve any ministry for himself. Ministry not allocated to any minister shall be in the control of the Prime Minister. As per the

age old parliamentary convention, The Ministry of personnel, public grievances and pension is headed by the Prime Minister himself. He also heads the department of atomic energy and ocean development.

6. Nominal and Real Executive

The president is the nominal executive (De jure), whereas the prime minister is the real executive (De facto). All the decisions are made in the name of the president however these decisions are exercised by the prime minister. Thus, the Prime Minister is the real executive. The President shall appoint the Prime Minister as per Article - 75 (1).

7. Fusion of Power

Executive or council of ministers is drawn from the parliament. Therefore, nobody can become minister, without being a member of parliament except in the case where he/she acquires the membership of either of the house within a time period of 6 months from the date of his/her appointment else he/she ceases to be a minister.

Prime Ministerial Government

Ivor Jennings has called the parliamentary system as the cabinet system. A cabinet system essentially means the prime ministerial form of government. Parliamentary government or prime ministerial government is not mentioned in Indian constitution. Features of parliamentary government exist in the constitution and prime ministerial government is the practical form of parliamentary government which **denotes the following features –**

8. Prime Minister is the Nucleus of Power

Though all the executive decisions are taken in the name of the president but the real power is vested in the Prime Minister. Since the Prime Minister is the head of the cabinet thus all the executive decisions are exercised by him. The position of Prime Minister became more pronounced in the 1970s, particularly during the tenure of Smt. Indira Gandhi on account of an overwhelming majority. In the late 1980s during the tenure of Late Shri Rajeev Gandhi, Prime Minister's Office (PMO) got primacy over the cabinet secretariat; therefore the office of Prime Minister's Office (PMO) became the periphery of power.

9. Formation of Cabinet

The president appoints the ministers based on the recommendation of the prime minister. However, the allocation of portfolios is done by the prime minister himself. The ministers are chosen from both the houses of the parliament. There are four categories of ministers namely the union cabinet minister, minister of state, union minister (Independent charge) and deputy minister. All the four are collectively called council of ministers. However, a cabinet is the subset of the council of ministers as it consists of the prime minister and union cabinet ministers alone.

10. Election of Prime Minister

The Prime Minister is usually the leader of the majority party in Lok Sabha. However, he/she may also be from the Rajya Sabha (as in the case of Dr. Man Mohan Singh). The majority party chooses the leader of the house.

11. Rising Role of Prime Minister's Office (PMO)

Cabinet secretariat plays a vital role in the parliamentary form of government. It maintains co-ordination between various ministries. Prime Minister's office has now virtually overshadowed the cabinet secretariat. It becomes a super secretariat. Principal Secretary to the Prime Minister becomes more powerful than the cabinet secretary.

Conclusion

Prime ministerial government emerges due to command of one party majority in Lok Sabha. Prime ministerial government is more similar to the presidential form of government. Concentration of power is not better for democracy, but ultimately **the will of the people** is supreme in democracy.

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