PARLIAMENTARY SYSTEM

Both in i.e. Center [Art. 74, Art. 75] & states [Art. 163, Art. 164]

Parliamentary/Cabinet/Responsible/Westminster (UK)/Prime Ministerial government – Japan, Britain, India & China

Presidential/Non-responsible/Non-parliamentary/Fixed Executive – USA, Brazil, Russia, Sri Lanka
Features of Parliamentary Government in India

1. President/Nominal/ de jure/Titular - Head of State and Prime Minister/Real/de facto/ Executives - Head of Government – Council of ministers led by PM advice binding on President

2. Majority party rule - in Lok Sabha

3. Collective Responsibility - Council of ministers in general to parliament & particular to Lok Sabha – No confidence

4. Political homogeneity – Party, ideology or common minimum programme

5. Double membership – both legislature & executive

6. Leadership of the PM – in parliament, party

7. Dissolution of the Lok Sabha – executive enjoys right to dissolve

8. Secrecy – ministers operate on this principle

9. To an extent fusion of powers
Merits of Parliamentary System

1. Harmony between legislature & executive
2. Responsible government – Ministers to parliament
3. Prevents individual despotism – authority to group of individuals
4. Chance for alternative government – without elections
5. Wide representation – all sections/regions

Demerits of Parliamentary System

1. Unstable Gov. – ministers depend on mercy of legislators
2. No continuity of policies
3. Dictatorship of cabinet
4. Against separation of powers
5. Government by Amateurs
REASONS FOR ADOPTING PARLIAMENTARY SYSTEM

Familiarity with the system – K.M. Munshi argued
Preference to more responsibility than stability – Dr. B.R. Ambedkar

Need to avoid legislative-executive conflict – infant democracy could not afford

Nature of Indian Society – Heterogeneous

DISTINCTION BETWEEN INDIAN & BRITISH MODELS

1. Republic
2. Parliament is NOT supreme
3. PM member of Lok or Rajya sabha
4. Ministers appointment from non MP also (6 months)
5. No legal responsibility for minister
6. No such institution

1. Monarchy
2. Sovereignty of parliament
3. PM member of House of commons
4. MPs alone ministers
5. Legal responsibility for minister-counter sign official acts of head of state
6. Shadow cabinet
Since 1970s debate started about replacement of parliamentary with presidential system – considered by Swaran Singh committee – NO need for replacement
Features of Presidential System [American]

1. Both Head of State (ceremonial) & Head of Gov. lead executive organ of government
2. Elected by electoral college, fixed tenure, 4 years, removal by impeachment for grave unconstitutional act
3. Governs with the help of – cabinet - an advisory body, non-elected departmental secretary, selected appointed & removed by him
4. President & cabinet not responsible to Congress, neither member nor attend its sessions
5. President cannot dissolve the House of representatives = lok sabha
6. Stability
7. Doctrine of separation of powers