

PARLIAMENTARY SYSTEM

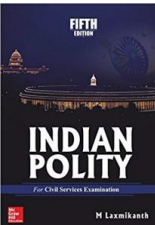
Both in i.e. Center [Art. 74, Art.75] & states [Art.163, Art.164]

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

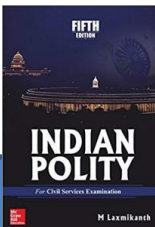
- 1. Unstable Gov. – ministers depend on mercy of legislators**
- 2. No continuity of policies**
- 3. Dictatorship of cabinet**
- 4. Against separation of powers**
- 5. Government by Amateurs**

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 | 1. Monarchy |
| 2. Parliament is NOT supreme | 2. Sovereignty of parliament |
| 3. PM member of Lok or Rajya sabha | 3. PM member of House of commons |
| 4. Ministers appointment from non MP also (6 months) | 4. MPs alone ministers |
| 5. No legal responsibility for minister | 5. Legal responsibility for minister-counter sign official acts of head of state |
| 6. No such institution | 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**

