

Parliamentary System of Government

Parliamentary Form of Government:

- Since the beginning of time, when civilizations were tribal, there have existed councils or a headman whose decisions were evaluated by village elders.
- Over time, these councils evolved into the modern parliamentary system.
- Alfonso IX, King of Leon (Spain), gathered the three states in the Cortes of León in 1188, establishing the first parliaments in Europe.
- An early version of parliamentary government emerged in the present-day Netherlands and Belgium during the Dutch Revolt (1581) when the States-General of the Netherlands seized the royal, legislative, and executive powers from the monarch, King Philip II of Spain.
- The modern idea of parliamentary government emerged in the United Kingdom between 1707 and 1800, and the Swedish Parliamentary System did so between 1721 and 1772.
- Following World War I, democracy and parliamentary gained more and more traction in Europe.

Parliamentary Form of Government Features:

- There are some significant features of a Parliamentary Form of Government.

They have been listed down below:

Real and Nominal Executives:

- The President serves as the formal executive, while the Prime Minister is the actual executive (de facto executive).
- As a result, the President is the President of the State, and the Prime Minister is the Prime Minister of the Government.

Dual Membership:

- The Prime Minister and the Council of Ministers represent the executive, while the Parliament serves as the legislative body.
- The executive is developed from the legislative since members of parliament elect the prime minister and other cabinet officials.

Collective Responsibility:

- The legislative branch holds the executive jointly responsible.
- There is a concept of collective accountability, meaning that the Council as a whole is accountable for the duties of each minister.

Secret Procedure:

- This type of management mandates that cabinet discussions be held in private and not made public.

Leadership under the Prime Minister:

- The Prime Minister is in charge of this kind of government.

Majority Party Rule:

- The prime minister is normally chosen by the leader of the party that gains a majority in the lower chamber.

Bicameral Legislature:

- The majority of parliamentary democracies have bicameral legislatures.

Political Homogeneity:

- The members of the ministers' council have similar political ideologies because they often belong to the same political party.
- The ministers of a coalition government are required by the agreement.

No Fixed Term:

- The length of the government's term is determined by the lower house's majority vote.
- The ministers are required to resign if a motion of no confidence in the government is unsuccessful.
- There will be elections, and a new government will be installed.

Parliamentary Form of Government Constitutional Provision:

- The Indian Constitution contains four clauses that support a parliamentary system of governance.

Article 74:

- It focuses on the advice and helps the President receives from the Cabinet of Ministers as he performs his duties.
- The amended advice must be adopted if the President asks the Cabinet of Ministers to reconsider.
- The President's suggestions from the Council of Ministers are not up for judicial review.

Article 75:

- According to this system, the President selects the Prime Minister and, depending on the Prime Minister's suggestions, the President selects the other ministries.
- Ministers are chosen by the President to serve during his or her term in office.
- The Lok Sabha is ultimately responsible for the actions of the Cabinet of Ministers.

(In States) Article 163:

- It focuses on how the Cabinet of Ministers supports and advises the Governor as he discharges his duties.

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- If the Governor is acting at their own discretion, they are not compelled to seek the advice and aid of the Ministerial Council.
- The Governor's proposals from the Council of Ministers are not susceptible to judicial review.

Article 164:

- The following is covered, including the fact that the Governor appoints the Chief Minister and names other ministries on the Chief Minister's advice.
- Ministers are chosen by the governor for the duration of their tenure in office.
- The Ministers are jointly accountable, according to the state's Legislative Assembly.

Parliamentary Form of Government Merit:

- Parliamentary Form of Government has many merits few of which are mentioned below:

Cooperation between the Legislative and Executive Branches:

- The main benefit of the parliamentary system is that it guarantees friendly communication and cooperation between the legislative and executive branches of government.

Responsible Government:

- The parliamentary system creates an accountable government by design.
- The Parliament must be informed of all ministers' conduct and omissions.
- Parliament uses a variety of tools to exert oversight over ministers, including question periods, debates, adjournment motions, no-confidence motions, and others.

Prevents Despotism:

- In this system, a council of ministers, rather than a single individual, is given executive power.
- This decentralization of authority checks the authoritarian tendencies of the executive.
- Additionally, the administration is answerable to Parliament and subject to no-confidence votes.

Wide Representation:

- A group of people make up the executive in a parliamentary system. (i.e., ministers who are representatives of the people).
- As a result, the government may represent all ethnicities and geographical regions of the nation.
- The prime minister can take this into consideration when selecting ministers.

Parliamentary Form of Government Demerit:

- Parliamentary Form of Government has certain demerits, a few of which have been explained below:

No Separation of Powers:

- It is impossible for the legislature to consistently hold the executive accountable when there is a lack of a complete separation of powers.
- This is especially true if the government has a strong majority in the House.
- Anti-defection rules also prevent parliamentarians from exercising their free will and voting in accordance with their convictions and understanding.
- They have to follow the party line.

Unqualified Lawmakers:

- The system only generates legislators who are interested in moving up to the executive branch.

- They lack the qualifications needed to enact laws.

Instability:

- Since governments can only continue for as long as they can demonstrate a majority in the parliament, there is uncertainty if there is no obvious winner following the elections.
- Coalition governments are frequently short-lived and very unstable.
- The administration must therefore focus on staying in office rather than worrying about the welfare or general state of the public.

Ministers:

- The executive should include members of the ruling party.
- Therefore, engaging subject-matter experts is not recommended.

Failure to Make a Quick Decision:

- Because it lacks a clear tenure, the Ministerial Council routinely postpones making significant, long-term policy decisions.

Party Politics:

- Party politics are more pronounced in the parliamentary system because partisan interests rather than national concerns drive parliamentarians.

Bureaucratic Control:

- Civil officials are incredibly powerful.
- They offer guidance to the ministers on a range of subjects, although they are not accountable to the legislature.

The Presidential Form of Government:

- A presidential system is one in which the head of state is also the head of government, and the executive branch is independent of the legislative branch.

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- The United States, for example, is governed by a presidential system.
- In presidential nations, the president is elected and is not accountable to the legislature, which cannot oust the president under normal circumstances.
- However, in rare situations, such dismissal is feasible, usually by impeachment.
- A presidential system differs from a parliamentary system, in which the leader of the government is elected by an elected legislature.
- Hybrid systems, such as the semi-presidential system utilized in the former Weimar Republic, France, and Poland, are also available.

Presidential Form of Government- Characteristics:

Real head of the state:

- In this system the head of the state is the real executive head.

Power separation:

- The presidential system of government is built on the notion of power separation among the government's three departments.
- The executive branch is not accountable to the legislative.
- The legislature cannot be dissolved by the executive.
- The judiciary is also separate from the executive and legislative branches.

Checks and balances principle:

- The government's three organs are separated from one another, yet they all check and restrict each other from abusing their authority and functions.

President's superior position:

- The president has a superior position since all of the government's authority is concentrated in his hands.

Political homogeneity is not required:

- All members of the cabinet do not have to be from the same political party.

Transparency:

- The balance of power in a presidential system tends to be more transparent because it aims to define the limits between the Executive and Legislative branches, despite the fact that there are many collaboration alliances between them and that members of one are not members of the other at the same time, though exceptions exist.

Non-Responsibility to the Legislature:

- In a presidential government, the President and his secretaries are not accountable to the legislature.
- A vote of no confidence in the legislature cannot be used to remove them.
- They are also not susceptible to an adjournment or censure motion.
- The President and his secretaries are not members of the legislature and so do not attend its sessions.
- As a result, they cannot be questioned further.

Significance of Presidential Form of Government:

- **Stable Government:** The president is chosen for a fixed term that ensures the administration's stability and effectiveness.
- **Separation of Powers:** This prevents any branch of the government from becoming despotic and preserves citizens' rights and liberties.
- **Appropriate in an emergency:** As the head of state and government, the president can make vital decisions quickly and efficiently.
- **Appointment of capable men:** the president normally appoints professionals to lead portfolios without regard for political affiliation.

Presidential Form of Government- Drawbacks:

- **The executive branch of government has the potential to become despotic:** The president has enormous authority and his term is set in stone. As a result, there's a chance he'll act like a dictator.

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- **Inter-organ deadlocks:** A deadlock between the executive and legislature is a distinct possibility.
- Economic planning is incompatible with checks and balances.
- Constitutional rigidity is challenged as well because flexibility is essential to deal with changing conditions.
- There is a lower likelihood of effective legislation being enacted since the executive and legislative branches are not in sync.

