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A COMPARATIVE ANALYSIS ON THE PRESIDENTIAL AND PARLIAMENTARY FORM OF GOVERNMENT WITH SPECIAL REFERENCE TO INDIA AND USA

Arathy A¹

“The best form of government is that which is most likely to prevent the greatest sum of evil”

– James Monroe

ABSTRACT

Democratic political systems can be broadly divided into two types, that is, the Presidential and Parliamentary form of government. India's parliamentary system of government is based on the idea of the United Kingdom which is considered to one of the finest examples of a country who upholds the principles of parliamentary supremacy. As opposed to the presidential system like that of in the United States of America which is also one among the greatest nation who upholds the principles of Democracy, the founding fathers of the Constitution of India choses this option for good reasons. In this Article, we contrast both political and governmental systems.² In addition to the parliamentary and presidential systems, a hybrid system that combines elements of both is also possible like that of those system which exists in countries like France where there is a blend of this parliamentary and presidential form of governing system is there. The degree of power separation between the legislative, executive, and judicial branches in these systems is the main distinction between them. The relationship between the executive and the legislative in a presidential and a parliamentary system is another significant distinction.

¹ Lawyer, B.Com., LL.B. (Hons), LL.M.

² Lloyd N Cutler, *To Form a Government*, Foreign Affairs, Fall, 1980, Vol. 59, No. 1 (Fall, 1980), pp. 126-143, Council on Foreign Relations, <https://www.jstor.org/stable/20040656>.

India is having a parliamentary form of government and the United States is having a presidential form of government.

KEYWORDS

Federalism, Parliamentary System, Presidential System, Democracy, Form of Government, Models of Government

INTRODUCTION

A presidential system has a separate executive from the legislative that is led by the head of state. In this situation, the head of the state and the head of the government are one and the same. The fact that the executive is not answerable to the legislative is another important element. India selected a parliamentary system of governance primarily as a result of the constitution's drafters being heavily influenced by the English system. The parliamentary approach would only be effective in allowing for the many and various groups that make up our nation, as the founding fathers recognized.³ Additionally, confrontations between the executive and legislative branches would result from the presidential system's strong division of powers, something our newly independent nation could ill-afford.

The two most well-known forms of government in the world are the parliamentary and presidential systems. The USA is governed by a presidential system. India's system of government is parliamentary. Both forms of government have advantages and disadvantages. In a parliamentary system of governance, the three state organs are given different levels of authority. The legislature is in charge. The people hold the parliament accountable. In this form of government, the head of state and head of government are not the same person. Constitutional

³ Elijah Ben-Zion Kaminsky, *On the Comparison of Presidential and Parliamentary Governments*, *Presidential Studies Quarterly*, Spring, 1997, Vol. 27, No. 2, Presidential Leadership (Spring, 1997), pp. 221-228, Wiley on behalf of the Centre for the Study of the Presidency and Congress, <http://www.jstor.com/stable/27551727>.

monarchies or parliamentary republics are two examples of nations with parliamentary forms of government.

The period between 1707 and 1800 in Great Britain is where the modern system of parliamentary government first emerged. A unicameral or bicameral legislature can be used in a parliamentary system. Bicameral is short for two houses.⁴ Unicameral denotes a single house. The two types of the parliamentary form of government are as follows: Westminster Method and the System of consensus.

India belongs to the Commonwealth of Nations as well. The Commonwealth of Nations refers to the nations that were formerly under British sovereignty. The legislative branch and the executive branch are intertwined in India. The emergency era under Mrs. Indira Gandhi was a turning point that made people reconsider whether the parliamentary system of government was the ideal type of administration. India accepted this type of administration in 1947 since it was already quite accustomed to it. The English system of government had a significant influence on those who wrote India's constitution. India was a country with many different ethnic groups; therefore, it was crucial that each one has a representation so they wouldn't feel left out. Because the Executive and Legislature operated in an excessively exclusive manner, the presidential system of government was rejected. which could lead to more conflicts within the nation.

THE PRESIDENTIAL AND PARLIAMENTARY SYSTEM: A CRITICAL STUDY

The parliamentary system of government allows for the President, who serves in that capacity formally, is the real state head is the prime minister. A number of the president is granted a number of authorities,

⁴ James D. Barnett, *The Bicameral System in State Legislation*, *The American Political Science Review*, Aug., 1915, Vol. 9, No. 3 (Aug., 1915), pp. 449-466, American Political Science Association, <https://www.jstor.org/stable/1946058>.

but only receives a chance to put them to use. The actual powers are used by the Prime Minister-led Council of Ministers. Since there is a limited separation of powers in India, they are not both the executive and the legislative which completely unrelated to one another and they work together reliant on one another.⁵ The Executive Branch of the government has the remaining power. The executive is more answerable to the legislative in this type of organization. Each member of the council of ministers is accountable to the others. The prime minister has the authority to oust any minister from their position for the same reason without providing a cause.

In a presidential system, the head of state also serves as the head of state. In addition, he oversees the executive branch, which is independent of the legislative branch. The presidential system is in place in the United States of America. In very few instances, the legislature may be able to remove the executive by impeachment. The President is in charge of the executive branch in a presidential system of government. In this system of government, the President serves as both the state's and the nation's head of government.⁶ As opposed to acting with the assistance and counsel of the Cabinet as in a parliamentary style of government, the President in this system assumes the reins in his own right. Direct popular vote determines who becomes president. The President has the authority to implement foreign policies and serves as the Army's top commander. from seizing total power over the government. Making each branch answerable to various groups was intended to reflect a variety of interests, leading to compromises and a balancing of interests.

The United States' founding fathers firmly followed the theory of separation of powers. The Constitution's framers aimed to achieve a

⁵ Herman Beukema, *The Parliamentary System*, Current History, Vol. 25, No. 145 (SEPTEMBER, 1953), pp. 167-172, University of California Press, <https://www.jstor.org/stable/45308521>.

⁶ Gonzalo Villalta Puig, *Parliamentary versus Presidential Government*, Australian Quarterly, Sep. - Oct., 2002, Vol. 74, No. 5 (Sep. - Oct., 2002), pp. 9-11, 40, Australian Institute of Policy and Science, <https://www.jstor.org/stable/20638116>.

balance of powers between various branches of government through checks and balances.⁷ The basic doctrine of the Separation of Powers has to be changed since it could not keep up with the increasing scope of governmental obligations and the complex politico-economic issues facing democratic societies. It will be impossible to carry out the philosophy in its strictest form.

The United States of America's draught constitution from 1789 is when the concept of separation of powers first appeared. Three government bodies each hold a portion of the authority. Separation of powers is also accepted as for Authority in the American system. No one shall occupy office in more than one of the three branches of the government, according to this rule. No one who is holding an office under the United States may serve as a member of either House during his or her convenience in office, according to Section 6, Article 1. It is evident from the usage. Robert Kennedy gave up his position as attorney general to run for office as a senator and later as secretary of defense. Byron White left his position as Assistant Attorney General in order to join the Supreme Court as a Justice. Arthur Goldberg became the United States' ambassador after retiring from his position as a Supreme Court justice.

The Separation of Powers, however, was watered down for the American Constitution. The Separation of Powers is not formulated in the American Constitution of 1789 in a way that is doctrinaire or prohibitive, according to a simple reading of the document. Holmes J. further clarified that it is impossible to distinguish between legislative and executive activities with mathematical precision. It is neither possible nor desirable to separate it into watertight containers.

The President of the United States has consistently participated

⁷ Benjamin F Wright Jr., *The Origins of the Separation of Powers in America*, *Economica*, May, 1933, No. 40 (May, 1933), pp. 169-185, Wiley on behalf of The London School of Economics and Political Science and The Suntory and Toyota International Centres for Economics and Related Disciplines, <https://www.jstor.org/stable/2548765>.

actively in the political actions even though they weren't very active will depend on the majority-led legislature. The delayed response time of the presidential system of administration makes it challenging to implement policies. But in larger nations, the presidential system of government has proven to be more effective. In this kind of administration, the president is in a position of power always. However, this does not imply that the exercise of authority is completely disregarded or abandoned.

THE PARLIAMENTARY SYSTEM: A CRITICAL ANALYSIS ON INDIAN SYSTEM

The Constitution makers were heavily influenced by the English system, which is why they decided on a parliamentary form of governance. The parliamentary model would only be effective in accommodating the numerous and various groups that make up our nation, as the founding fathers recognized for another reason. Furthermore, confrontations between the two parts of government - the executive and the legislature - would result from the presidential system's strong division of powers, something that our newly independent nation could ill-afford.⁸ There are more parliamentary governments than there are presidents in the globe. In this system, the legislative normally has the final say, and the administration answerable to it. It is also referred to as "Responsible Governance," the Cabinet system of government, and other names.

FEATURES OF THE PARLIAMENTARY SYSTEM

Every form of government has its own peculiarities and flaws. The concerned ruling government should need to focus on the proper governing structure and they should need to identify whether everything is working in a proper and planned manner. A close working relationship exists between the legislature and the executive in this situation. The

⁸ Devavrat N Pathak, *Is Parliamentary Government Suitable to India?* The Indian Journal of Political Science, October-December 1958, Vol. 19, No. 4 (October-December 1958), pp. 335-342, Indian Political Science Association, <https://www.jstor.org/stable/42753634>.

Parliament is the legislative, and the Prime Minister and the Council of Ministers make up the executive. The fact that the prime minister and ministers are chosen from among the lawmakers suggests that the legislative branch produces the executive branch.

Legislative branch accountable to the executive in a Presidential system because the legislative branch is accountable to the executive. There is a collective duty, meaning that the Council as a whole is accountable for each minister's actions. The real executive and the nominal executive are the two executives. The real executive is the Prime Minister, who is the head of government, not the head of state (president or monarch). It follows the procedural secrecy style of administration requires that cabinet meetings be private and not intended for public disclosure.

The Prime Minister's Leadership is very important in any countries who follows the parliamentary system of governance because the Prime Minister is the head of this system of government. The PM is often chosen from among the leaders of the parties that gain a majority in the lower chamber. There will be a bicameral legislature in which these Bicameral legislatures are used in forming the majority of parliamentary democracies. The length of the government's duration depends on whether it has a majority in the lower chamber.⁹ The council of ministers must resign if a motion of no confidence in the government is unsuccessful. A new administration will be formed after elections. Even though there are some distinctions between the Indian and British systems, despite the fact that India mostly adopts the British model. The Rajya Sabha or the Lok Sabha may each elect the prime minister of India. In Britain, the speaker, once appointed, publicly resigns from his or her political party. The Prime Minister will always come from the lower chamber, the House of

⁹ R Kent Weaver, *Are Parliamentary Systems Better?* The Brookings Review, Summer, 1985, Vol. 3, No. 4 (Summer, 1985), pp. 16-25, Brookings Institution Press, <https://www.jstor.org/stable/20079894>.

Commons. Despite being required to be unbiased during the proceedings, the speaker in India nevertheless belongs to his or her party. India doesn't have the idea of a shadow cabinet. In Britain, the opposition creates a shadow cabinet to examine the government's actions and policies. It also provides substitute programming.

ADVANTAGES OF PARLIAMENTARY SYSTEM

The following are some benefits of the parliamentary system:

- Improved cooperation between the executive and the legislature: Since the executive is a part of the legislature and the majority of lawmakers often support the government, passing legislation and putting them into effect is made easier.
- Prevents authoritarianism: Because the legislature can vote the executive branch of government out through a motion of no confidence, authoritarianism is avoided. Furthermore, power is not centralized like it is under the presidential government.
- Responsive government: The legislators have the power to interrogate the executive branch, address issues of public concern, and exert pressure. The executive's actions are subject to scrutiny by the parliament.
- Representing various groups: Under this arrangement, the parliament provides various national groupings with representation. This is particularly significant for a nation like India.
- Flexibility: The system is flexible because it is simple to replace the PM if necessary. Winston Churchill succeeded Neville Chamberlain as Prime Minister of Great Britain during the Second World War. Contrary to the presidential system, where a president can only be removed at the end of his or her term or in the event of an impeachment or disability.

DISADVANTAGES OF PARLIAMENTARY SYSTEM

The following are some drawbacks of the parliamentary system:

- There is no real division of powers, therefore the legislature is unable to always hold the administration accountable. If the government holds a sizable majority in the house, this is particularly true. Additionally, lawmakers are unable to employ their free will and cast votes in accordance with their beliefs and understanding due to anti-defection laws. They must adhere to the party line.¹⁰
- Unqualified legislators: The system produces lawmakers with the sole goal of joining the executive. They lack the necessary qualifications to pass laws.
- Instability: If there is no clear winner after the elections, there is instability because governments can only last as long as they can demonstrate a majority in the house. Coalition governments typically have a limited lifespan and are highly unstable. As a result, the administration must concentrate on maintaining power rather than worrying about the welfare or state of the populace.
- Ministers: The ruling party should be represented in the executive. As a result, hiring subject-matter specialists is out.
- Delay in making a decision: Because the Council of Ministers has no set term, it frequently delays making significant, long-term policy choices.
- Party politics: In the parliamentary system, where partisan interests drive politicians more than national concerns, party politics are more obvious.

¹⁰ Mahendra P Singh and Douglas V Verney, *Challenges to India's Centralized Parliamentary Federalism*, Publius, Autumn, 2003, Vol. 33, No. 4, Emerging Federal Process in India (Autumn, 2003), pp. 1-20, Oxford University Press, <https://www.jstor.org/stable/3331193>.

- Bureaucratic control: Civil servants hold a lot of influence. They provide the ministers with advice on a variety of issues, and they are not answerable to the legislature.

THE PRESIDENTIAL SYSTEM: AN ANALYSIS WITH THE UNITED STATES

The presidential form of government is a system of government in which the executive branch is not answerable to the legislature. Real executive is the President. Direct or indirect popular vote is used to choose the president. The presidential form of governance predominates in the United States of America. The president is given complete authority under this arrangement. The President is not a Legislative Delegate.¹¹ He is chosen by the populace to serve a set term. A motion for a vote of no confidence cannot be approved by the legislature. He is only subject to impeachment. The ministers are chosen by the president, who holds them accountable. Any minister may be fired by him at any time.

ADVANTAGES OF PRESIDENTIAL SYSTEM

The government is generally stable in this arrangement. The only way to remove the president is through impeachment. Long-term development plans can then be made and carried out as a result. This approach is useful in emergencies because it allows the president to act quickly. He is not required to follow anyone's counsel. There is total power segregation in this arrangement. Therefore, the departments of the executive, legislative, and judicial branches can operate independently of one another.

¹¹ André Mathiot, *Presidential Government in the United States and in France*, *Presidential Studies Quarterly*, SPRING 1988, Vol. 18, No. 2, To Form a More Perfect Union (SPRING 1988), pp. 251-276, Wiley on behalf of the Centre for the Study of the Presidency and Congress, <https://www.jstor.org/stable/40574465>.

DISADVANTAGES OF PRESIDENTIAL SYSTEM

The actual Executive is the Head of the state. Due to their lack of accountability to the legislature, the president and the ministers risk becoming authoritarian and reckless. The Executive and the Legislature occasionally find themselves at odds. The president cannot enact laws when they are needed since the Legislature is not under his control, which hinders his administration.

AMERICAN FEDERALISM: A TRUE NATURE OF PRESIDENTIAL SYSTEM?

The founding fathers of the Constitution of the United States drafted a constitution which is having a democratic nature with a fully federal nation after elaborate discussion and debates. The main reason for this federal structure is that they believe in the separation of powers rather than centralizing the whole powers in one hand.¹² The American Constitution's authors were opposed to the Cabinet system of government for two reasons. First of all, Americans were very drawn to Montesquieu's notion of the Separation of Powers. The notion of popular sovereignty and the theory of limited government had persuaded the writers of the Constitution that separating the three departments of government was necessary to avoid tyranny and absolutism. If liberty was to endure, no one arm of government should have a monopoly on the political direction of power. Second, only after the country's existence was divided into distinct political parties, each with its own programmes and platform, could Cabinet government work.

The framers of the Constitution believed that political parties undermined national unity by causing sharp cleavages, whereas what was needed at the time was for the new nation to be united despite its

¹² Andrew C McLaughlin, *The Background of American Federalism*, The American Political Science Review, May, 1918, Vol. 12, No. 2 (May, 1918), pp. 215-240, American Political Science Association, <https://www.jstor.org/stable/1943600>.

diversity.¹³ As a result, they established an executive branch that is separate from and works in conjunction with the legislative branch; this executive branch is described as "energetic yet dignified," capable of firmly enforcing national laws and should provide stability to the new government. One of the most powerful political positions in the world is the presidency of the United States. With the exception of the Central European tyrants, its ruler has emerged as the most potent head of state in modern history. Except for the requirement that the Senate ratify all appointments he makes and agreements he makes while in office, he is completely free to exercise his authority and serve as president.

His obligation to the electorate is unenforceable as long as his term in office is measured by the calendar. He is solely subject to Senate impeachment. In the performance of his executive duties, the President is assisted by his secretaries, who are now ten in number and are heads of various departments. If found guilty by the Senate, their punishment cannot be greater than removal from office and disqualification from holding and enjoying any office of honor, trust, or profit in the United States. The President's Secretaries serve as his personal assistants only. He appoints them, and he holds them accountable. Each of them is not a representative in Congress and is not answerable to it. Although they are generally referred to as "Cabinet" in popular usage, it is incorrect to refer to them as such.

The President is not permitted to delegate his authority to this body or any of its officers. They only have duties to the President. In the United States, "Cabinet" is merely the President's construct. It is a body that is neither statutory nor constitutional. It merely exists out of custom, and the President is free to do away with it. Currently, the 'cabinet' meets once a week in order to discuss problems on which the President feels he

¹³ Henry P Chandler, *Presidential Government*, American Bar Association Journal, April, 1921, Vol. 7, No. 4 (April, 1921), pp.149-155, American Bar Association, <https://www.jstor.org/stable/25700815>

requires their input. The members of the cabinet then bring any issues from their different ministries that they believe are acceptable for discussion. General conversation and "cabinet" conference. He cannot hold them individually or collectively responsible for the policies and deeds of the federal government, which he is in charge of, in front of the legislature or the nation.

According to Herman Finer the American Presidency has six outstanding characteristics,

- "It is a 'made' executive but it has grown;
- "It is a 'solitary' not a 'collective' executive;
- "It is popularly elected, in practice directly;
- "It is more than an executive;
- "It is separated from Congress;
- "It may be tinkered with, but cannot be reformed."

QUASI FEDERALISM AS A FORM OF GOVERNMENT – AN ANALYSIS

Quasi-federalism means an intermediate form of state between a unitary state and a federation. It combines the features of a federal government and the features of a unitary government. India is regarded as a semi-federal state or a quasi-federal state as described by Prof. K.C. Wheare. The Supreme Court of India also describes it as a federal structure with a strong bias towards the Centre with a strong centralizing power in the hands of the union level of government.¹⁴ The quasi federalism is also known as the semi federal nation which is having a unique blend the characteristics of federalism as well as the unitary form of government. India being considered to be a parliamentary form of government is based on a quasi – federalist governing structure since India is neither follows a pure federal structure as that of the United States nor the pure

¹⁴ S C Gangal, *An Approach to Indian Federalism*, Political Science Quarterly, Vol. 77, No. 2 (Jun., 1962), pp. 248-253, The Academy of Political Science, <https://www.jstor.org/stable/2145873>.

parliamentary form as that of the United Kingdom.

Thus, India is considered to have a blend of the characteristics of the two forms of government. In one way or the other way, we can say that this form of government cannot be considered as a failure because, even after around seventy years after India became a republic, till India is considered to be one of the strongest nations in the world who follows the principles of federalism as well as democracy in its own peculiar way.

CONCLUSION

Every country with a proper governing system will make its own mark among the whole nations that are being existed in this world. The most important and prevalent forms of government in the present world are the parliamentary form of government, the presidential form of government as well as a mixed one with both the characteristics commonly known as the hybrid system of governance. The United States of America is well known for its presidential form of government who follows the principles of federalism and democracy in its true essence and spirit. While we look into the ambit of the governing structure of India, it is a combination of the unitary as well as the federal characteristics and that is the reason it is even being called as a quasi – federal or the semi – federal state who is not purely following the core ideas of this federalism.

India is considered to be the largest democratic nation in the world in terms of population and its structure of governance, that is, the parliamentary form of governance with a democratic nature is well known in the world. Most of the philosophers did not consider and accept India as a pure federal state since even though there are separation of powers in India, it is not evident and distinctive as that of those countries like the United States of America who follows the pure federalist principles.¹⁵ There is encroachment on the laws made by the

¹⁵ A K Ghosal, *Federalism in the Indian Constitution*, The Indian Journal of Political

union level of government with that of the state level governments which will results in the inconsistency among the laws made by both the levels of the government. Even though there are several ambiguities, it is still considered to be one among the nations who is good in its governing schemes.

Thus, the presidential system and parliamentary system of governance cannot be compared with one another but their ideals and nature can be implemented both in federal as well as the semi – federal state since a country who is democratic in nature can easily adopts the principles of federalism and the same can be implemented without any further hardships. The government can be in any form, but through their governance, the common people should need to be uplifted and thus need to achieve the common welfare of the society.