



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS

ISSN

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PRESIDENTIAL SYSTEM OF GOVERNANCE – DOES INDIA NEED IT?

This Research Article Discusses The Suitability Of A Presidential Form Of Government In India.

AUTHORED BY - DHRUV SHRIVASTAVA

Abstract

India's system of democracy is based on the Parliamentary form of government, whereby the Head of the state is different from the Head of the government.

However, from time to time it has been suggested by many experts that India should adopt the Presidential form of government instead of the Parliamentary style of democracy, inherited from the British

This research article will discuss various arguments put up by various experts in favor and against the suitability of a Presidential form of Government in India in this contemporary world and also our opinion on it.

Introduction:

This research paper mainly discusses the form of government of the President and its suitability in India in today's modern world.

Presidential System of Government

In a presidential system, the head of government heads the executive branch separate from parliament. Here, the head of government and the head of state is the same thing. Another key feature of his is that the executive branch is not accountable to Legislature.

Characteristics of the Presidential System;

1. The executive branch (the president) can veto the actions of the legislative branch.
2. The President has a fixed term of office and cannot be removed by a vote of no confidence in Congress.

3. In general, the President has the power to pardon or commute sentences imposed on criminals.
4. The President is elected directly by the people or by the Electoral College. The form of government of the President is based on the principle of separation of powers between the executive and legislative branches. Under this system, the executive branch is independent of legislative control over its policies and actions.
5. "In this system, the head of state is the true executive branch."
6. According to D.V. -The term president was chosen because in this system the offices of the head of government and head of state are merged into the president. Fixed tenure and unified structure. Currently, countries such as the United States, Brazil, Sri Lanka, etc. have presidential governments.

India has a British-style parliamentary government. There were good reasons why the Founding Fathers chose this instead of the presidential system.

In addition to parliamentary and presidential systems, there may also be mixed systems containing features of both systems. The main difference between these systems is the degree of separation of powers between legislative, executive, and judicial. Another important difference between presidential and parliamentary systems is the accountability of the executive branch to the legislative branch.

Presidential System - Brief History

- Presidential political system can be traced back to medieval England, France, and Scotland. where a monarch or crown (king/queen) held executive power rather than imperial lands.
- This influenced the United States constitutionalists to create a directly elected presidential office.
- The word "president" comes from the Latin "praesidens", which means "governor".

Presidential Forms of Government - Features

- True Head of State: In this system, the head of state is the true head of the executive branch.

- **Separation of Powers:** The presidential system of government is based on the idea of separation of powers between the three ministries of government. The executive branch is not accountable to parliament. The legislative branch cannot be dissolved by the executive branch. The judiciary is also separated from the executive and legislative branches.
- **Principle of Checks and Balances:** The three branches of government are separate from each other, but all control and limit abuse of each other's powers and functions.
- **Presidency of the President:** Since all powers of government are in the hands of the President, the President is a senior post.

History

Developments in America-

The presidential system was a British colonial government of the 17th century that has its roots in what is now America. Allowed to rule the Plymouth colony, the Pilgrims established a system of independent administrators. Each year, a governor was elected by the colonial assembly, along with several assistants, similar to a modern cabinet. Later, other law enforcement officers such as police officers and messengers were appointed. At the same time, the British Isles experienced a brief republic as a protectorate¹, during which the Lord Protector served as an administrative leader as well as the president².

The first true presidential system was developed at the 1787 United States Constitutional Convention³. Inspired by previous colonial governments, British common law, and philosophers such as John Locke and Montesquieu, delegated a developed form of government that is now known as the presidential system. James Wilson, in particular, advocated a unified executive image to assume the role of president.

During the 1810s and 1820s, the Spanish colonies in the Americas sought independence, and several new Spanish-speaking governments emerged in Latin America. These countries were

¹ **The Protectorate**, officially the **Commonwealth of England, Scotland and Ireland**, refers to the period from 16 December 1653 to 25 May 1659 during which [England](#), [Wales](#), [Scotland](#), [Ireland](#) and associated territories were joined together in the [Commonwealth of England](#), governed by a [Lord Protector](#).

² Vile, M. J. (1967). The separation of powers. In: Greene, J. P., & Pole, J. R. (Eds.). (2008). *A companion to the American Revolution*, Ch. 87. John Wiley & Sons.

³ Sundquist, James L. (1997). "The U.S. Presidential System as a Model for the World". In Baaklini, Abdo I.; Desfosses, Helen (eds.).

modeled after the United States Constitution, and the presidential system became America's dominant political system. After decades of monarchy, Brazil also introduced a presidential system in 1889. Latin American presidential systems have experienced varying levels of stability, and many have experienced periods of authoritarian rule. Modeled after its other Spanish colonies as the Global System, the Philippines established its first presidential system in Asia in 1898 but fell under American rule as a result of the Spanish-American War. It was after the United States granted independence to the Philippines in 1946, the presidential system was restored.

With the end of World War II, the presidential system was established in the two countries. The United States helped South Korea form a presidential government after ending the Japanese occupation of Korea. However, the early years of the South Korean presidency were marked by authoritarian rule. At the same time, Indonesia declared its independence from the Netherlands in 1945. It was nominally a presidential system, but in reality, it was a dictatorship in which the president controlled all organs of the government.

In 1998 a true presidential system was introduced. The decolonization of the 1950s and the 1960s resulted in a significant expansion of the presidential system. Several new presidential republics were formed in Africa during this period. Cyprus⁴, Maldives, and South Vietnam also adopted presidential systems after decolonization. Pakistan and Bangladesh did as well but changed their systems of government shortly thereafter.

Several other countries introduced presidential systems in the last decades of the 20th century. Iran introduced a modified version of the presidential system after the 1989 constitutional amendment, with the supreme leader acting as head of state and absolute power in the country.

Presidential System Remains Adopted in the 21st Century

Study Objectives

The main objective of this study is to discuss the views of various political thinkers on the suitability of the presidential form of government in India. Also our take on it.

Before that, let us first discuss the advantages and disadvantages of presidential governments and their comparative studies.

⁴ Ker-Lindsay, James (2006). "Presidential Power and Authority in the Republic of Cyprus".

Advantages of the Presidential System of Government;;

- i) **Speed and decisiveness in decision-making;** The presidential system of government guarantees decisive action. This speed of decision-making, therefore, makes it easier for governments to respond to problems, especially in situations where delay in action is dangerous.
- ii) **Presidential discretion in appointments;** The main advantage of the presidential system of government is that the president is free to appoint ministers and other government appointees. Cabinet members may be elected from outside the president's political party, and in this situation, the president is given the freedom to select the best material from any region of the country.
- iii) **Single National Constituency;** The fact that the electorate elects the president from among the people makes the whole country a single constituency for him so that the party cannot control the president except by giving him advice at the convention. He, and not his party or his agent, is solely responsible for his acts and omissions. This puts constant pressure on him to perform because he can't blame anyone.
- iv) **Benefits of separation of powers and checks and balances;** The separation of powers mechanism strengthens the effective exercise of each branch of government in its functioning, while checks and balances allow an inherently autocratic president to be subject to constitutional checks. Combining the two devices clearly improves overall government performance and the ability to optimally deliver services.
- v) **Fixed Duration;** The term of office of the president in the presidential system guarantees the stability of the government and the continuity of politics. A stable government also allows for medium- and long-term planning rather than the instability that characterizes parliamentary government.

Shortcomings of the Presidential System:

- i) **Tendency to dictatorship;** The presidential system is prone to dictatorship and abuse of power and is dangerous to the democratic process. This is because a huge amount of power is concentrated in the presidential office. Presidentialism focuses too much on the personality and capabilities of the president. When that person weakens, it weakens the office and can even threaten the system. The United States presidency, for example, took a long time to recover from the shock that hit the office of the

Watergate scandal⁵, which was the result of a temporary but serious indiscretion by President Richard Nixon. The president's authoritarian tendencies can also be attributed to the circuitous process required before initiating impeachment proceedings against a sitting president.

- ii) **Friction between Agencies;** Separation of powers can cause delays in the implementation of government programs, especially in situations where executive and legislative relationships are poorly managed. In developing democracies in developing countries, the problem is exacerbated when different political parties control the executive and legislative branches. Complete separation of powers often hinders the smooth functioning of government. Especially when attempts by one agency to moderate the activities of the other through mechanisms of checks and balances have been resisted.
- iii) **Lack of flexibility in terms of office;** The operation of the presidential system has been criticised for being too rigid and not amenable to changing circumstances. For example in the United States during World War II all the scheduled elections under the stipulated electoral calendar were held since the system did not allow for any flexibility in form of postponement.
- iv) **Very Expensive to Operate;** Another disadvantage of the Presidential system is that it is very expensive to run

Comparison of Presidential and Parliamentary Systems

A tabulated comparison of Presidential and Parliamentary systems has been discussed below:

Basis	Parliamentary	Presidential
Executive	Dual	Single
Accountability	Executive accountable to legislature	Executive not accountable to legislature

⁵ The **Watergate scandal** was a major [political scandal in the United States](#) involving the administration of President [Richard Nixon](#) from 1972 to 1974 that led to [Nixon's resignation](#).

Ministers	Only from among MPs	People outside the legislature can be appointed
Dissolution of lower house	PM can dissolve before the expiry of the term	President cannot dissolve
Tenure	Not fixed	Fixed

Let's discuss some of the arguments by experts such as Raju Ramachandran (Senior Lawyer, Supreme Court of India), Shashi Tharoor (Member of Parliament, Author, Former UN Staff), Upendra Baxi (Law Scholar, Former Vice Chancellor, University of Delhi) in favor of the Indian presidential system.

Stability:

- There is always the possibility of the president exercising more power at the expense of legislature, but less concern about the stability of the presidential system.
- By contrast, a parliamentary system can take forever to form and can collapse at any moment. They are notorious for being unstable all over the world.
- India tried to address the issue of instability by passing the Anti-Defects Act. However, this resulted in the MPs and MLAs becoming mere servants of party leaders.

Democrats:

- The US model is decentralized, with the chief executive is directly elected by the people. This allows for local expression and true autonomy.
- The parliamentary system, on the other hand, is unitary in nature, with a central government in control of the country as a whole.
- A parliamentary government is ruled by a majority, so a sectarian government can formalize parliamentary debate.
- In a presidential system, by contrast, all legislators can introduce legislation and form coalitions.

- The parliamentary federation only shares executive power with the majority ruler. However, the presidential system allows for the division of power among all citizens through the direct election of the president.

Dictatorship Likely:

Dictatorship likely impossible in the US Model. Because the structure itself prevents it.

The reason is as follows:-

- States in the United States are not governed by a federal government like they are in India
- Both governors and legislatures of each state are directly elected by the people
- Legislative bodies are truly independent. A single party controls the president and Congress, and the midterm elections address the issue.
- Thus, in more than 200 years of American history, no president has been able to rule dictatorially.
- But in India, where the parliamentary system is essentially unified and power centralized, India has had at least two prime ministers who have acted like dictators.

Inclusiveness:

- The US political system is better suited to integrate a diverse society.
- A parliamentary system essentially creates a majority government. This allows the creation of sectarian governments that seize power by appeasing either the majority or minority.
- Decentralized governance pursued in the US addresses the national majority trend.
- Power sharing limits the power of the majority over the government.

More Governance:

- Indian parliamentarians are overly dependent on the legislative majority, thus focusing more on politics than policy and performance.
- As seen in the US, a directly elected leader of the central government ensures that there is no change in stance on coalition support policies.
- The presidential system defines the president's term of office. This ensures government stability and enables medium- and long-term planning.

- Unlike parliamentary governments, which can hold new elections if a no-confidence motion is introduced.
- The presidential system also allows for swift and decisive action. This is especially important when delays are dangerous.
- The system also allows the president to appoint cabinet ministers and other senior government officials from outside the party. This allows the government to become more professional-oriented.

Responsibilities of Individual Ministers:

- The parliamentary system allows inactive ministers to place themselves under the concept of joint responsibility.
- A presidential system makes it easy to remove and dismiss ineffective ministers.
- A minister's dismissal does not affect other ministers and destabilizes the government.

Beyond Party Politics:

- In a parliamentary system, the prime minister is forced to consider all issues at the dictates of the party rather than openly.
- This is unlike a presidential system, where the president can see things outside the prism of party affiliation.

What are the arguments against the presidential system of government?

Confusion in long-term planning:

- The change of acting president has resulted in large-scale hiring of high-ranking officials.
- There is confusion in the continuity and stability of administration.

Continued Representation of Interests Impossible:

- A parliamentary democracy provides built-in mechanisms for power sharing by coalition governments.
- Coalition expresses various interests more effectively and consistently.
- This is not possible in a presidential administration.

Rigid:

- Fixed presidential terms should be stricter.
- The president can only be removed from office through a cumbersome impeachment process.
- The President is the representative of the whole country.
- If his character is compromised, the whole country will be affected.
- The parliamentary system, on the other hand, does not undermine the nation's general reputation through the presence of a ceremonial chief, but protects it from malicious incompetent spirits through a motion of no confidence.

Expensive:

- Presidential systems are expensive to operate.
- The parliamentary system is considered cost-effective as the prime minister and other ministers who make up the country's cabinet are elected by elected parliamentarians.
- In the presidential system, on the other hand, elected representatives must resign before being appointed ministers.
- The presidential system also provides the president with large amounts of public money without legislative scrutiny or public financial scrutiny.
- This creates opportunities for lack of fiscal discipline and corruption of all kinds. From both sides, governance can become a stalemate. Both the president and Congress have democratic legitimacy.

Less democratic:

- The presidential system allows the president to appoint outside talent.
- Outside talent brought in by the president is not an elected representative.
- This discourages outsiders from giving independent advice to the Chief Executive.
- It is also unrealistic to assume that the president will choose a cabinet based primarily on his merits.
- It is not democratic to let the president choose the cabinet.
- The parliamentary system addresses these issues by allowing outside talent to be brought in for post-inaugural elections.

Can India have a presidential government?

- The Constitution of India provides for a parliamentary government.
- Therefore, a constitutional amendment is required to move to a presidential system.
- In the Kesavananda Bharati case of 1973, the Supreme Court established principles of basic structure doctrine.
- According to this doctrine, parliament cannot amend the core/basic feature of the Constitution while exercising its power to amend.
- The Court did not examine whether India's parliamentary form of government constitutes a “basic element” of the Constitution.
- However, in its subsequent decisions, the Supreme Court made a clear ruling that the parliamentary system of government is a fundamental feature of the Constitution and therefore cannot be changed.

What can be the way forward?

- The causes of the political slump in India are manifold and not limited to any particular form of government.
- Moreover, India's problems are not due to its parliamentary system, but to its political culture.

Research Methodology

According to the topic/subject of this article first, we researched what the Presidential system is all about and its advantages and disadvantages, then we compared Presidential System with the Parliamentary system of government, then we studied different views of experts in favor and against the presidential system.

Our Thoughts / Views regarding the suitability of presidential system of government in India-;

This discussion is academic. A transition to a presidential system is not possible under the current constitutional system, due to the principle of "basic structure" proposed by the Supreme Court in 1973. The Constituent Assembly considered both British and American models and Dr. B.R. Ambedkar considered its strengths and weaknesses.

To change an informed decision made by the Constituent Assembly would violate the "basic structure" of the Constitution.

We must make clear that we have criticized the "basic structure" doctrine.

Concerns about Abuse of Power:

Presidential systems centralize power in one person, as opposed to parliamentary systems, where the Prime Minister heads on an equal footing. As in a presidential system, subordination to individual authority is dangerous for democracy. Excessive concentration of power in individuals is something we must guard against. Proponents of presidential systems often claim that they have safeguards and controls in place. However, if the legislature is ruled by the same party as the president, a charismatic president or "strong president" can block any move by the legislature. On the other hand, if the legislature is dominated by a party that opposes the president's party and decides to checkmate him, it could lead to a governance impasse, as both the president and the legislature have democratic legitimacy. A Diverse Country Like India Can't Work Without Consensus Building.

I think arguments have their own lifecycle. Whenever there has been a supermajority government, it has been brought up and discussed. From Jawaharlal Nehru to Indira Gandhi, the presidency has been widely discussed on two sides-is it desirable, and second, is it feasible?

To address the second aspect first, unless the Supreme Court changes its mind, such a change would violate the constitutional "basic structure" determined after Kesavnanda Bharti. There is no way around this unless the Supreme Court now presents a very different view.

Reform of Process:

Meanwhile, ideas are circulating to reform the electoral process to make democracy stronger. Discussed that major loopholes in the electoral process have been closed, from restricting political party spending to limit spending, conducting simultaneous elections, and declaring results for combinations of polling stations rather than constituencies. The present parliamentary system has stood the test of almost 70 years. Instead of changing the system, let's reform it from the ground up and clean up the electoral process.

Conclusion/Discussion;

Thus, the Presidential form of Government prevails as one of the best ways of Government in Democratic nations like the United States. Whatever form of Government, its purpose should be the welfare of the people of the country.

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