



## Study of Presidential versus Parliamentary democracy

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### Abstract

Parliamentary and presidential democracies are two types of representational democracies. Presidents lead an executive branch independent of the legislative branch in a presidential system, “whereas a parliamentary system, or parliamentary democracy, is a form of democratic administration in which the executive gains political legitimacy by commanding the support of the legislative, usually a parliament, to which it is accountable.

**Keywords:** Presidentialism, Parliamentarism/parliamentary, Governance, Development, Separation of powers

### Introduction

Today, many nations throughout the globe are governed by formal institutions. In the modern world, the role of government is far broader than only maintaining law and order and defending the nation against invasion. The government has evolved into a welfare state, which is concerned with the well-being of its residents as well as the advancement of the nation as a whole. Regardless of the scope of these activities and tasks, a nation must create some fundamental organs or agents or instruments that work on its behalf and through which the state may function and operate in order to be able to carry them out.

The tasks that these actors must do need some type of authority, sanction, or legislation. This necessitates constitutional legislation or a constitution that outlines the roles, responsibilities, and organisational structure of the many governmental agencies. Many nations' constitutions take on a variety of shapes. It is becoming more common for nations throughout the globe to have a written constitution. Governments with a monarchy as their head of government, democratic countries with elected leaders, and authoritarian ones all have constitutions. Parliamentary and Presidential systems are the most common kinds of democracy.

### Presidential System

Directly elected, and not accountable to, the legislative branch, are two of the characteristics of a presidential system. Like under the parliamentary system, the executive is not accountable to the legislative body. It is legally mandated that the legislative, executive, and judicial branches of the government operate independently of each other. The President is in charge of



implementing the laws of the land. This system is based on the United States, which is a superb example of it. Legislative supremacy is rejected under this system, which is intended for nations with a republican form of government rather than monarchies. Every two years, the legislature has elections, but the President is up for re-election every four years under the Presidential system of government.

**features of the Presidential system are:**

- **Executive can veto acts of the legislature**

A President serves as the chief executive in this system, and he or she has the power to veto legislation passed by Congress (legislature). Presidents are given the ability to veto any legislation that they deem unconstitutional. Congressional bills must be delivered to President Obama for his signature before they become law, according to Article 1, Section 7, Clause 2, Section 7. Alternatively, he might object to it and request a re-examination in the Senate. If the bill is approved by two-thirds of the house after it has been reexamined by both chambers, it becomes law.

- **President has a fixed tenure**

In a presidential government, the President serves a predetermined term of office. Passing a no-confidence motion or other parliamentary processes can't stop elections from being conducted on a regular basis. There are a few nations where the President may be removed from office if he breaks the law. There is a two-term restriction on the presidency under the 22nd Amendment Act of the US Constitution in the United States, which is four years in length. Presidents are permitted to serve an extra two years if they take office after the death or resignation or removal of the preceding President. This is referred to as the order of succession.

- **President holds quasi-judicial powers**

As a rule, quasi-judicial powers may hold hearings and conduct investigations into contested claims and allegations of rule or regulation violation, as well as make decisions in the general fashion of courts and quasi-judicial bodies. It is the President's responsibility to pardon and reduce court penalties.

**Merits of Presidential System**

- **Separation of powers:** Because the three branches of government are independent of each other, administration is more efficient.



- **Expert government:** Presidents don't have to be lawmakers, therefore they may choose subject matter experts to lead different agencies and ministries. As a result, the government will be staffed with individuals who are skilled and informed.
- **Stability:** This kind of governance is dependable. There's no reason for President Obama to be concerned about losing power since his term is set in stone and does not depend on parliamentary approval. In the event of a rapid government collapse, there is no threat. The president is not under any kind of time constraint to act.
- **Less influence of the party system:** There is no effort by political parties to overthrow the administration because of the set term.

### **Demerits of Presidential System**

**Less responsible executive:** Due to the lack of a legislative branch, the head of the government might become dictatorial.

**Deadlocks between executive and legislature:** A common source of friction between the executive and legislative branches is the absence of the president's political party in Congress, which is made possible by the country's more rigid division of powers. As a result of the resulting time loss, efficiency may suffer.

**Rigid government:** Rigidity is commonly levelled against presidents and presidential regimes. It's not very adaptable.

**Spoils system:** The president has wide-ranging powers of patronage under the system. From here, he has complete control over the hiring process. Those who are connected to the president (family members, business connections, etc.) are given positions in the government as a result of this spoils system.

### **Parliamentary system**

England devised the parliamentary system, which India adopted with various modifications. A system where the executive's political legitimacy is derived from the legislature's trust and accountability to the legislature is known as a parliamentary system or parliamentary democracy. The head of the state is distinct from the head of the government, which is a different entity. With 32 sovereign nations, Europe has a parliamentary system of governance. Westminster is the name given to the UK's parliamentary system. In the Caribbean and Oceania, it is also the most common language spoken. Two types of countries with parliamentary democracies exist: constitutional monarchy and republics with a senate. Constitutional monarchies have a monarch as head of state, and a parliament, with or without



a constitution, as head of government. In the UK, Sweden, Japan, and Denmark, this approach is widely used. The alternative kind of government is a parliamentary republic, in which the head of state is generally a ceremonial president and the legislature is the head of the executive branch of government (Like India, Ireland, Germany, and Italy).

In parliamentary republics like South Africa, Botswana, and Suriname, the head of government is also the state's chief executive, but parliament elects and holds them responsible. Government heads in nations with a two-chamber system are often members of the lower chamber.

**Key features of the Parliamentary System are as follows:**

**The close relation between executive and legislature**

- The Prime Minister and the Council of Ministers comprise the executive under a Parliamentary system of government. Because they were elected as members of Parliament, they became the executive branch of government. Members of Parliament are the only ones who may serve as members of the executive. Like the presidential system of government, there is no clear line between the executive and legislative branches. The executive and legislative branches of government are so intertwined under a parliamentary system that it may be difficult to distinguish between them at times.

- **The executive is responsible to the legislature**

When it comes to presidential and parliamentary systems, the executive branch is held accountable to parliament. Members of the Council of Ministers and the Prime Minister are held individually and collectively accountable before the Lok Sabha and the President of India. Executive authority is lost when the Lok Sabha loses faith in the executive. Legislation is enacted by the legislature and then implemented by the executive branch, a process known as delegated legislation.

- **Secrecy of the procedure**

Cabinet meetings and debates must be kept confidential as a condition of this type of administration. They even vow to uphold trust and confidentiality in their oath of office, as stipulated in the constitution's Article 75. Article 74(2) of the Constitution allows any Indian court to look into the advice offered by the Council of Ministers, even if the advice is kept confidential.

- **Dual executive**



The country of India has a dual executive, which implies that it has both a real and a nominal head of state. The president or king is the formal head of state, while the Prime Minister, as head of government, has actual power. Although several laws and the constitution provide the President the authority to use all of these rights, in reality, the Prime Minister and the Council of Ministers are the ones who really get to use them. India's President relies on advice and support from the Council of Ministers. Even though the president has the option of returning a recommendation for a second opinion, he is obligated to accept a proposal that is delivered to him unchanged. As a result, the President is forced to follow the ministers' recommendations and perform their duties accordingly.

- **The leadership of Prime Minister**

The Prime Minister is the head of state under a parliamentary system of government. He is the party's leader in the Lok Sabha, where he has a majority. Additionally, he serves as head of state and is chosen in universal adult franchise elections.

- **No fixed tenure**

The length of a government's tenure isn't predetermined in a parliament. Confidence in the House of Representatives is essential to their success. There is no government in place if any member of the Council of Ministers steps out or the governing party fails to demonstrate its support for the House of Representatives. Afterwards, a fresh election will be held, and whomever has the most Lok Sabha members will form the government. Elections are conducted every five years in most countries, although this isn't always the case.

- **Bicameral Legislature**

Camera refers to a chamber, while Bi denotes two. So, a Bicameral Legislature is one that has two houses of Congress or the Supreme Court. There is a tendency for one of the houses to be more strong than the other. Bicameralism is a common practise in many parliamentary democracies.

The central government of India is divided into two chambers, the Rajya Sabha and the Lok Sabha, which meet to debate and discuss important national policies, legislation, and concerns. Vidhan Sabha (State Legislative Assemblies) and Vidhan Parishad (State Legislative Councils) serve similar functions at the state level (State Legislative Council). Not all states in India have their own legislative council, since some claim that the State Council performs fewer tasks and has a negative impact on the state's budget, unlike the Rajya Sabha. Legislative councils have



been established in just six states in India as of December 2019, and they are located in Andhra Pradesh, Bihar, Maharashtra, Uttar Pradesh, and Karnataka.

### **Merits of Parliamentary System**

**Better coordination between the executive and the legislature:** Having the executive as part of the legislature makes it simpler to enact and execute legislation, as most of the legislature is in favour of the government.

**Prevents authoritarianism:** There is no authoritarianism since the executive is accountable to the legislature and may be voted out in a motion of no confidence. Like the presidency, there is no one point of authority.

**Responsible government:** Members of Congress have the power to hold the government accountable by asking questions, holding hearings on important issues, and otherwise exerting influence. Legislative bodies have oversight over executive branch actions and inactions.

**Representing diverse groups:** The parliament under this system provides a voice for a wide range of people in the nation. In the case of a nation like India, this is critical.

**Flexibility:** The system is flexible since the PM may be readily replaced if necessary. Winston Churchill succeeded Neville Chamberlain as Prime Minister of the United Kingdom during World War II. When a president is impeached or becomes incapacitated, they can only be replaced after the full term.

### **Demerits of Parliamentary System**

**No separation of powers:** Legislators are unable to hold the executive branch accountable because of the lack of a true separation of powers. Having a large majority in the house makes this more likely. Legislators are also unable to use their right to free speech and vote according to their own convictions due of anti-defection measures. There's no choice but to obey the party's diktats.

**Unqualified legislators:** The system develops politicians who solely intend to serve in the executive branch of the government.. Legislators are typically incompetent to do their job.

**Instability:** If there isn't a single dominant party in power after the elections, the political landscape becomes unstable since administrations can only last as long as they can demonstrate a majority in the house. Governments formed by coalitions are prone to instability and short tenure. Executives are forced to concentrate on their own survival rather than on the well-being of the people because of this.



**Ministers:** Executives should be members of the governing party. As a result, industry specialists will not be hired to do the task.

**Failure to take a prompt decision:** Taking significant and long-term policy choices is difficult for the Council of Ministers since it has no set tenure.

**Party politics:** Parliamentary systems are more prone to the influence of party politics than other forms of government.

**Control by the bureaucracy:** Civil servants have considerable authority. They provide guidance to ministers on a variety of issues and are exempt from legislative oversight.

### **Conclusion**

There are advantages and disadvantages to any system, regardless of whether it is a presidential or parliamentary one. Choosing the system that works best for a nation is up to the administration in charge. Because every nation is unique in terms of its geography, demographics, and culture, it's critical to figure out what it requires. When we look at the big picture, we can see that there are mostly two types. With some modifications, many countries around the world have selected one of the options". New fashions and practises emerge all the time. While many nations have transitioned from democratic rule to monarchy, India's 72-year independence has allowed it to remain a democratic country with a republican president and a solid constitution. One of the world's most significant democracies, it has a population of about 150 million people.

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