

TYPES OF GOVERNMENT

INTRODUCTION

The government and the political systems in the world basically takes either of the two forms, parliamentary or presidential. Furthermore, the political structure could be unitary or federal. For instance, India has adopted the parliamentary system of government.

The president in India is only a symbolic head as the president has no function to discharge authority.

On the other hand, the American president is the real head of the executive who is elected by the people for a fixed term. Parliamentary system in the UK is the oldest system of democratic government in modern times. Parliament in the UK is the most

powerful political institution. The British Parliament consists of two Houses—the House of Lords (Upper House) and the House of Commons (Lower House); the former being essentially hereditary and the latter being the representative of the people.

The president of the United States of America is one of the greatest political offices of the world. The president is the chief executive head of the state as well as the head of the administration.

In this unit, you will study the parliamentary and presidential, and the unitary and federal forms of government.

PARLIAMENTARY GOVERNMENT

In a parliamentary form of government, the tenure of office of the virtual executive is dependent on the will of the legislature; in a presidential form of government the tenure of office of the executive is independent of the will of the legislature (Leacock). Thus, in the presidential form, of which the model is the United States, the president is the real head of the executive who is elected by the people for a fixed term. The president is independent of the legislature as regards his tenure and is not responsible to the legislature for his/her acts. He, of

course, acts with the advice of ministers, but they are appointed by him as his counsellors and are responsible to him and not to the legislature for his/her acts.

Under the parliamentary system represented by England, on the other hand, the head of the executive (the crown) is a mere titular head, and the virtual executive power is wielded by the cabinet, a body formed of the members of the legislature, which is

responsible to the popular house of the legislature for its office and actions.

Being a republic, India could not have a hereditary monarch. So, an elected president is at the head of the executive power in India. The tenure of his office is for a fixed term of years as of the American president. He also resembles the American president in as much as he is removable by the legislature under the special quasi-judicial procedure of impeachment.

But, on the other hand, he is more akin to the English king than the American president in so far as he has no 'functions' to discharge, on his own authority.

All the powers and 'functions' [Article 74 (1)] that are vested by the constitution in the president are to be exercised on the advice of the ministers responsible to the legislature as in England. While the so-called cabinet of the American president is responsible to himself

and not to the Congress, the council of ministers of the Indian president is responsible to the Parliament.

The reason why the framers of the constitution discarded the American model after providing for the election of the president of the republic by an electoral college formed of members of the legislatures, not only of the Union but also of the states, has

thus been explained. In combining stability with responsibility, they gave more importance to the latter and preferred the system of 'daily assessment of responsibility' to the theory of 'periodic assessment' upon which the American system is founded. Under the American system, conflicts are bound to occur between the executive, the legislature and the judiciary. On the other hand, according to many modern American writers, the absence of coordination between the legislature and the executive is a source of weakness of the American political system.

What was wanted in India on her attaining freedom from one and a half century of bondage is a smooth form of government which would be conducive to the manifold

development of the country without the least friction. To this end, the cabinet or parliamentary system of government was considered to be more suitable than the presidential.

A more debatable question that has been raised is whether the constitution obliges the president to act only on the advice of the council of ministers, on every matter.

The controversy, on this question, was raised by a speech delivered by the President Dr Rajendra Prasad at a ceremony of the Indian Law Institute (28 November 1960) where he urged for a study of the relationship between the president and the council of ministers. He observed that, ' there is no provision in the constitution which in so many words lay down that the president shall be bound to act in accordance with the advice of his council of ministers.'

The above observation came in contrast with the words of Dr Rajendra Prasad himself with which he, as the president of the Constituent Assembly, summed up the relevant provision of the Draft Constitution:

Although there is no specific provision in the Constitution itself making it binding on the President to accept the advice of his ministers, it is hoped that the convention under which in England the King always acted on the advice of his ministers

would be established in this country also and the president would become a constitutional president in all matters.

Politicians and scholars, naturally, took sides on this issue, advancing different provisions of the constitution to demonstrate that the ' president under our constitution is not a figure-head' (Munshi) or that he was a mere constitutional head similar to the English Crown.