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Presidential Form of Government

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This article is based on **“Case for presidential system”** which was published in The Indian Express on 25/07/2020. It talks about the viability of the presidential form of government in India.

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

These suggestions have been given in the backdrop of frequent elections and related administrative as well as financial burden owned by India. In this context, it is a good time to evaluate the suitability of the Presidential system of Government for India.

Issues Related To The Parliamentary System

- **Lack of Specialists in Cabinet:** Parliamentary system limits executive posts to those who are elected rather than to those who are talented.
 - The prime minister cannot appoint a cabinet of his choice and sometimes he has to cater to the wishes of the political leaders of coalition parties.
- **Prevalence of Defections and Horse-trading:** The **Anti-defection Act of 1985** has not been very successful to cure the menace of defections.
 - In present times, the politics of defection has shifted to getting enough MLAs to resign to topple a government, while promising them offices when they win the subsequent by-elections.
 - This has reduced the parliamentary form of government from being democracy of people to democracy of numbers.

- **Suppression of Representative Democracy:** Most laws are drafted by the executive and parliamentary input into their formulation and passage is minimal, with many bills being passed after barely a few minutes of debate.
 - Also, the ruling party inevitably issues a whip to its members in order to ensure unimpeded passage of a bill, and since defiance of a whip itself attracts disqualification, MPs blindly vote as their party directs.
 - This undermines the basis of parliamentary democracy.
- **Politics of Disruption:** In India's Parliament, many opposition members feel that the best way to show the strength of their feelings is to disrupt law-making rather than debate the law.

In present times, Parliament or Assembly serves not as a solemn deliberative body, as those parties who do not get into government use legislature as theatre for the demonstration of their power to disrupt.
- **Focusing Politics rather than Policy:** For 25 years till 2014, our system has also produced coalition governments which have been obliged to focus more on politics than on policy or performance.

Parliamentary form of government sometimes promotes a system of democracy where leaders don't focus on governance rather staying in power.

Case: In Favour of Presidential System For India

- **Applying Separation of Power Doctrine:** In present times, due to the rubber-stamp majority in the Lok Sabha, Indian parliamentary system is running in a presidential style.
 - This undermines checks and balances as the legislature cannot truly hold the executive accountable since the government wields the majority in the House.
 - This paves way for an unfettered executive with an automatic parliamentary majority. Thus, the presidential system will provide check and balance by establishing an independent legislature.
- **Swift Decision Making:** Current economic and political challenges faced by India require a political arrangement that permits decisive action.
 - This can be provided by the presidential system of government.
 - Also, since the directly elected President will not have coalition partners to blame for his or her inaction, a presidential term will have to be justified in terms of results, and accountability will be direct and personal.
- **Dictatorship of Cabinet:** Emergency rule in 1975, showed that even a parliamentary system can be distorted to permit autocratic rule.

Thus, fear of dictatorship linked to the presidential form of government is baseless, as dictatorship is not the result of a particular type of governmental system.

- **Leveraging Multi-party System:** Presidential system in India, instead of facing a monolithic opposition, would have the opportunity to build issue-based coalitions on different issues, mobilising different temporary alliances of different smaller parties from one policy to the next.

This is opposite of the dictatorial steamroller some fear a presidential system could produce.

Case: Against Presidential Form of Government In India

- **Risk of Dictatorship:** A presidential system centralises power in one individual unlike the parliamentary system, where the Prime Minister is the first among equals.
 - The surrender to the authority of one individual, as in the presidential system, is dangerous for democracy.
 - Thus, the serious objection advanced by many constitutional experts is that the presidential system carries with it the risk of dictatorship.
- **Against Basic Structure of Constitution:** A switchover to the presidential system is not possible under our present constitutional scheme as the parliamentary form of government is part of the ‘basic structure’ doctrine propounded by the Supreme Court.
- **Affecting Pluralism:** A diverse country like India cannot function without consensus-building.

The “winner takes it all” approach, which is a necessary consequence of the presidential system, is likely to lead to a situation where the views of an individual can ride roughshod over the interests of different segments.
- **Issue of Governance:** If the legislature is dominated by the same party to which the President belongs, a charismatic President or a “strong President” may allow any move from the legislature.

On the other hand, if the legislature is dominated by a party opposed to the President’s party and decides to checkmate him, it could lead to a stalemate in governance because both the President and the legislature would have democratic legitimacy.
- **Flawed Argument related to Outside Talent:** The argument against the parliamentary form of government, that it excludes outside talent is flawed.
 - As, there are many cases of specialist people like C.D. Deshmukh, Former Prime Minister Manmohan Singh were brought into the parliamentary system.
 - On the other hand, bringing ‘outside’ talent in a presidential system without people being democratically elected would deter people from giving independent advice to the chief executive because they owe their appointment to him/her.

Conclusion

The present parliamentary system has been tried and tested for nearly 70 years. Rather than change the system, there is a need to reform thoroughly & cleanse the electoral processes and make Indian democracy more robust.

In this context, reforms ranging from limiting expenditure of political parties and deciding the ceiling on the expenditure, to holding simultaneous elections are steps in the right direction.

DIRECT DEMOCRACY

VERSUS

REPRESENTATIVE DEMOCRACY

| DIRECT DEMOCRACY | REPRESENTATIVE DEMOCRACY |
|---|--|
| Direct democracy is a form of democracy where all laws and policies are created by a general vote of society | Representative democracy is a form of democracy where citizens vote on representatives to create laws and policy on behalf of them |
| There are no intermediaries; the vote of the citizens directly determine all laws and policies of governments | People elect representatives to create and amend laws and policies on their behalf |
| More direct and transparent | Less transparent |
| May be less efficient | Comparatively more efficient |
| Ex: Ancient Athens and Switzerland | Ex: the United States, the United Kingdom, France and India |

Drishti Mains Question

Discuss the viability of switching from parliamentary form of government to presidential form in India.