

PARLIAMENTARY FORM OF GOVERNMENT

Parliaments are common over the whole of the civilized world. English parliament is the Mother of all Parliaments. The parliamentary system of government, which is also known as the Cabinet Government, is based on close relationship between the executive and legislature. The executive is accountable to the legislature and stays in office inly as long as it enjoys the confidence of legislature. Under parliamentary system of government there are two types of executives- nominal and real. The real executive is accountable to the legislature and when later passes a vote of confidence against it has to render its resignation or seek the dissolution of the legislature

What is Parliament?

Parliamentary Government has been defined as “Government by talk” or more precisely, “control of Government by talk”. The word “Parle” is a French word and it means “Talk”. Parliament is often described as a mere “Talking shop”. Though this description is used opprobrious, that is what the word ‘Parliament’ means and largely it describes the actual institutions. It is a place where people talk about the affairs of the nation. In the U.K. the Parliament consists of the King, the House of Lords and the House of Commons. All three functionaries join together to complete the actions of Parliament. Both the Houses are in fact two different institutions having different characteristics and different functions.

The earliest document in which the word Parliament is found is the 11th century “Chanson de Roland”, where it is used simply to refer to a conversation between two persons. However, the word soon acquired a derivative meaning that of an Assembly of persons in which discussions took place. Contemporaries referred to the meeting at Runnymede as the ‘Parliament’ in which King John “gave his charter to the barons. By 1258 ‘Parliament’ had evidently began to acquire a special meaning. In June of the same year, one of the reforms demanded by the barons at Oxford was three ‘Parliaments’ a year to treat the business of the King and the Kingdom. Therefore, it is clear that the essence of Parliament is discussion and when the word was first applied to the great Councils of the English Kings it was with a view to emphasizes its deliberative function.

The Origin of Parliament:

The origin of Parliament may be traced to two ideas and both these ideas are of great antiquity.

The first is that the King, always sought the advice of a council of the wisest and the most experienced of his subjects.

The second idea is that of representation. Feeling his way toward an ideal of self-government man has invented various Assembly and Parliament, at many different periods and in many different countries. The Norman Kings held their courts in different Parliaments of the country and summoned therein the prominent members of the Church, big Landlords and Knights for discussion on national affairs. They were not the representatives of the people in the sense in which today we understand the word 'representative'. It took eight centuries to transform Parliament into a governing body resting on the suffrage of all adult persons in the country. Earlier its form was very different from what it is today. The origin of Parliament can be traced to the Witanegemot and the Great Council. In 1295, Edward I summoned the ideal Parliament to which attention of the King was drawn to sanction funds for public cause and before which problems of the people were placed. The British King was not empowered to impose taxes without the approval of the Parliament. In a bloodless revolution in 1688, Parliament attained supremacy. But the Parliament was not democratic in character due to its limited franchise. With the passage of time persons of young age were given the right to vote.

The Theory of parliamentary system

There are four things involved in the system of parliamentary democracy.

First is the Parliament of elected representative candidates. The second is a system of Parties, each reflecting some general trend of thought pervading all the society-which will submit to the electorate a number of candidates for its choice and the programme of policy for which the candidates stand. A system of parties is a necessary part of any system of representation. Granted an organised electorate and a system of national parties, the third characteristic is a cabinet that guides the parliament, and yet at the same time is itself guided by the parliament. The adjustment of the whole machinery of the representative system of government is very fine and delicate. The last and the foremost characteristic is the idea of representation. Each of the above four concepts has to fit into the other three, each has to play its part and to be content with its part. But practically it is not the easy thing for any of the four to be so content. Every human institution tends naturally to institutionalism. It exaggerates itself. The problem of human government is a problem which can never be solved absolutely. There are certain requisites for this system to be successful. It is said that an ounce of practice is worth a pound of theory. Factionalism or irreconcilable conflict of parties is the one of the saddest defects of a parliamentary system, for the party system is perhaps the most difficult of all the elements. The great merit of the parliamentary system is that it provides a constant training ground for the statesmen, with an arena of peaceful competition in which they can test and measure their powers before a watching and judging world.

Chief Characteristics of Parliamentary System

In the parliamentary system the chief executive of the state (Prime Minister) is not elected directly by the people, but he is normally the leader of the majority party in the Parliament. He chooses his own Cabinet which again, normally should be out of the Parliament only. The entire Cabinet is accountable to the Parliament and as soon as it loses confidence of the Parliament, it has to resign from the office. As against this, in the Presidential system, the chief executive i.e. the President is elected directly by the people for a fixed term and he chooses his own ministers (called 'secretaries' in the U.S.). Neither the President nor the Secretaries are accountable to the Parliament i.e. Congress.

1. In a Parliamentary system powers are centered in the Parliament, The Legislature takes the responsibility of government.
2. The executive is divided in two parts- Head of the state i.e. Monarch or the President, and the head of the Government i.e. Prime Minister. The former, is the titular head and the latter is the real executive head. Relationship between the two has been regulated in India by the law of Constitution while in England it is left to the operation of flexible conventions.
3. The head of the State appoints the head of the Government. In case of Majority Parliamentarianism, the President or the crown has no option but in minority Parliamentarianism the President or the crown may enjoy prerogative in this matter.
4. The head of the Government has full say in appointment of his Ministry. Ministers are formally appointed by the crown but Prime Minister alone is responsible for the composition of the Ministry.
5. The Ministerial responsibility is collective. It indicates both the cause and the effect of the cabinet solidarity. The Government can remain in office as long as it enjoys the confidence of popular house.
6. Collegiate Nature of the executive indicates that a decision making process has been shifted to a collective body.
7. Ministers are usually members of the Parliament.
8. The head of the Government may advise the head of the State to dissolve the Parliament.
9. There is a mutual dependence between the government and the parliament.
10. The government as a whole is only indirectly responsible to the electorate.
11. Though the ultimate power to control and supervise the executive rests with the Parliament, in practice, it is the Prime Minister who has become all powerful.
12. This system does not represent truly the principle of separation of powers. There is no separation of personnel between the executive and the legislature.

The presidential system is a form of government in which the president is the chief executive and is elected directly by the people. In this system all three branches – executive, legislative, and judiciary – are constitutionally independent of each other, and no branch can dismiss or dissolve any other. The president is responsible for enforcing laws, the legislature for making them, and the courts for judging. Each is given specific powers to check and balance the others. It operates on the principle of separation of powers and the legislative and executive are independent of each other. The executive head of the state enjoys real executive powers. He is neither the member of legislature nor accountable to it for its actions and policies. The continuance of the executive head in the office does not depend on the sweet-will of the legislature. He holds office for a fixed term and can be removed from his office before the expiry of his normal term only through the cumbersome process of impeachment.

This system was invented by America's founders to provide an alternative to the parliamentary form of government. It became known as 'presidential' because a directly elected president was its most salient difference. This doesn't mean that the president holds supremacy like the prime minister or parliament. In fact, power in the presidential system is divided among many, so no individual or institution can ever become supreme. This rejection of legislative supremacy is not the only fundamental difference. Since the presidential system was designed for a full republic, not a constitutional monarchy, it doesn't have a head of state. The government is not just an executive committee called the Cabinet, it's all three branches. The President, Congress (with two chambers: House of Representatives and Senate) and Supreme Court, work together to constitute a government, and all report directly to the people. Elections are therefore held more frequently than the parliamentary system; every two years for the legislature, and every four for the presidency. The president and legislators are elected for fixed terms. The judges are appointed for life, jointly by the president, who nominates, and the Senate, which approves. Total executive responsibility is assigned to the president as an individual, not collectively to a council of ministers, as in the parliamentary system. The president's cabinet is not made of legislators but of any individuals considered able by the president and approved by the Senate. In fact, legislators are barred from holding executive offices, and vice versa. Conversely, the president cannot make laws. He can veto, but the legislature can override if there is broad consensus. Another big difference is with respect to state governments. The presidential system is designed for a federation, not for running states

from the center. Accordingly, its state governments are independent, cannot be dissolved, and are required to be self-sufficient. Federal and state governments are granted separate and specific powers; residual powers are left with the states.

The Americans invented the presidential system in 1787 to replace their decade-old fraying structure. After gaining independence, the 13 American colonies lived under the Articles of Confederation. But that provided a weak central government and lacked a fair system for inter-state cooperation. The union began to fall apart. The founders knew they had to come up with a better system. Having lived under the British Constitution all their lives, they knew the parliamentary form of government was not the answer. They devised a revolutionary new system of strong but non-oppressive governments. The presidential system grants limited powers, empowers state governments, separates the three branches into different institutions, enables the minority to make laws, grants judiciary the power of review, and above all, gives the people a direct say. Direct elections at all levels of government – federal, state, and local – is this system's best known feature. Many nations have a so-called presidential system, but America is the model to study. In almost all other countries the powers are not as well balanced. The American system is not difficult to understand or replicate, however it cannot be implemented piecemeal. Since it relies on institutions and their checks on each other, the structure of every institution is equally important. The American presidential system is not authoritarian. The general depiction of America's president as "the most powerful man on the planet" has created an erroneous impression of autocracy. But nothing could be farther from the truth. In 225 years, no American president has even been accused of autocratic behavior. Power in this system cannot find a focal point. This system makes it structurally impossible, due to its powerful state governments, division of spending and taxing authorities, and separation of the powers of sword and purse.

Features of Presidential form of government

1. The head of the state enjoys real powers. These powers are vested in him by constitution or ordinary laws and can exercise these powers on his own.
2. The presidential form of government is based on separation of powers. The three organs of government stand independent of each other. The president and his ministers cannot be the members of the legislature nor are they accountable to it.
3. The cabinet under presidential system consists of nominees of the president. They remain in office as long as accountable to the president rather than legislature.
4. The president can appoint secretaries or ministers to assist him, but they are merely advisors and act according to his instructions. The president can also remove them from their post any time he likes.

5. Under presidential system the head of the state enjoys a fixed tenure and cannot be removed from office before the expiry of the fixed tenure. He can be removed from the office through a very special and complicated procedure of impeachment.
6. Under presidential system the legislature cannot dissolve it. Like the executive head the legislature also enjoys fixed tenure and cannot be dissolve before the expiry of his term.

Assignment: On the basis of above material do the merits and demerits of parliamentary and presidential form of government