



PRESIDENTIAL FORM OF GOVERNMENT IN INDIA – GS II MAINS

‘The Presidential System of Government offers the required stability for the elected government’. Is it the time for India to shift towards Presidential Form of Government? Examine (15 marks, 250 words)

News: *Could ‘One Nation, One Election’ lead to presidential form of govt, questions Mamata*

What's in the news?

- Trinamool Chief Mamata Banerjee questioned whether the "One Nation, One Election" idea could eventually lead to a presidential form of government.

Presidential Form of Government:

- A presidential system is one in which the **head of state is also the head of government**, and the executive branch is independent of the legislative branch.
- The **United States**, for example, is governed by a presidential system.
- In presidential nations, the **president is elected and is not accountable to the legislature**, which cannot oust the president under normal circumstances. However, in rare situations, such dismissal is feasible, usually by impeachment.
- A presidential system differs from a parliamentary system, in which the leader of the government is elected by an elected legislature.
- Hybrid systems, such as the semi-presidential system utilized in the former Weimar Republic, France, and Poland, are also available.

Characteristics:

1. Real Head of the State:

- In this system the head of the state is the real executive head.
- The President is the real head of the state, enjoying supreme executive power.

2. Separation of Power:

- The presidential system of government is built on the notion of power separation among the government's three departments.
- The executive branch is not accountable to the legislative.
- The legislature cannot be dissolved by the executive.
- The judiciary is also separate from the executive and legislative branches.



3. Checks and Balances Principle:

- The government's three organs are separated from one another, yet they all check and restrict each other from abusing their authority and functions.

4. President's Superior Position:

- The president has a superior position since all of the government's authority is concentrated in his hands.

5. Political Homogeneity is not Required:

- All members of the cabinet do not have to be from the same political party.

Significance of Presidential Form of Government:

1. Stable Government: The president is chosen for a fixed term that ensures the administration's stability and effectiveness. Thus, the stability of the government was given hold over accountability.

2. Separation of Powers: This prevents any branch of the government from becoming despotic and preserves citizens' rights and liberties.

3. Appropriate in an Emergency: As the head of state and government, the president can make vital decisions quickly and efficiently.

4. Appointment of Capable Men: The president normally appoints professionals to lead portfolios without regard for political affiliation.

Drawbacks of Presidential Form of Government:

1. Authoritarianism:

- The executive branch of government has the potential to become despotic.
- The president has enormous authority and his term is set in stone.
- As a result, there's a chance he/she will act like a dictator.

2. Inter-organ Deadlocks:

- A deadlock between the executive and legislature is a distinct possibility.
- Lack of coordination between executive and legislative.
- There is a lower likelihood of effective legislation being enacted since the executive and legislative branches are not in sync.

3. **Economic Planning** is incompatible with checks and balances.

4. **Constitutional Rigidity** is challenged as well because flexibility is essential to deal with changing conditions.



Arguments for Favouring Presidential Form of Government in India:

1. 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.

2. 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.

3. 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.

4. 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.

Arguments Against Presidential Form of Government in India:

1. Risk of Dictatorship:

- A presidential system centralizes 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.

2. 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.



3. Affecting Pluralism:

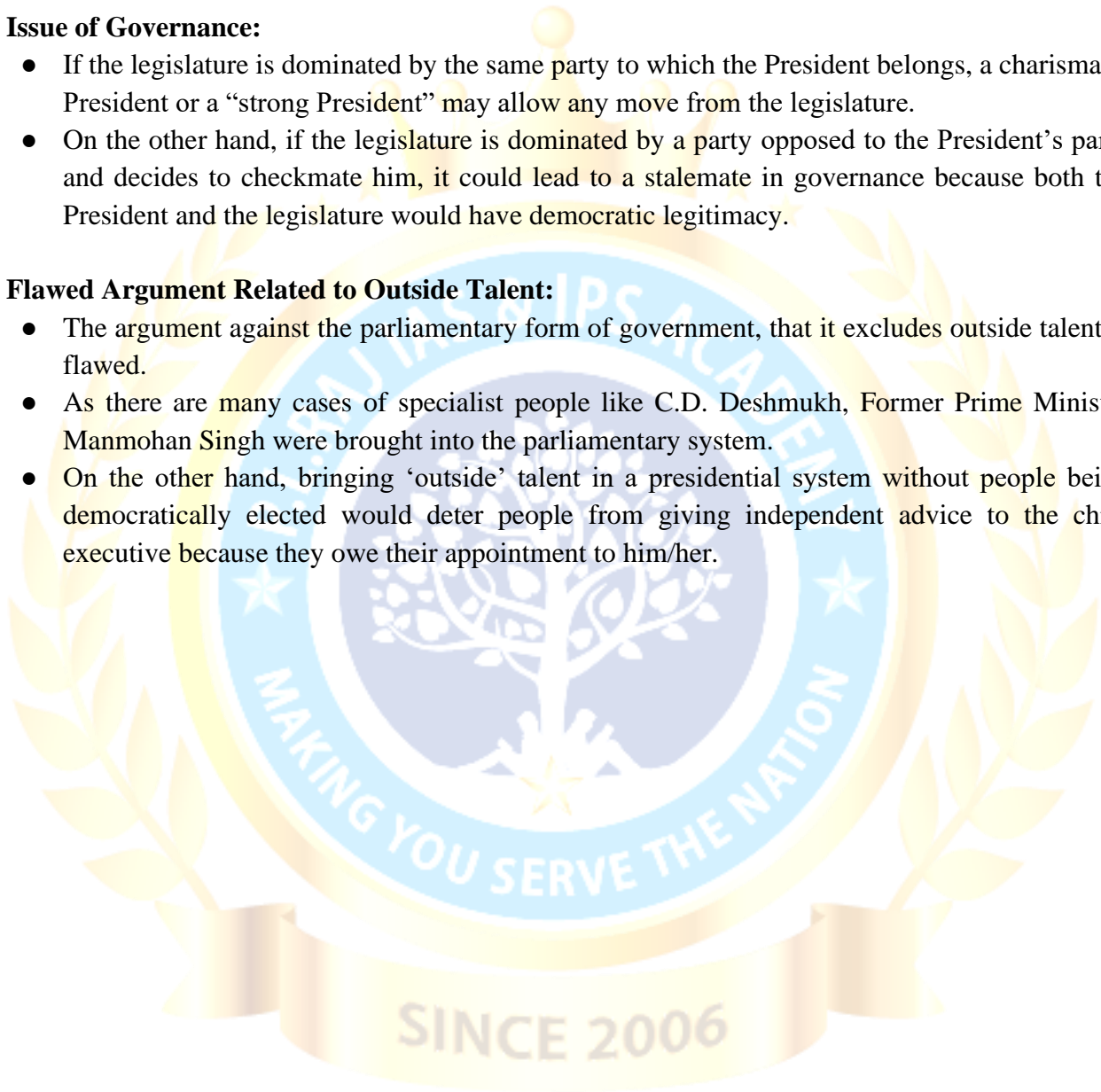
- A diverse country like India cannot function without consensus-building.
- The “winner takes it all” approach, which is a necessary consequence of the presidential system, is likely to lead to a situation where the views of an individual can ride roughshod over the interests of different segments.

4. 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.

5. 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.



SINCE 2006