
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

SHOULD INDIA HEAD TOWARDS THE PRESIDENTIAL FORM OF GOVERNMENT

- Geasu Sharma¹ & Dr. Bhavna Batra²

ABSTRACT

India, a vibrant democracy with a rich tapestry of cultures, tradition, and political ideologies, has long debated the merits and demerits of its parliamentary system of government. In recent years, there has been an increasing chorus advocating for a shift towards a presidential form of government, citing various perceived benefits like stability, accountability, and decisiveness.

Proponents of this transition argue that a presidential system would streamline decision-making processes, reduce political gridlock, and provide clearer lines of accountability. They contend that a directly elected president, with fixed terms and powers distinct from the legislature, would offer a stronger leadership that can swiftly implement policies without being hampered by coalition politics or frequent changes in government. On the other hand, opponents caution against the potential risks and unintended consequences of such a transition. They argue that India's diverse and pluralistic society, with its multitude of languages, religions and marginalization under a presidential system, where power may become concentrated in the hands of a single individual or party.

In addition, concerns are raised about the potential erosion of democratic norms and institutions, as a shift towards a presidential system could exacerbate tendencies towards

¹ Student at Amity University, Noida

² Associate Professor of Law at Amity University, Noida

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

authoritarianism, weaken institutional oversight, and undermine the independence of the judiciary and media.

The question of whether India should transition towards a presidential form of government is a complex and multifaceted one, with implications that extend far beyond mere structural changes. While proponents argue for increased efficiency and stability, opponents raise valid concerns about the preservation of democratic values, pluralism, and inclusive governance.

In spite of the limitations, the Parliamentary system of government has functioning satisfactory in India. Its successful operations are mostly attributed to the free and fair elections carried out by India. India must continue with parliamentary system but should maintain improving it plugging every problems.

Keywords: Democracy, Parliamentary, Presidential, Government

INTRODUCTION

India, the world's largest democracy, operates under a parliamentary form of government, which has been integral to its political landscape since gaining independence from British colonial rule in 1947. Rooted in the principles of democracy, the parliamentary system in India is characterized by a fusion of executive and legislative powers, accountability to the legislature, and a multi-party political framework. This system has evolved over decades, shaping the country's governance structures and institutions.³

The foundation of India's parliamentary system lies in the Constitution of India, adopted on January 26, 1950. The Constitution delineates the roles, responsibilities, and powers of the various branches of government, establishing a framework for democratic governance. Central to this framework is the concept of the Union Parliament, comprising two houses: the Lok Sabha (House of the People) and the Rajya Sabha (Council of States).

The parliamentary system in India emphasizes the principles of accountability, consensus-building, and representative democracy. It provides a platform for diverse voices and

³ Arathy A, 'A Comparative Analysis on the Presidential and Parliamentary Form of Government with Special Reference to India and USA' 2 IJHRLR ((2023)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

viewpoints to be heard, fosters debate and discussion on matters of national importance, and enables the peaceful transfer of power through periodic elections. While the system has faced challenges and criticisms over the years, it remains a cornerstone of India's democratic ethos, reflecting the country's commitment to upholding democratic values and principles.⁴

There are many factors need to be carefully examined to assess its feasibility of presidential form of government in India . Implementing a presidential system would require significant amendments to the Indian Constitution. India's Constitution is one of the longest and most detailed in the world, and any changes to its fundamental structure would necessitate broad political consensus and careful deliberation. India has a long-standing tradition of parliamentary democracy since gaining independence in 1947. The parliamentary system is deeply entrenched in India's political culture and institutions, and any move towards a presidential system would require overcoming strong historical precedents and cultural norms.

India is a highly diverse country, both culturally and politically, with numerous languages, religions, and regional identities. A presidential system could potentially exacerbate existing tensions and marginalize minority voices if not carefully designed to accommodate India's diversity.

The key features of the presidential system is the separation of powers between the executive and legislative branches. In India's parliamentary system, the executive (Prime Minister and Cabinet) is drawn from and accountable to the legislature (Parliament). Transitioning to a presidential system would require redefining this relationship and establishing new mechanisms for checks and balances. India's federal structure grants significant autonomy to states, and regional parties often play a crucial role in national politics. A presidential system could alter power dynamics between the central government and states, potentially leading to conflicts over jurisdiction and authority.⁵

Proponents of a presidential system argue that it could provide greater stability and efficiency in governance by reducing the likelihood of legislative gridlock and frequent changes in

⁴ Rajani Chaubey, Parliamentary Vs Presidential system, AMPGC (2022)

⁵Uditanshu, A trenchant analysis of the parliamentary form of government with special reference to india, IJLPA (2020)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

government. However, critics caution that a strong presidency could also concentrate power in the hands of a single individual, leading to authoritarian tendencies and undermining democratic principles.⁶

OBJECTIVES OF THE STUDY

- To compare the parliamentary and presidential systems of government, examining their key features, advantages, and disadvantages in the context of India's political landscape.
- To examine the adaptability of India's existing institutions, including the judiciary and electoral bodies, to the requirements and challenges posed by a presidential form of government.
- To examine the viability of the presidential form of government in India.
- To address legal and constitutional challenges related with transitioning to a presidential system.

RESEARCH QUESTIONS

1. What are the key differences between India's current parliamentary system and a presidential form of government?
2. What challenges and controversies might arise in presidential form of government?
3. What empirical evidence exists regarding the effectiveness of presidential versus parliamentary systems in diverse socio-political contexts?
4. What are the institutional mechanisms and safeguards that would need to be in place to ensure the success of a presidential system in India?

COMPARATIVE STUDY

Determining which form of government, presidential or parliamentary, is better for India is a complex and nuanced question that depends on various factors including historical context, cultural considerations, and the country's unique political landscape. Each system has its own

⁶ Abinaya, A Comparative Analysis of Parliamentary and Presidential Form of Government. Supremo Amicus (2022)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

strengths and weaknesses, and what might be suitable for one country may not necessarily be ideal for another.

Parliamentary Form of Government:

Accountability: In a parliamentary system, the executive (Prime Minister and Cabinet) is directly accountable to the legislature (Parliament). This close relationship fosters accountability as the government must maintain the support of the majority in Parliament to remain in power. If the government loses the confidence of the Parliament, it can be ousted through a vote of no confidence, leading to early elections or the formation of a new government.

Flexibility: Parliamentary systems tend to be more flexible and adaptable to changing political circumstances. Governments can be formed swiftly after elections, and if needed, early elections can be called to resolve political crises or stalemates.

Consensus Building: Parliamentary systems often require coalition governments, promoting consensus-building and cooperation among different political parties. This can lead to more inclusive governance, accommodating diverse interests and viewpoints.

Checks and Balances: While parliamentary systems may have fewer formal checks and balances compared to presidential systems, mechanisms such as parliamentary committees, judicial review, and the media serve as informal checks on government power.⁷

Presidential Form of Government:

Stability: Presidential systems typically provide more stability as the president's term is fixed and independent of the legislative cycle. This stability can promote long-term planning and policy implementation without the threat of sudden changes in government.

Clearer Separation of Powers: In a presidential system, the executive and legislative branches are more clearly separated, reducing the risk of legislative gridlock or conflicts between

⁷ Arathy A, 'A Comparative Analysis on the Presidential and Parliamentary Form of Government, IJHRLR (2023)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

branches of government. This separation can lead to more decisive and efficient decision-making.

Direct Accountability: Presidents are directly elected by the people, which enhances their legitimacy and accountability to the electorate. Voters can hold the president accountable for their actions and policies through regular elections.⁸

Executive Leadership: Presidential systems often provide stronger executive leadership, with the president having more autonomy to pursue their agenda without being constrained by parliamentary politics or coalition dynamics.

Independent Judiciary: The judiciary in India is independent of the executive and legislative branches. It interprets the constitution, safeguards fundamental rights, and ensures that the laws passed by Parliament are in accordance with the Constitution.

Federal Structure: India has a federal system of government where powers are divided between the central government and the state governments. The central government has authority over subjects of national importance, while the states have authority over subjects of regional importance.

Elections: Elections to the Lok Sabha and state legislative assemblies are held periodically to elect representatives. The electoral system is based on universal adult suffrage and the principle of one person, one vote.⁹

Considerations for India:

Diversity: India's vast diversity, including linguistic, cultural, and regional differences, may pose challenges to both forms of government. A system that accommodates and respects this diversity is crucial for maintaining national unity and harmony.

History and Tradition: India has a long history of parliamentary democracy since independence, which has played a significant role in shaping its political culture and

⁸ Bhanu Dhamija, *Why India Needs the Presidential System*, (HarperCollins Publishers India, 2015)

⁹ Jain MP, *Indian Constitutional Law* (LexisNexis, 2012)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

institutions. Any transition to a presidential system would need to carefully consider the country's historical context and democratic traditions.

Institutional Strength: The effectiveness of either system depends on the strength and independence of key institutions such as the judiciary, electoral commission, and civil society. Strengthening these institutions is essential regardless of the chosen form of government.

Key aspects of President's Rule under Article 356

President's Rule can be imposed in a state if the President, based on a report from the Governor of the state or otherwise, is satisfied that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution. This could be due to a breakdown of constitutional machinery in the state, often resulting from political instability, failure of the government to maintain law and order, or any other reason that prevents the state government from functioning according to constitutional norms.¹⁰

Usually, the President acts on the advice of the Council of Ministers headed by the Prime Minister. However, in the case of Article 356, the President acts on the recommendation of the Governor of the concerned state. The proclamation imposing President's Rule must be approved by both houses of Parliament within two months from the date of its issue. If approved, it can remain in force for up to six months. However, if the proclamation is not approved by both houses, it ceases to operate at the end of the two-month period.

If the circumstances necessitate, President's Rule can be extended for a maximum period of three years with parliamentary approval, in increments of six months each. The President can also revoke the proclamation at any time if satisfied that the situation has improved and the state can be governed in accordance with the Constitution.

¹⁰ Neha Uppin, An Analysis of Imposition of President Rule on States and its Impact on Indian Federal Structure, IJCR (2024)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

During President's Rule, the state government is dissolved, and the Governor acts as the constitutional head of the state, aided by advisors appointed by the President. The state legislature is either dissolved or suspended, and the Parliament assumes legislative powers for the state.

In conclusion, there is no definitive answer to whether a presidential or parliamentary system is better for India. Both have their advantages and challenges, and the suitability of either system depends on India's specific needs, context, and aspirations. Ultimately, any decision regarding the country's political system should involve careful consideration, public consultation, and consensus-building to ensure it aligns with democratic principles and serves the best interests of all citizens.

The question of whether constitutional democracy in India is in crisis, particularly in the context of the debate between a presidential and a parliamentary form of government, is multifaceted and subject to interpretation.¹¹

DEMERITS OF PARLIAMENTARY FORM OF GOVERNMENT LIKE INDIA

The parliamentary form of government, as exemplified in countries like India, also has its demerits or disadvantages:

Instability: Parliamentary systems can be prone to political instability, particularly if there are frequent changes in government due to motions of no confidence or coalition breakdowns. In India, for example, coalition governments are common, leading to compromises and potential instability.

Dominance of Executive: The Prime Minister and the Cabinet hold significant power in parliamentary systems, often overshadowing the role of the legislature. This can lead to an

¹¹Tummala, KK "Is constitutional democracy in India in crisis?", Public Administration and Policy: An Asia-Pacific Journal (2023)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

imbalance of power where the executive branch dominates decision-making, potentially undermining democratic principles.¹²

Weak Checks and Balances: Compared to presidential systems, parliamentary systems may have weaker checks and balances on executive power. The ruling party or coalition can exert considerable influence over the legislature, limiting its ability to hold the government accountable.

Limited Representation: In some parliamentary systems, particularly those with a first-past-the-post electoral system like India, minority voices may be underrepresented in the legislature. This can lead to issues of representation and inclusivity, where certain groups feel marginalized or excluded from the political process.

Party Discipline: Parliamentary systems often require strict party discipline to maintain stability and pass legislation. While this can promote cohesive governance, it can also stifle dissent within political parties and limit the ability of individual lawmakers to act independently or represent their constituents' interests.

Lack of Direct Accountability: Unlike presidential systems where the head of state is directly elected by the people, in parliamentary systems, the Prime Minister is typically chosen by the legislature. This indirect accountability can lead to disconnect between the government and the electorate, as voters may feel less able to hold their leaders directly accountable for their actions.

Inefficiency in Decision-Making: Parliamentary systems may face challenges in decision-making, especially if there is a hung parliament or if coalition partners have divergent interests. This can result in delays in policy implementation and difficulties in addressing pressing issues effectively.¹³

¹² Shri Parkash , Presidential v/s parliamentary democracy, International Journal of Economic Perspectives,16(3), 2022

¹³ Rohal, S. Parliamentary system. Journal of Global Research and Analysis (2019)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

Potential for Authoritarianism: While parliamentary systems are designed to be democratic, they can still be vulnerable to authoritarian tendencies, particularly if there are weak institutional safeguards or if the ruling party consolidates power excessively. In such cases, democratic norms and freedoms may be undermined.

DEMERITS OF PRESIDENTIAL FORM OF GOVERNMENT

While the presidential form of government has its advantages, it also comes with several demerits or disadvantages:

Rigidity: Presidential systems often have a fixed term for the president, which can lead to rigidity in governance. Unlike parliamentary systems where a vote of no confidence can remove a leader, presidents typically serve their full term regardless of performance or changing circumstances.¹⁴

Separation of Powers: While the separation of powers is a fundamental principle of presidential systems, it can sometimes lead to gridlock and inefficiency. Divisions between the executive, legislative, and judicial branches may result in conflicts that hinder effective governance.

Limited Accountability: Presidents in such systems may have limited accountability compared to parliamentary leaders. They are often insulated from direct legislative oversight and can wield significant power without being subject to regular questioning or scrutiny by the legislature.

Potential for Authoritarianism: In some cases, presidential systems can be prone to authoritarian tendencies, especially if checks and balances are weak or if the president accumulates excessive power.

Inflexible Leadership: The fixed nature of presidential terms can lead to situations where ineffective or unpopular leaders remain in power until the next election cycle, without the

¹⁴ Khan, Aamir A Comparative Study of Parliamentary & Presidential Systems of Government, JEMB (2022)
For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

option for early removal through a vote of no confidence or similar mechanisms available in parliamentary systems.

Difficulty in Legislative Agenda: Presidents in a presidential system may face challenges in advancing their legislative agenda, particularly if the opposition controls the legislature. This can result in legislative gridlock, where significant policy initiatives are stalled or blocked entirely.

Less Adaptability: Presidential systems may struggle to adapt to changing circumstances or crises due to their inherent stability. In times of rapid change or emergencies, the ability to quickly change leadership or reorganize the government structure may be limited compared to parliamentary systems.¹⁵

SHOULD INDIA SWITCH TO PRESIDENTIAL SYSTEM?

The question of whether a presidential form of government would be viable for India is a complex and contentious issue that involves considerations of political, social, and historical factors. Here are some arguments both for and against the viability of a presidential system in India:

Arguments in favor:

Strong Executive Leadership: A presidential system typically concentrates executive power in the hands of the president, who is directly elected by the people. This can lead to more decisive and accountable leadership, with the president being able to implement their agenda without being hindered by legislative gridlock.

Clear Separation of Powers: In a presidential system, there is a clear separation of powers between the executive and legislative branches of government. This can help prevent conflicts of interest and promote checks and balances, leading to greater stability and accountability in governance.

¹⁵ Bhanu Dhamija, Why India Needs the Presidential System, 2019

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

Reduced Political Instability: A presidential system may reduce the likelihood of frequent changes in government and coalition politics, which are often seen in parliamentary systems. This stability can provide investors and businesses with more confidence in the long-term political environment, potentially leading to economic growth.

Arguments against:

Diversity and Pluralism: India is a diverse and pluralistic society with multiple linguistic, ethnic, and religious groups. A presidential system, which tends to centralize power, may exacerbate tensions between different groups and regions, leading to political instability and social unrest.

Concentration of Power: Concentrating executive power in the hands of a single individual, as in a presidential system, raises concerns about the potential for authoritarianism and abuse of power. Without robust checks and balances, there is a risk that the president could become too powerful and undermine democratic principles.

Incompatibility with Parliamentary Tradition: India has a long-standing parliamentary tradition inherited from its colonial past and enshrined in the Constitution. Transitioning to a presidential system would require significant constitutional amendments and may be seen as a departure from India's democratic heritage.¹⁶

Accountability and Oversight: In a presidential system, the president is not directly accountable to the legislature, which may weaken mechanisms for oversight and accountability. This could lead to a lack of transparency and accountability in governance, undermining democratic principles.

Overall, while a presidential form of government may offer certain advantages in terms of executive leadership and stability, it also poses significant challenges in a diverse and complex country like India. Any decision to adopt such a system would require careful consideration of its potential implications for democracy, governance, and social cohesion.

¹⁶ TV Somanathan & G. Natarajan, *Constitutional Provision and Structure of Government* (Oxford Press, 2022)
For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

Determining whether a presidential system fits India is subjective and hinges on multiple factors like political culture, historical backdrop, and citizen preferences. Any contemplation of this shift would likely require meticulous constitutional amendments and extensive national discussions to evaluate its pros and cons.¹⁷

CONCLUSION AND SUGGESTIONS

In conclusion, the parliamentary form of government, as practiced in India and many other countries, has both merits and demerits. On the positive side, it offers flexibility, accountability, and efficiency in decision-making, thanks to its close integration of the executive and legislative branches. Additionally, coalition governments can promote stability through compromise and inclusivity.

However, parliamentary systems also face challenges such as political instability, potential dominance of the executive, weak representation of minority voices, and a focus on party discipline over individual representation.

Ultimately, the effectiveness of a parliamentary system depends on various factors, including the political culture, institutional framework, and the willingness of political actors to uphold democratic principles. While it may have its drawbacks, the parliamentary form of government remains a popular choice for many countries seeking a balance between stability and democratic governance.

Suggestions

- Assess the need for constitutional amendments to facilitate the transition to a presidential system. This includes examining provisions related to the structure of government, the powers of the executive, the role of the legislature, and the relationship between the center and the states.
- Conduct surveys and public consultations to gauge the opinion of the citizens regarding a presidential system. Understand the level of awareness, acceptance, and support for such a change among different sections of society.

¹⁷Dinesh Rawat (2024), Does The Presidential Form of Democracy Suit India? <https://www.linkedin.com>
For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

- Seek consensus among political parties on the need for and feasibility of transitioning to a presidential system. Engage in dialogue and negotiations to address concerns and build consensus on key issues related to governance and power-sharing.
- Study the experiences of countries with presidential systems of government to understand their strengths, weaknesses, and implications for India. Analyze case studies and comparative data to assess the potential benefits and challenges of adopting a presidential model.
- Evaluate how a presidential system would affect the balance of power between the executive, legislature, and judiciary. Consider mechanisms to ensure checks and balances, separation of powers, and accountability in the new system.
- Consider the implications of a presidential system for India's diverse regional and cultural landscape. Assess how regional interests and identities may influence the functioning of the presidency and the relationship between the center and the states.
- Examine the administrative structure required to support a presidential system, including the role of the executive branch, cabinet ministers, and civil service. Evaluate the need for reforms in administrative processes, decision-making mechanisms, and coordination between different branches of government.
- Review existing laws and regulations to ensure compatibility with a presidential form of government. Identify areas requiring legal reforms and develop a roadmap for enacting necessary legislation to support the transition.

Ultimately, the decision to adopt a presidential form of government in India should be based on a comprehensive assessment of its viability, benefits, risks, and implications for the country's democratic and constitutional framework. It requires careful deliberation, consultation, and consensus-building among all stakeholders to ensure a smooth and successful transition, if deemed appropriate.

REFERENCES

Arathy A, 'A Comparative Analysis on the Presidential and Parliamentary Form of Government with Special Reference to India and USA' 2 IJHRLR ((2023)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

Neha Uppin, An Analysis of Imposition of President Rule on States and its Impact on Indian Federal Structure, IJCRT (2024)

Jain MP, Indian Constitutional Law (LexisNexis, 2012)

Rajani Chaubey, Parliamentary Vs Presidential system, AMPGC (2022)

Uditanshu, A trenchant analysis of the parliamentary form of government with special reference to india, IJLPA (2020)

Abinaya, A Comparative Analysis of Parliamentary and Presidential Form of Government. Supremo Amicus (2022)

Arathy A, 'A Comparative Analysis on the Presidential and Parliamentary Form of Government, IJHRLR (2023)

Bhanu Dhamija, Why India Needs the Presidential System, (HarperCollins Publishers India, 2015)

Shri Parkash , Presidential v/s parliamentary democracy, International Journal of Economic Perspectives,16(3), 2022

TV Somanathan & G. Natarajan, Constitutional Provision and Structure of Government (Oxford Press, 2022)

Khan, Aamir A Comparative Study of Parliamentary & Presidential Systems of Government, JEMB (2022)

Rohal, S. Parliamentary system. Journal of Global Research and Analysis (2019)

Dinesh Rawat (2024), Does The Presidential Form of Democracy Suit India?
<https://www.linkedin.com>

Tummala, KK "Is constitutional democracy in India in crisis?", Public Administration and Policy: An Asia-Pacific Journal (2023)

<https://scroll.in/article/976252/why-india-should-switch-to-a-us-like-presidential-system>

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>