

11th Political Science Lesson 6 Notes in English

6. Forms of Government

Introduction

- The Government is **the main agency** of the state. It comprises several members belonging to **political** and **administrative wings**.
- It serves as the instrument for **delegation** and **execution** of the state policies for the welfare of the people.
- It formulates expresses and realises the will of the state. It exercises certain legislative, executive and judicial powers based on **the constitution** and **the laws**.
- There are three organs in government, namely – **Legislature, Executive and Judiciary**.
- These organs carry out the activities of the state.
- Governments are classified under **Unitary, Federal, Parliamentary and Presidential forms**.

Approaches to the study of Government

- Studying governments from different approaches help us to understand government from its evolution to its performance in the contemporary times.
- The approaches to study the Government are...

1. Comparative-Historical Approach

- This approach studied the western political institutions from ancient to modern times, this approach is descriptive in nature, **Aristotle, Montesque and Locke** adopted this approach to study and analyse governments in those days.
- For instance before writing his monumental work politics Aristotle studied **158 constitutions**.
- **Montesque** studied the working of the British constitution and came to the conclusion that the stability of **British constitution** was due to the adherence to the principle of **separation of powers**.




2. Legal-Institutional Approach

- Scholars like **Bentham, Austin and Dicey** adopted this approach,
- This approach focuses on **formal legal structure** of political institutions.
- They helped to develop certain **theories** which explain the relationship and interconnection between government and Law.
- **Bentham** is the distinguished **legal reformer** in **England** Likewise **Austin** provided a legal base to **sovereignty** which is indivisible, inalienable and absolute.
- **A.V.Dicey** judged the government on **the basis of law** and its applicability to different branches of government.

3. Political Economy Approach

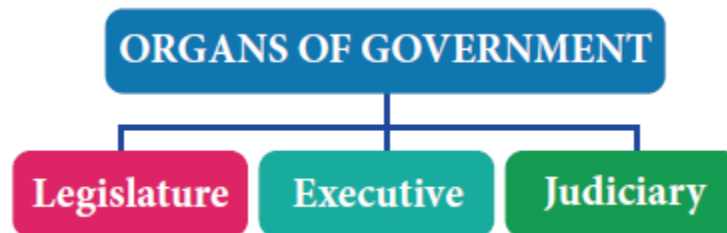
- This approach deals with economic aspects of the government which gives **economic interpretation** of politics also deals with role of market, mode of production and delivering goods to the society.
- This approach is classified into **liberal political economy** and the **Marxist political economy** approach.

CHECKS AND BALANCES (PRESIDENTIAL FORM)

Executive Branch (President carries out laws) 	Checks on the Legislative Branch <ul style="list-style-type: none"> • Can propose laws • Can veto laws • Can call special sessions of Congress • Makes appointments • Negotiates foreign treaties 	Checks on the Judicial Branch <ul style="list-style-type: none"> • Appoints federal judges • Can grant pardons to federal offenders
Legislative Branch (Congress makes laws) 	Checks on the Executive Branch <ul style="list-style-type: none"> • Can override President's veto • Confirms executive appointments • Ratifies treaties • Can declare war • Appropriate money • Can impeach and remove President 	Checks on the Judicial Branch <ul style="list-style-type: none"> • Creates lower federal courts • Can impeach and remove judges • Can propose amendments to overrule judicial decisions • Approves appointments of federal judges
Judicial Branch (Supreme Court interprets laws) 	Checks on the Executive Branch <ul style="list-style-type: none"> • Can declare executive actions unconstitutional 	Checks on the Legislative Branch <ul style="list-style-type: none"> • Can declare acts of unconstitutional

4. Political Sociology Approach

- This approach derived its ideas from **sociology** and **anthropology** also known as **systems approach**.
- **Political sociology** asserts that government or political system is a **sub system** of a larger social system.



- This approach examines the interaction between **the larger** and **the sub systems**.
- Early **Montesque** proposed a three-fold division of Government namely Republican, Monarchical and Despotic government
- **Republican Government**: "People possess the sovereign Power".
- **Monarchical Government**: "Rule by one single person and governed by fixed and established laws".
- **Despotic Government**: "Rule by one single person but there is no fixed rule for governance, everything conducted by his will.
- According to **Montesque** the survival of the government depends on "**persistence** in given **society** of that **particular spirit** which is characteristic of the form".



Meaning, Definition and Nature of Government

- Government refers to **the executive functions** of the state.
- It denotes a body having authority to make and enforce laws applicable to the civil, corporate, religious, academic or other groups.
- The term **Government** is derived from an old French word “**governor**”, derived from Latin word “**gubernare**” which means to **direct, rule, guide, govern**.

Aristotle's Classification of Governments

- Aristotle identified a combination of two criteria to **classify the constitution** that he analysed.



Criteria One:

- **Number of People having Power** – One, Few, Many; Thus he distinguished between Monarchy, Aristocracy and Polity

Criteria Two:

- To whose interest **the Government works** for – Working in General Interest, Working in Personal Interest.
- The respective perverted forms of the three types are **Tyranny, Oligarchy** and **Democracy**.

No of People having Power	Working in General Interest	Working in Personal Interest

One	Monarchy	Tyranny
Few	Aristocracy	Oligarchy
Many	Polity	Democracy or Mobocracy

Unitary Form of Government

- A unitary system of government, or unitary state, is a **sovereign state** governed as a **single entity**.
- The central government is supreme, and the administrative divisions exercise only powers that **the central government** has delegated to them.
- England, France, Japan, Sri Lanka are examples of **Unitary Form** of governments:
- In a Unitary form of government all authority and power vested in a single centre whereas in a **federal form of government** authority and **power** distributed between **centre** and **the constituent units**.
- Even in a **Unitary form of Government** there might be a lot of decentralization of authority but we cannot claim it as a **federal system**.



Definition:

- Some leading **political thinkers** defined unitary form of government as follows:
- **A.V.DICEY**: "Habitual exercise of supreme legislative authority is by one central power"
- **GARNER**: "Where the whole power of government is conferred by the constitution upon a single central organ"
- **C.F.STRONG**: "Two important qualities of the Unitary Government". They are:-
 1. **The supremacy of the central government;**
 2. **The absence of the subsidiary sovereign bodies.**
- The distinction between **subsidiary law-making bodies** and **subsidiary sovereign bodies** is the distinction between the local authorities in a unitary state and constituent units in a federal state.

- **K.C.Wheare** : A constitution, Unitary and highly centralised on paper , may be almost federal in practice;
- **A federal constitution** may be, in practice, **Unitary**, as indeed are the so-called federal constitutions of **Mexico, Venezuela, Brazil and Argentina**".

Merits Of Unitary Form Of Government

- a) Suitable for **small countries**.
- b) There is **no conflict** of authority and responsibility.
- c) A unitary government will make **prompt decisions** and take **speedy action**.
- d) A unitary government is **less expensive**.
- e) **Amendments** to the constitution are easy.
- f) There is **unity, uniformity** of law, **policy** and **administration**.

De-Merits of Unitary Form Government

- a) It is not suitable for **big countries**.
- b) The central government will have to tackle so many **complex** problems that lead to administrative delay.
- c) The central government will **not concentrate on local problems**, local interest and initiative.
- d) The concentration of powers may pave way for **the despotism** of the central government.

Unitary Features Of Indian Constitution

i. Strong Centre

- The division of powers is in favour of **the Centre** and **highly inequitable** from the **federal angle**.
- Firstly, the Union List contains more subjects than **the State List**.
- Secondly, the more important subjects have been included in **the Union List**.
- Thirdly, the Centre has overriding authority over **the Concurrent List**.
- Finally, **the residuary powers** have also been left with the Centre, while in the **US**, they are vested in the states.
- Thus, the Constitution has made **the Centre very strong**.

ii. Central Government's control over state territory

- Unlike in other **federations**, the states in India have no right to **territorial integrity**.
- The Parliament can by **unilateral action** change the area, boundaries or name of any state.

iii. Single Constitution

- Usually, in a federation, the states have the right to frame their **own Constitution** separate from that of the Centre.

- In **India**, on the contrary, **no** such **power** is given to **the states**.
- **The Constitution of India** embodies not only the Constitution of the Centre but also those of the states.
- Both the Centre and the states must operate within this **single-frame**.
- The only exception in this regard is **the case of Jammu and Kashmir** which has its own (state) Constitution.

iv. Flexibility of the Constitution

- **The bulk of the Constitution** can be amended by the unilateral action of the Parliament, either by simple majority or by special majority.
- Further, the power to initiate **an amendment to the Constitution** lies only with the Centre.
- In **India states don't have the right** to propose amendment unlike in U.S.A

v. Unequal representation of states

- In a **federation states** are given with equal representation with regard to upper house, but in India states are not given with equal representation with regard to **Rajya Sabha**.

vi. Emergency Provisions

- During an emergency, **the Central government** becomes all **powerful** and the states go into the total control of the Centre.
- It converts **the federal structure** into a unitary one without a formal amendment of the Constitution.
- This kind of transformation is not found in any other federation.

vii. Single Citizenship

- **India** adopted the system of single citizenship.
- There is only **Indian Citizenship** and no separate state citizenship.
- All citizens irrespective of the state in which they are **born** or **reside** enjoy the same rights all over the country.
- The other federal states like **US, Switzerland and Australia** have dual citizenship, that is, national citizenship as well as state citizenship.

viii. Single Integrated Judiciary

- It means that all **the courts of India** are in a hierarchical order from the lower courts to the Supreme Court of India.
- Courts in India have **Original** and **Appellate** Jurisdiction.

ix. All India Services

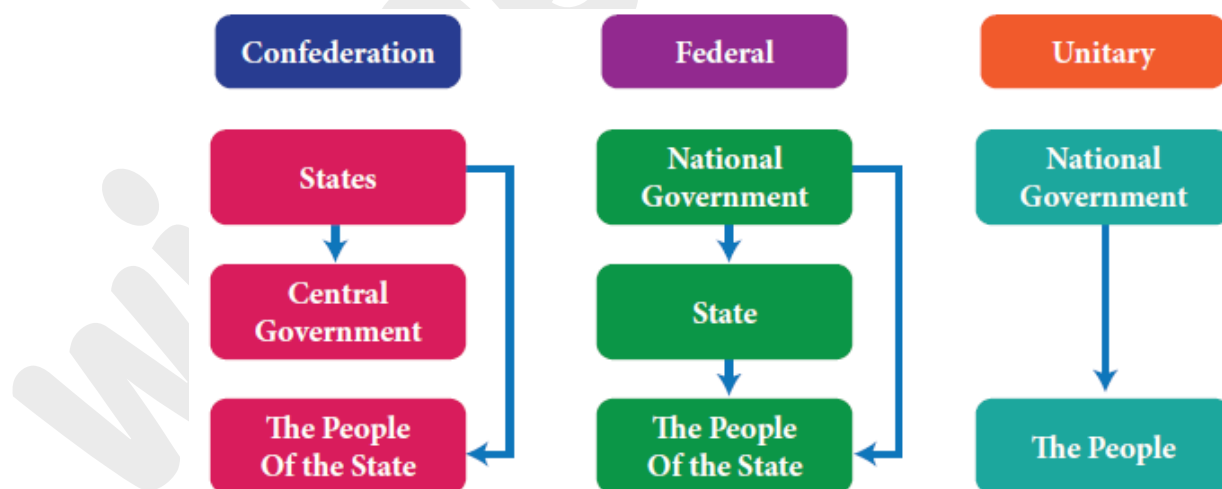
- It has the features of **All India Services** or Central Services, and **the State Civil Services**.
- The Central and All India services promotes uniform **administrative system** and **process** throughout India.

x. Appointment of Governor

- The governor of a state is **not elected** but appointed by the president and holds office at the pleasure of the president.
- He is the **head of the executive** in the **state**.
- He has powers like Legislature, Executive Judicial and emergency powers.

Federal Form of Government

- The classification of governments into unitary and federal is based on the nature of relations between **the national government** and **the regional governments**
- A federal government is one in which powers are divided between **the national government** and **the regional governments** by the Constitution itself and both operate in their respective **jurisdictions** independently.
- US, Switzerland, Australia, Canada, Russia, Brazil, Argentina have **the federal form** of government.
- In a federal model, the national government is known as **the Federal government** or **the Central government** or **the Union government** and the regional government is known as **the state government** or **the provincial government**.



Federal Features Of Indian Constitution

a. Dual Government

- The Indian Constitution establishes a dual polity consisting **the Union at the Centre** and **the states at the periphery**.

- Each is endowed with **sovereign powers** to be exercised in the field assigned to them respectively by the Constitution.

b. Written Constitution

- The articles of the Constitution are **written** and **cannot** be **easily changed** without due parliamentary approval.

c. Division of Powers

- The Constitution divided the powers between the Centre and the states in terms of the Union List, State List and Concurrent List in **the Seventh Schedule**.

d. Supremacy of the Constitution

- The Constitution is **the supreme law of the land**.
- **The laws** are enacted by the Centre and the states must confirm to its provisions.

e. Rigid Constitution

- **Amendment** of the Constitution is by a procedure of **2/3rd majority** in each of **the house and laws** cannot be easily changed by any ruling party.

f. Independent Judiciary

- The Judiciary is separated from **the Executive and Legislature**.
- The Judiciary given its national and state level jurisdictions, exercises Original, **Appellate** and **Judicial** Review functions.
- It functions independently of **the Executive and Legislature**.

g. Bicameralism

- It provides for a **two-house legislature** that has an **Upper chamber** and **Lower chamber**.
- With the Lower house having powers of enacting **financial legislation**.

Merits Of Federal Form Government

- a) Reconciliation of **local autonomy** with national unity.
- b) **Division power** between centre and states leads to administrative efficiency.
- c) It gives rise to **big states**.
- d) Distribution powers checks **the despotism** of central government.
- e) More suitable for **bigger countries**.
- f) It is **good for economic** and **cultural** progress.

De-Merits Of Federal Form Government.

- a) Federal government is **weaker** when compared to the unitary government.
- b) Federal government is more **expensive**.
- c) Provincial tendencies are **very common**.
- d) **lack of uniformity** in Administration.
- e) **Threat** to national unity.
- f) Distribution powers between centre and states lead to **conflict**.
- g) **Double Citizenship**.
- h) **Rigid constitution** cannot be amended easily for the changing needs.
- i) The state governments sometimes **place hindrances** in the foreign policy.

Difference between Unitary form and Federal form of Government

S.No	Unitary Form of Government	Federal Form of Government
1.	Only one Level of Government or Subunits	Two Levels of Government
2.	Mostly Single Citizenship	Dual Citizenship
3.	Sub Units cannot operate Independently	Federal Units are answerable to Central Government
4.	No Division of Power	Division of Power
5.	Centralisation of Power	Decentralisation of Power

S.No	Country	Name of Parliament
1.	Israel	Knesset
2.	Germany	Bundestag
3.	Japan	Diet
4.	Norway	Storting
5.	Nepal	Rashtriya Panchayat
6.	Pakistan	National Assembly
7.	Russia	Duma
8.	U.S.A	Congress
9.	South Africa	Parliament
10.	Switzerland	Federal Assembly

Different form of Government

S.No	Category	Types	Countries
1.	Forms of government	Presidential form of government	U.S.A
		Parliamentary form of government	U.K
		Direct democracy	Switzerland
		Indirect democracy	India
		Monarchy	Absolute Monarchy - Bahrain
			Constitutional Monarchy - Japan
			Commonwealth Realms - Australia
		Authoritarian	Hitler's Germany and Mussolini's Italy
2.	Role of religion	Secularism	India
		Theocracy	Pakistan, Iran, Vatican City, Nepal
3.	Distribution of power:territorial	Unicameral	China
		Bi-cameral	U.K, U.S.A
4.	Types of executive	Single Executive Model	U.S.A
		Plural Executive Model	France
5.	Types of judiciary	Independent	All Democratic Countries
		Committed	Erstwhile U.S.S.R
6.	Nature of Constitution	Rigid &Written	U.S.A
		Flexible &Un-Written	U.K
7.	Nature of state (In terms of Objectives, Ideology, Policies)	Capitalism	
		Communism	Cuba, China, North Korea
		Socialism	

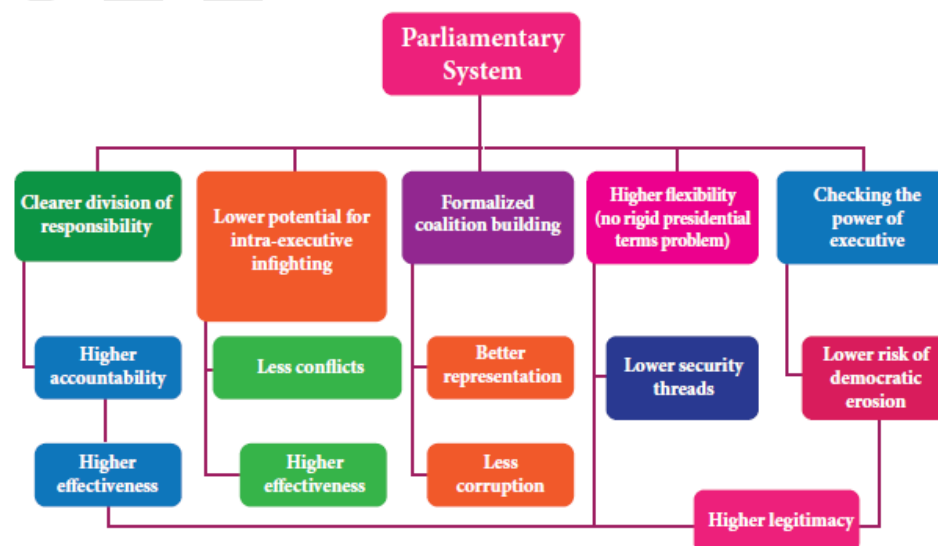
Parliamentary form of government

- Modern democratic governments are classified into parliamentary and presidential on the basis of nature of relations between **the executive and the legislative organs** of the government.

- The parliamentary system of government is the one in which the executive is responsible to the legislature for its **policies and acts**.



- The presidential system of government, on the other hand, is one in which the executive is not responsible to the legislature for its policies and acts, and is **constitutionally independent** of the legislature in respect of its term of office.
- The parliamentary government is also known as **cabinet government** irresponsible government or **Westminster model** of government and is prevalent in Britain, Japan, Canada, India among others.
- Ivor Jennings** called the parliamentary system as '**cabinet system**' because the cabinet is the nucleus of power in a parliamentary system.
- The parliamentary government is also known as '**responsible government**' as the cabinet (the real executive) is accountable to **the Parliament** and stays in office so long as it enjoys **the latter's confidence**.
- It is described as '**Westminster model of government**' after the location of the British Parliament, where the parliamentary system originated.
- In the past, the British constitutional and political experts described the Prime Minister as '**primus inter pares**' (first among equals) in relation to the cabinet.
- In the recent period, **the Prime Minister's power**, influence and position have increased significantly **vis-a-vis the cabinet**.
- He has come to play a '**dominant**' role in the **British politico-administrative system**.



Features of parliamentary form of government

- **Nominal and Real Executives:** The President is the nominal executive (**de jure executive** or titular executive)
- while the Prime Minister is the real executive (**de facto executive**).
- Thus, the President is head of the State, while the Prime Minister is head of the government.
- **Majority Party Rule:** The political party which secures majority seats in the **Lok Sabha** forms the government.
- The leader of that party is appointed as the Prime Minister by the President; other ministers are appointed by the President on **the advice of the prime minister**.
- However, when no single party gets the majority, a coalition of parties may be invited by the President to form the government.
- **Collective Responsibility:** This is the bedrock principle of parliamentary government. The ministers are collectively responsible to the Parliament.
- **Double Membership:** The ministers are members of both the legislature and the executive.
- **Leadership of the Prime Minister:** The Prime Minister plays the leadership role in this system of government.
- He is **the leader of council of ministers**, leader of the **Parliament** and leader of the **party in power**.
- In these capacities, he plays a **significant and highly crucial role** in the functioning of the government.

Merits of the parliamentary form of government

- **Harmony between Legislature and Executive:** The greatest advantage of the parliamentary system is that it ensures harmonious relationship and cooperation between the **legislative** and **executive** organs of the government.
- The executive is a part of the legislature and both are inter dependent at work.
- As a result, there is less scope for **disputes** and **conflicts** between the two organs.
- **Responsible Government:** In the parliamentary system establishes a responsible government.
- **The ministers** are responsible to the Parliament for all their acts of omission and commission.
- **The Parliament** exercises control over the ministers through various devices like question hour, discussions, adjournment motion, no confidence motion, etc.
- **Prevents Despotism:** under this system, the executive authority is vested in a group of individuals (council of ministers) and not in a single person.
- This dispersal of authority checks the dictatorial tendencies of the executive.
- Moreover, the executive is responsible to the Parliament and can be removed by a **no-confidence motion**.
- **Wide Representation:** In a parliamentary system, it is possible to provide representation to all sections and regions in the government.

- The prime minister while selecting his **minister** **can** take this factor into consideration.

Demerits of the parliamentary form of government

- **Unstable Government:** The parliamentary system does not provide a stable government.
- There is **no guarantee** that a government can survive its tenure.
- The ministers depend on the majority legislators for their continuity and survival in office.
- A **no-confidence motion** or **political defection** or evils of multiparty coalition can make **the government unstable**.
- **No Continuity of Policies:** The parliamentary system is not conducive for the formulation and implementation of long-term policies.
- This is due to the uncertainty of the tenure of the government. A change in the ruling party is usually followed by changes in the policies of the government.
- **Dictatorship of the Cabinet:** When the ruling party enjoys absolute majority in the Parliament, the cabinet becomes autocratic and exercises nearly unlimited powers.
- **Harold J Laski** says that the parliamentary system gives the executive an opportunity for tyranny.
- **Ramsay Muir**, the former **British Prime Minister**, also complained of the '**dictatorship of the cabinet**'.
- **Against Separation of Powers:** In the parliamentary system, the legislature and the executive are together and inseparable.
- **The cabinet** acts as **the leader** of legislature as well as the executive.
- Hence, the whole system of government goes against the letter and spirit of the theory of **separation of powers**.
- **Raju Ramachandran**, senior advocate at **the Supreme Court of India**. This debate is academic.
- A switchover to **the presidential system** is not possible under our present constitutional scheme because of the '**basic structure**' doctrine propounded by the **Supreme Court in 1973**
- Which has been accepted by the political class **without reservation**, except for an abortive attempt during **the Emergency** by **Indira Gandhi's government** to have it overturned.
- **The Constituent Assembly** had made an informed choice after considering both **the British model** and **the American model** and after **Dr. B.R. Ambedkar** had drawn up a balance sheet of their merits and demerits.
- To alter the informed choice made by **the Constituent Assembly** would **violate** the '**basic structure**' of the Constitution.
- I must clarify that I have been a critic of the '**basic structure**' doctrine.

Abuse of power worries

- 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**.
- **The over-centralisation of power** in one individual is something we have to guard against.
- Those who argue in favour of a **presidential system** often state that the safeguards and checks are in place: that a **powerful President** can be stalled by a powerful legislature.
- But if the legislature is dominated by the same party to which the President belongs, a charismatic President or a **"strong President"** may prevent any move from the legislature.
- On the other Case Study 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.
- A diverse country like India cannot function **without consensus-building**.
- This **"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.

What about the States?

- The other argument, that it is easier to bring talent to governance in a **presidential system**, is **specious**.
- You can get 'outside' talent in a parliamentary system too.
- Right from C.D. Deshmukh, T.A. Pai, Manmohan Singh, M.G.K. Menon and Raja Ramanna talent has been coming into the parliamentary system with the added safeguard of democratic accountability, because the 'outsiders' have to get elected after assuming office.
- 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.
- Those who speak in favour of a **presidential system** have only the Centre in mind. They have not thought of the logical consequence, which is that we will have to move simultaneously to a **"gubernatorial"** form in the States.
- A switch at the Centre will also require a change in the States. Are we ready for that?

Changing to a presidential system is the best way of ensuring a democracy that works

- Our **parliamentary system** is a **perversity** only **the British** could have devised: to vote for a legislature in order to form the executive.
- It has created a unique breed of legislator, largely unqualified to legislate, who has sought election only in order to **wield executive power**.
- There is **no genuine separation of powers**: the legislature cannot truly hold the executive accountable since the government wields the majority in **the House**.
- The parliamentary system does not permit the existence of a legislature distinct from the executive, applying its collective mind freely to **the nation's laws**.

- 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.
- It has **forced governments** to concentrate **less** on **governing** than on staying in office, and obliged them to cater to **the lowest common denominator** of their coalitions, since withdrawal of support can bring governments down.
- The parliamentary system has distorted **the voting** preferences of an electorate that knows which individuals it wants but not necessarily which parties or policies.

Failures in the system

- India's many challenges require **political arrangements** that permit decisive action, whereas ours increasingly promote drift and indecision.
- We must have **a system of government** whose leaders can focus on governance rather than on **staying in power**.
- A system of directly elected chief executives at all levels – **panchayat chiefs, town mayors, Chief Ministers** (or Governors) and **a national President** – elected for a fixed term of office, invulnerable to the whims of the legislature, and with clearly defined authority in their respective domains – would permit India to deal more efficiently with its **critical economic and social challenges**.
- **Cabinet posts** would not be limited to those who are electable rather than those who are able.
- At the **end of a fixed period** of time – say the **same five years** we currently accord to our **Lok Sabha** – the public would be able to judge the individual on performance in improving the lives of Indians, rather than on **political skill** at keeping a government in office.
- The fear that **an elected President** could become **a Caesar** is ill-founded since the President's power would be balanced by directly elected chief executives in the States.
- In any case, the Emergency demonstrated that even a parliamentary system can be distorted to permit **autocratic rule**.
- **Dictatorship** is not the result of a particular type of governmental system.

Direct accountability

- Indeed, **the President** would have to work with Parliament to get his **budget** through or to pass specific **Bills**.
- India's fragmented polity, with dozens of political parties in the fray, makes a **U.S.-style two-party gridlock** in Parliament impossible.
- An Indian presidency, 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.
- The opposite of the dictatorial steamroller some fear a presidential system could produce.

- Any **politician** with aspirations to **rule India** as President will have to win the **support of people** beyond his or her **home turf**; he or she will have to reach out to different **groups, interests, and minorities**.
- And 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**.
- **Democracy**, as I have long argued, is vital for **India's survival**: we are right to be proud of it.
- But **few Indians** are proud of the kind of politics our democracy has inflicted upon us.
- With the needs and challenges of **one-sixth of humanity** before our leaders, we must have a democracy that delivers progress to our people.
- Changing to a **presidential system** is the best way of ensuring a democracy that works. It is time for a **change**.
- **Upendra Baxi**, legal scholar and the former vice-chancellor of **Delhi University**
- I think the debate has a life cycle of its own.
- It has been brought up and discussed whenever there has been a **super-majority government**.
- From **Jawaharlal Nehru** to **Indira Gandhi** to the present, the presidential system has been debated extensively around two aspects: is it **desirable**, and second, is it **feasible**?
- To tackle the second aspect first, unless the Supreme Court changes its mind, any such amendment would violate the '**basic structure**' of the Constitution as was decided with, and since, **the Kesavnanda Bharti case**.
- There is no way to get around this unless **the Supreme Court** now takes a wholly different view.

Different models

- On the desirability aspect, which presidential system are we talking about when we pit **the American presidential system** against **the Westminster model**?
- In the American system, the President appoints his officers; they have limited tenure and their offices are confirmed by **the Senate (Upper House)**.
- Then, we have the Latin American model, where some Constitutions give Presidents a term often amounting to a life tenure like in **Cuba**.
- There are plenty of models to choose from and there are arguments against each.
- So, which system is being argued for when **the votaries of change seek** a shift to the presidential system?
- Our **Rajya Sabha** cannot be compared to **the U.S. Senate** where each state has its **own Constitution** and has the power to change it.
- The relationship between the states and the federal government is extraordinary; as is the status of their courts and the manner of **appointment of judges**.
- I do not think people have thought about it.

- Merely stating that a change to **the presidential system** is needed does not mean much.
- **The Indian debate** currently is not focussed on the kind of presidential system envisaged.
- What is the term we are seeking for the President? Should he/she be re-elected?
- If so, for how many **terms**? Then, who decides **the change**? **Parliament**? All this requires a **massive amendment** to the 'basic structure' of the Constitution.
- The Supreme Court has spelt its view on the 'basic structure' of the Constitution.
- Giving an opinion is one thing. **A judgment** is a more carefully considered **conclusion**.
- Those who support the presidential system should do their homework when they argue against **the parliamentary system**.
- There is also the matter of **separation of powers**.
- In the U.S., **the President**, who is also **the Supreme Commander**, has the power to **veto the Congress**.
- Does India need this? The manner of **removing the U.S. President** through **impeachment** is a very **complex process**.
- There is also the possibility of **aggregating** more powers to the President.
- One could argue that the parliamentary system too runs a similar risk. I do not think it has been thought over. It is not on the table yet.

Reform the process

- On the other hand, there are ideas going around about reforming **the electoral processes** to make democracy more robust.
- From limiting expenditure of **political parties** and **deciding the ceiling** on the expenditure, to holding simultaneous elections, declaring the results for a combination of **booths** instead of **constituencies**
- I think it is advisable to debate this and ensure that **the gaping loopholes** in the **electoral processes** are **speedily plugged**.
- The present parliamentary system has been tried and tested for nearly **70 years**. Rather than change the system, why not reform thoroughly and cleanse the electoral processes?

Why the framers of the Indian Constitution adopted for the Parliamentary Form of Government?

- **Familiarity** with the System
- **Preference** to More Responsibility
- Need to **Avoid Legislative–Executive Conflicts**
- **Nature of Indian Society**, India is one of the most heterogeneous States and most complex plural societies in the world.
- Hence, **the Constitution-makers** adopted the parliamentary system as it offers greater scope for giving representation to various section, interests and regions in the government.
- This promotes **a national spirit** among the people and builds audited India.

Presidential Form of Government

- The Presidential Form Of Government is also known as **non-responsible** or **non-parliamentary** or **fixed executive system** of government basically built on the principle of separation of power, and is prevalent in **USA, Brazil, Russia, Sri Lanka** among others.

Features of Presidential Form of Government

- The American President is both the **head of the State** and the **head of government**. As the head of State, he occupies a **ceremonial position**.
- As the head of government, he leads the executive organ of government.
- The President** is elected by an electoral college for a **fixed tenure of four years**.
- He cannot be removed by the Congress except by impeachment for a **grave unconstitutional act**.
- The President governs with the help of a cabinet or a smaller body called '**Kitchen Cabinet**'.
- It is only an advisory body and consists of **non-elected departmental secretaries**.
- They are **selected** and **appointed** by him, are responsible only to him, and can be **removed** by him **any time**.
- The President and his secretaries are **not responsible** to the Congress for their acts.
- They neither possess membership in the Congress nor attend its sessions.
- The President cannot dissolve the **House of Representatives**—the lower house of the Congress.
- The doctrine of separation of powers** is the basis of the American presidential system.
- The legislative, executive and judicial powers of the government are separated and vested in the three independent organs of the government.

Difference between Parliamentary Form of Government and Presidential Form of Government

S.No:	Presidential Form of Government	Parliamentary Form of Government
1.	President is directly elected by the People	Prime Minister is the leader of majority Party
2.	President is Supreme	Central Legislature is supreme
3.	Separation of Powers	Absence of Separation Powers Centralization
4.	Independent branches	Independent branches with Overlapping functions

5.	President - head of the State	President - head of the State
6.	President - head of the Government	Prime Minister - head of the Government
7.	Separation of Powers	Centralization
8.	Independent branches	Independent branches with Overlapping functions
9.	Individual Leadership	Collective leadership
10.	President is not accountable to Congress	Collective and Individual Responsibility

DEBATE ON STATE VS MARKET

- **“World Bank - World Development Report 1997 : The State In A Changing World”.**
- The report is devoted to the role and effectiveness of the state: what it should do, how it should do it, and how it can improve in a rapidly changing world.
- **Governments** with both **centrally-planned** and **mixed economies** are shrinking their market role because of failed state interventions.
- This report takes **an opposite stance**: that state’s role in the institutional environment underlying the economy, that is, its ability to enforce **a rule of law** to underpin transactions, is vital to making government contribute more effectively to development.
- It argues against reducing government to a minimalist state, explaining that development requires an effective state that plays a facilitator role in encouraging and complementing the activities of private businesses and individuals.
- The report presents a state reform framework strategy: First, focus the state’s activities to match its capabilities; and second, look for ways to improve the state’s capability by **re-invigorating public institutions**.
- According to this report, **five fundamental** tasks are core of every government’s mission, without which sustainable, shared and poverty reducing development is impossible.
- They are...Establishing a **foundation of law**
- Maintaining **macroeconomic** stability
- Investing in basic **social services** and infrastructure
- Protecting **the vulnerable**
- Protecting **the environment**

The Concept of Governance from Government to Governance

- Good governance is an indeterminate term used in the international development literature to describe how **public institutions** conduct **public affairs** and manage public resources.
- Governance is “the process of **decision-making** and the process by which decisions are implemented”.
- “**Government**” and “**governance**” are synonyms, both denoting the exercise of authority in an organization, institution or state.
- Government and governance became distinguished along the following dimensions:



- What activities are **encompassed** in the act of governing?
 - What **actors** are involved in **governance**?
 - What processes have made this **redefinition** necessary?
 - What criteria are used to **evaluate good governance**?
 - What **capacities** should be **developed** to achieve it?
- Governance is the exercise of political, economic and administrative authority to manage a **nation's affairs...**
 - **Governance** embraces all of the methods – **good and bad**– that societies use to distribute power and manage **public sources** and problems (UNDP, 1997):
 - **Governance** is the manner in which **power** is exercised in the management of a country's social and economic resources for development (ADB, 2000)
 - The movement from government to governance is not merely a task of creating new institutions but also that of refurbishing old ones.
 - The state has to be strengthened to play a **new role**.
 - It is also for the civil society to accept that democracy is not going to polls every five years but being **vigilant** and **monitoring institutional** performance and holding them accountable throughout these years.

Partnership with civil society

- In the **shift of government** to governance the role of civil society has been very significant.
- There have been two kinds of strands in this role,
 - a. **Social Movements**
 - b. **Non-Governmental Organizations**
- Social Movements which works for the **cause of poor and marginalized** do influence the governments to be responsive to their needs through changes in **institutions, laws and procedures**.
- **NGO's** have taken up **diverse roles** that also involve implementation of government programmes.
- **Social movements** and NGO's occupied new spaces in the political process and delivering public services.



Copenhagen and Climate summit /
09.12.2009 / P.8 and 18.12.2009/ P.10

197 Nations agree to phase out AC
greenhouse gases.
Legally – binding deal to tackle global
warming, reduce use of gas 1,000 times
worse than CO₂

3 GROUPS OF NATIONS

- Developed countries including the US must slash their use of **HFCs'** by **10 percent** by 2019 from 2011-2013 levels, and then by **85 percent** by 2036.
- A second group of developing countries, including **China and Africa nations**, are committed to launching the transition in **2024**.
- A reduction of **10 percent compared with 2020-2022** levels should achieved by **2029**, to be extended to **80 percent** by 2045.

- A third group of developing countries, which include **India, Pakistan, Iran, Iraq** and **Gulf** nations, must begin the process in **2028** and reduce emissions by **10 per cent** by **2032** from **2024-2026** levels, and them by **85 percent** by **2047**

KIGALI (RWANDA)

- In a major step toward curbing global warming, envoys from nearly 200 nations reached and agreement on Saturday to phase out potent greenhouse gases used in refrigerators and air conditioners.
- Under the amendment to the **1987 Montreal Protocol** on protecting the ozone layer, rich countries are to take action sooner than developing nations.
- The agreement was greeted by applause from exhausted envoys who had worked through the night in **the Rwandan capital Kigali** to put the final touches on the deal to phase out production and consumption of **hydrofluorocarbons (HFCs)**
- But some representatives **voiced regret** that countries such as India, Pakistan, and Gulf nations would begin the transition later than others.
- "It may not be entirely what the **islands wanted**, but it is a good agreement," said a representative of the tiny pacific nation of **the Marshall Islands**.
- The elimination of HFCs could **reduce global warming** by 0.5 degrees by 2100, according to a 2015 study.
- However, swapping HFCs for alternatives such as ammonia, water or gases called hydrofluorolefins could prove costly for develop countries with sweltering summer temperatures, such as India.
- "There are issues of cost, there are issues of technology, there are issues of finances," said **Ajay Narayan Jha** of India's environment and climate change ministry before deal was announced.
- "We would like to **emphasize** that any agreement will have to be **flexible** from one side and not from the other," he had said.
- **HFCs' predecessors, chlorofluorocarbons (CFCs)**, were discontinued under the **Montreal Protocol** when scientists realized they were destroying **the ozone layer**.
- But it emerged that HFCs, while safe for the now healing ozone, are thousands of times worse for trapping heat than **carbon dioxide**, the main **greenhouse gas**.

Characteristics of good governance

i. Participation

- All men and women should have a **voice in decision-making**, either directly or through legitimate intermediate institutions that represent their interests.
- Such **broad participation** is built on freedom of association and speech, as well as capacities to participate constructively.

ii. Rule of Law

- **Legal frameworks** should be **fair** and **enforced** impartially, particularly the laws on human rights.

iii. Transparency

- Transparency is built on **the free flow of information**.
- Processes, institutions and information are **directly accessible** to those concerned with them, and enough information is provided to understand and monitor them.

iv. Responsiveness

- Institutions and processes try to serve all **stakeholders**.

v. Consensus orientation

- Good governance mediates differing interests to reach **a broad consensus** on what is in the best interests of the group and, where possible, on policies and procedures.

**vi. Equity**

- All **men and women** have **opportunities** to improve or maintain their well-being.

vii. Effectiveness and efficiency

- Processes and institutions produce results that meet needs while making **the best use of resources**.

viii. Accountability

- **Decision-makers** in government, the private sector and civil society organizations are accountable to the public, as well as to **institutional stakeholders**.
- This accountability differs depending on the organizations and whether the decision is internal or external to an organization.

ix. Strategic Vision

- Leaders and the public have a **broad and long-term perspective** on good governance and human development, along with a sense of what is needed for such development.
- There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.
- **Source: UNDP (1997) Governance for Sustainable Human Development. United Nations Development Programme.**

How to evaluate the performance of a government?

- It is difficult to evaluate the performance of a government with **uni- factor analysis**; the actual assessment can be done only after considering various aspects of governance, namely Socio, Cultural, Political, Economic, and Environmental factors.
- To evaluate the performance of a government the following factors can be considered.

Socio Cultural factors

- Gender Parity Index
- Religious Freedom
- Equality Based on caste
- Protection of religious and Linguistic Minority Rights
- Gender Budgeting

Political factors

- Effective functioning of Democracy
- Free and fair elections
- Corruption free Politics and Administration
- Transparency in Administration
- Independent Press
- Independent Judiciary
- Human Rights

Economic factors

- Human Development Index (HDI)
- Gross Domestic Product (GDP)
- Purchasing Power Parity (PPP)
- Growth Vs Development
- Equal Distribution of Wealth

Environmental factors

- Sustainable Development Goals
- National Action Plan for Climate change(NAPC)

- Green Budget
- Disaster management

Gross National Happiness (GNH):

- **Gross National Happiness** is a developing philosophy as well as an “**index**” which is used to measure the collective happiness in any specific nation.
- **The Concept** was first mentioned in **the constitution of Bhutan**, which was enacted on **18 July 2008**.
- The term “**gross national happiness**” was coined by the fourth **king of Bhutan, Jigme Singye Wangchuck**, in the **1970s**. The GNH's central tenants are:
- “Sustainable and equitable socio-economic development; environmental conservation; preservation and promotion of culture; and good governance”.
- GNH is distinguishable by for example valuing collective happiness as the goal of governance, and by emphasizing harmony with nature and traditional values.

MORE TO KNOW:

- No man under takes a trade he has not learned, even the meanest: At everyone thinks himself sufficiently qualified for the hardest of all trades, that of government. -**Socrates**

Which is the oldest form of government?

- **Monarchy** is the oldest form of government in **the United Kingdom**. In a monarchy, a king or queen is the Head of State.
- The British monarchy is known as a **constitutional monarchy**.
- This means that, while **The Sovereign is Head of State**, the ability to make and pass legislation resides with an elected Parliament.

Acronyms:

- NHRC – National Commission for Human Rights
- NCSC - National Commission for Schedule Castes
- NCST - National Commission for Schedule Tribes
- NCW – National Commission for Woman
- NCPDR - National Commission for Protection of Child Rights

A Global Perspective

- A global perspective asks you to think beyond yourself, your family, your school, your community, your village, your district, your state or country where you are living.
- Issues that are in the news are after global in nature for ex., environmental issue. Often, a global issue or problem demands a global solution.

- It would not be possible to solve the global problem of climate change with a local solution, even though local courses of action might be taken to help towards a global solution.
- For the problem of climate change, for ex., a local course of action might be creating awareness through street play or exhibition or human chain or a poster campaign aimed at encouraging people think globally and act locally.