

Constitutional Law and Public Administration in India

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Different Forms of Governance: Federal, Unitary, Parliamentary, Presidential System

The Constitution lays down the fundamental principles of public administration in the entire country. India is quite a large state, it has a lot of territories and five geographical zones. It is a country that is united by the Constitution, but it has very different cultures in different parts of the country. The constitutional frameworks could have chosen between a pure federal system or a pure unitary system.

Smaller countries are better governed through a unitary system whereas bigger countries are generally governed by a federal system. A federal system is one in which there are two kinds of government, one is a national government, the other is a regional government or a state government. A Constitution divides the functioning between the two governments. The jurisdictions of the two governments are demarcated by the Constitution. Federal system takes care of the diversified culture, language, needs of growth and development differently and that creates a unique position of governance. In the federal system, while the states have power to decide, the central government is the one that keeps all the states together.

There are smaller countries where the unitary form of government is established. They have chosen to be unitary, but they are not purely unitary. They would have town councils or municipalities to manage the cities and the towns and because it is a small country in terms of geographical and territorial area, a unitary form of government is the only way in which it can function. Unitary features are easy when the culture of the nation is just almost uniform and there exists no different culture in different states. There is no major problem between a majority population and a minority population. There is no major difference of ethnicity or identity of the population. These are the reasons why the constitution of those countries has chosen a unitary form of government. We can learn about the federal system with the help of how the countries of the world have chosen them. Britain, France, Japan, and China have a unitary model of government. They have one strong central government, and that government is the one that administers governments over the entire territory of the country.

The United States, Australia, Canada, Brazil, Argentina, and Switzerland also have a unitary form of governance. In India, the federal government is called the central government, or the union government and the regional government is generally called the state government or provincial governments. The term Federation is derived from a Latin word called, *foedus* which means covenant or a treaty. Because political systems are established through a treaty or an agreement between the various states or provinces. The 50 states have created the union of the United States and have empowered the federal government. The states arrive at a consensus as to how the federal union government will look like and what powers they will have. When there are two kinds of government, a document is required which will separate the powers between the two governments so that there is no clash or conflict. The states remain united and not divided.

A written constitution is critical for legal systems where the role of the legislature, the executive and the judiciary must be very clearly spelled out and adhered to. That is the reason why Britain does not have a perfectly written constitution. The British Constitution is to be found in various documents. They don't require it because there is only one government, the definition of which is already there in several legislations about what the government of Britain ought to do. Where there is a unitary system, the national government can create regional development councils and these regional developmental councils serve the federal government and not the state.

Whereas in a federal system, the state governments can have their own. For example, in the state of Karnataka, which is part of the Federal Union of India, there are so many subjects that the states can administer for which they can have their own employees, executives and they can pay, raise taxes, and have the control of the police system as the constitution would want them to do. So, the division of powers are very clearly laid down in the Seventh Schedule of the Constitution. The Seventh Schedule consists of the Union list containing the list of subjects on which the union government can legislate and administer. It also has a State list which contains the list of subjects on which the states can legislate. Then there is the Concurrent list containing subjects which both state and centre can legislate upon.

However, if the central government decides to make a law on a subject in the concurrent list, that will prevail over the state's right to legislate on a concurrent subject. This is how a federal system ought to work. The federal system ought to keep the states united, the federal system must look at uniformity of law for the federation, not just for the regions. That is how the federal objective is fulfilled and that is why strengthening the federal government, or the central government is a feature of the federal government or the federal system that is created by the constitution.

The United States has two kinds of citizenship namely, a state citizenship and a federal citizenship, but that is a unique model. Whereas in India, we have a single citizenship.

There is Indian citizenship and there is no state citizenship. This single citizenship concept comes from a unitary form of government. It's a unitary feature. You can have your state identity, the language of the state, culture of the state; you can have your own affiliation to the aspirations of the state. But in terms of holding citizenship, the Indian constitution declares that there is only one citizenship.

The supremacy and rigidity of the constitution is a unique feature of the federal system. The judiciary is independent and strong because it is the determinant factor of the constitution and the division of powers. And most importantly, the federal system usually has a bicameral legislature. A bicameral legislature means usually the federal government has two houses. For example, in Britain, there is the House of Commons and the House of Lords. Similarly in India we have the Lok Sabha which is the House of Commons and the Rajya Sabha which is the House of Lords. Similarly, you have the House of Representatives and the Senate in the United States.

Unitary features in the Indian Constitution

The Indian Constitution is neither federal nor unitary. Several jurists and authors have said that India is a quasi-federal constitution. Quasi-federal is a mixture of unitary and federal systems. First and foremost, having a strong center is a unitary feature which ensures that in no case the states shall have complete autonomy and independence. The center is so strong that it can override the states by imposing President's rule. Strong center is what you have in France, Britain and China. In these jurisdictions, the federal government can take over any provincial or state governments. They can interfere with interstate disputes, pass legislation on concurrent lists and legislation to give effect to an international treaty. All of these make the central government the most important government. In terms of revenue that is generated through taxation also, the central government is more powerful than the state government.

There is something called the residuary power that is vested with the central government. It means that if there is any topic or subject which is not mentioned in the Union or the State list in the Seventh Schedule, it will be covered under the residuary power, which means left over. There may be many topics which have not been mentioned in the original constitution like information technology and artificial intelligence. So many new challenges and areas come in governance and every subject is not going to be mentioned in the constitution. If there is a new subject on which a law or legislation is ought to be made, the Constitution says that such residuary power is with the central government, which makes the center a very strong system.

States in India do not have territorial sovereignty or territorial integrity. So, the Parliament or the central government can alter the areas and the boundaries and the name of a state. States do not have a right over their territory. The central government can decide as well

as change the territory of the state by dividing the state into two. For example, recently Telangana was created by bifurcating Andhra Pradesh in 2014. The central government can alter the areas and the boundaries and the name.

Here, the theory of destructible state jurisdiction becomes relevant. State jurisdiction can be destructible or disrupted by the central government and this is a very strong unitary feature of the constitution, which means the most powerful government in India is not the state government, it is the central government. Every power that is important are with the central government such as foreign relations, currency, tax, military, army, etc. An integrated judiciary is another feature of the unitary system. There is no independent state judiciary, which the state alone can seek control or can have its decision to appoint. The Supreme Court of India manages the court system in India.

We also have an integrated audit and integrated election machinery. The Election Commission of India is a constitutional body which decides the elections and the process and the procedures of elections all over India. This is the central machinery that works in the state. So that's a unitary feature wherein one agency is relevant for the entire country.

Similarly, All India Services such as Indian Foreign Service, Indian Administrative Service, Indian Revenue Service, Indian Police Service are a feature of the unitary system and India has those features in terms of the executive appointments to the government. If you see the appointment of the government, it clearly will tell you why the unitary feature is relevant. Every state has a nominal executive head, and this nominal executive head is in the state called the governor; in the center, he is called the president. The Governor is appointed by the central government, and he holds this office under the pleasure of the President of India. He is an agent of the center and he represents the center in the state, he is someone who watches the state and its functions for the central government. He is accountable to the central government. He exercises the center's power of jurisdiction on the state with the mandate of the central government. He is aided and advised by the central government not by the cabinet or the chief minister of the state. This is also a unitary feature because the central government has a final say in state activities. In the appointment of governor by the center, India did not follow the American model, but the Canadian model.

The President enjoys absolute veto power over some of the state bills. Without the Presidential assent some of the state laws cannot come into existence. The way emergency powers are written in the Constitution also shows the primacy of the central government. A national emergency can dominate the states as well. Finally, a unitary feature in the federal system of India is that states can send their representation to the central government and the central government can in turn consult the Rajya Sabha.

While India is not a pure federal system due to the reason that it has a strong unitary feature, which may be considered a quasi-federal system as Professor K.C. Wheare said. He

remarked that the Indian Union is a unitary state with subsidiary federal features, rather than a federal state with subsidiary unitary features. The domination of the central government or the tendency of the constitution to allow domination to the central government, both in respect to the political power as well as in respect to the financial power, makes India's governance model a unique one. The erstwhile planning commission tried to bring in a balance between the interests of the state and the center, especially in terms of the developmental agendas and purposes. There is a criticism that there is over-centralization in India. When you read the Constitution and the functioning under the Constitution, you may tend to agree with that kind of an observation that there is an over centralization that is happening in this country and which may not be good because a unitary form of government may find governments very difficult and challenging considering the landscape we have.

There is something called the marble cake federalism as well. A marble cake is a cake which has multiple layers, and you mix the layers in that marble cake. The model of governance that is suggested in India for everyone to adopt and the constitution to advocate is the model of cooperative federalism. And cooperative federalism is a very important character of the Indian constitution. The co-operative model has worked and existed for a long period of time. In this model, the central government does not treat the state government as a weak government. They cooperate in governance; they take them into confidence. There is a consensus building process and provision. The states are always taken into consideration whenever any kind of administrative decisions are taken or any kind of execution of policies are made. Co-operative federalism is essential to maintain national unity and to also maintain democratic processes which is a process of consensus building where everyone is heard and everyone has a say in how the country is run. It is a collective process of taking the nation forward, in which the state governments have a very critical and important role to play. Maintaining this dual polity or dual form of government is not only in the interest of the union government, but it is also in the interest of the constitution. Because centralization or concentration of power in one government may lead to abuse and misuse of power. It may also lead to a lot of deprivation on social and economic justice grounds. Cooperative federalism model wants the union and the state government to work together without infringing the powers of each other. That means respecting each other's authority is the way forward. This feature of cooperative federalism is the best way that the nation can take constitutionalism forward.

So, what India can do and must do is respect the autonomy and the independence of the states. It must respect the division of powers and maintain the state's unity. In exceptional circumstances, it can also ask the states to join the national integrity or integration movement. It is important that in quasi-federal structure or in the co-operative federalism movement, territorial disputes between the states are resolved as soon as possible. Resource sharing disputes must be resolved amicably. The emergency power in the

Constitution should be rarely and sparingly utilized. And these national aspirations must be allowed to grow. The central identities of states must be completely respected. The kind of interference that is required from the central government should be minimal to the extent that is required as necessary, and not more than that.

Development, which is a major growth agenda for the government should be equal among all states. The central government must not discriminate on those developmental agendas as well. *S R Bommai v. Union of India*, a case in 1994 is a significant case about why the federal government cannot abuse the powers of imposing president's rule in the states. This power has been heavily misused. The Supreme Court in this case laid down the principle of respecting the rights and autonomy of the state and not interfering in it as and when required or not using the political agenda of the central government to override the legitimate right of the state government. *S R Bommai* case laid down that federalism is a basic structure of the constitution. This basic structure cannot be infringed or violated by the central government at any cost by misusing the powers in the constitution.

This case laid down guidelines about how the president's rule can be imposed by the state. It cannot be used arbitrarily, unfairly, there must be a reason why the president's rule comes into place. *S R Bommai* changed the complete way in which this power in the constitution is going to be utilized. After this judgment was delivered, the imposition of the President's rules has decreased. It is done in very extreme circumstances, but till 1994, it was done on the political whims and fancies of the central ruling party. The Supreme Court clearly protected the federal structure and protected the state governments from arbitrary actions of the central government.

If you look at the parliamentary system in India, all of these are the different forms of public administration. While the parliament has a role to define the scope and ambit of public administration, the executive is the one that will implement it on ground and the judiciary will check any abuse and misuse of public administration. The Constitution of India, under Articles 74 and 75, deals with the central system, and Articles 163 and 164 deals with state systems. The Constitution lays down the parliamentary form of government. Modern democracies across the world are classified into either parliamentary form of government or presidential form of government based on the nature of relation between the executive and the legislative outcome of the government. So, the presidential form of government and the parliamentary form of government, are two forms of government that generally exist. The presidential system of government usually is a different system, wherein one will see that the executive is not necessarily responsible to the legislature directly and the constitution creates an independence for the legislature in terms of its office. So, the president who is the chief executive in a presidential form of government is the single most person running the government. It is not a government of collective responsibility.

It is not a government of the cabinet, as the case is. The parliamentary system of government is called the cabinet form of government. And it is based on what is known as the West ministers' model of government that was far prevalent in Britain. It was also prevalent in Japan and in Canada. And now it is very well established in India. So, the presidential form of government is highly executive based, whereas the parliamentary form of government is based on the power of the legislature to make and state the law. Now, one would say that the parliamentary system of government is a safer government. It is a government that tries to make responsible decisions, because it does not concentrate or focus on the powers of a single individual. And it also lays down the office of the parliamentarians, which is fixed for five years or whenever it must be decided for. Also, it enjoys the larger section of the community's confidence, because people send their members of parliament to vote or decide the law.

And hence it is more democratic than the presidential form of government. So, the Prime Minister in a parliamentary system is the head of the cabinet. He is the head of the ruling party, that is, the head of the party that has a majority in the parliament. And that is why he is the Prime Minister. That means he is the chief of the ministers, whereas it is the ministers of the cabinet ministers who are running the government, and they are taking the political administrative decisions. However, in a presidential form of government, the political administrative decisions usually are vested in one person. He is the real president, and not just a nominal president, but the executive president. But an executive president is one who not only decides how to implement, but what to implement. He is the one who makes real tangible decisions.

The features of the parliamentary system are the following. First and foremost is that the president is a nominal executive. In India, the President is not the real executive. The real executive is the Prime Minister. In India the president is called a *de jure* executive. And the Prime Minister is the real executive who exercises this power on behalf of the president in consultation with the president. While the president is the head of all states, the Prime Minister is the head of the government.

Article 74 of the Constitution provides for a council of ministers headed by the Prime Minister to aid and advise the president in the exercise of his function. The advice so tendered to the president is binding. In a parliamentary system, there is a rule of the majority party. It is a political process, the political party that has a majority in the Lok Sabha usually forms the government and the leader of that party is appointed as the leader of the House as the Prime Minister and the President of India gives both to the Prime Minister.

It is the president who appoints all the ministers on the aid and advice of the Prime Minister. The president has a real executive role when there is no single party that enjoys the majority in the house. As the president and as the case laws and the Supreme Court have decided, it

will be the duty of the president to call the single largest party of the house to try and form a government, try, and do a majority in the house and then run the government. The president can also ask the major ruling party to form a coalition government. This has happened in the past where a single party has not been able to successfully get a majority of seats in the parliament, they have gone in for a coalition government.

In India there have been many coalitions in the past. There was a BJP led coalition government as well as UPA forming a coalition government. In the parliamentary system, one of the most important aspects that you will see as compared to the presidential form of government is collective responsibility. The president in the presidential form of government is solely responsible and although he has his own team members that can take those responsibilities, people have voted in his name, and it is a very strong leadership position that is required in a presidential form of government.

However, the bedrock of such a parliamentary government is the collective responsibility, which is ensured through the lower house of the Lok Sabha and the Rajya Sabha. It is like teamwork. They must work together in the spirit of running the government. And a minister can be removed in a no confidence motion. So, they must ensure that each minister's function is within the principles of the constitution as well. The parliamentary system brings in a political homogeneity. And that's very critical and important because it gives rise to many political ideologies and political parties. Some of these political parties come from different backgrounds, from different cultural aspirations, and from different states. And this brings in a kind of a very diverse system of political governance with a lot of political parties who come into the parliamentary system. So, it's not the two-party system that is there in the United States or in other systems.

This does give rise to a lot of new political parties that we invest in from time to time. There are a lot of political parties in India that are state specific. There are very few political parties that have got national status. But every state can bring in that kind of a political homogeneity as the case will be required. There is something called double membership in a parliamentary system, which means that the ministers are the members of the legislature as well as the members of the executive. So, once you are appointed as a minister, with the state or otherwise or even cabinet minister, you are holding an executive role and executive power. But that is granted only based on the membership of the houses, either the Lok Sabha or the Rajya Sabha. So, the rule is that once you are appointed as a minister, within six months, you must get yourself appointed to the either of the house, or else you will lose your ministership. So, you are a parliamentarian as well as an executive minister. And that is what is known as a dual membership role in a parliamentary system. So as an executive, you come to the house, you may be held accountable in the house as well. The Prime Minister is the leader, but he is leading the team of people who are called the government. He is the leader of the Council of Ministers. He is the leader in the parliament and the

leader in the Lok Sabha. In his capacity, he plays a very crucial role in the functioning of the government.

But democratic leadership does come into existence in a parliamentary system. The ministers in a parliamentary system of government must take an oath, they have to operate in secrecy, they have to follow the procedure of accountability and transparency to the legislature. The parliamentary system creates some kind of accountability, which is called dual accountability. One is that the government and the ministers are accountable to the members of parliament within these two houses, where whenever the parliament is convened, they must answer to the questions, they must be responsible. And these are part of open records. Second, these ministers and these members of parliament are accountable to the people, because there will be an election. And during those elections, accountability can also be ensured.

Coming to the features of the presidential model, in the presidential model, the president is so powerful that he not only heads the government in the federal or the union government, but he is also actually the head of the states as well. He occupies a ceremonial position as the head of state governments and has all the executive power of the central government. The president is elected in the United States for tenure of four years. And he cannot be removed by the Congress except by an impeachment for grave unconstitutional acts or grave breach of the Constitution. The question is whether an impeachment can happen to Donald Trump in the United States, because of the number of criminal cases that have been filed against him. But that's a very rare instance, it has never happened. He can have a small cabinet which is allowed. But they are merely advisors to the president. So, the president finally must decide on their behalf, they have no independent position or accountability. And they are usually not elected. These so-called cabinet ministers of the president are not elected. So, they do not have any kind of direct accountability to the people, neither are they directly accountable to the legislature, though they can be done so through various committees that are constituted by the legislature from time to time, where they may be asked to call or state whatever is required. So, what happens in a presidential form of government is during the tenure of the president, the president is not accountable to the Congress at all. And he may address the Congress, he may ask the Congress to support his bills and his vision, which are two different things. He is not an automatic member of the Congress as soon as he becomes the president. So, neither is he the leader of the house as soon as he becomes the president, though the parties remain the same and they support their president. The president in the United States cannot dissolve the house of representatives. So, he has no role to play there. He is neither the member nor the decider. The house of representatives is an independent body. And the president has no role to play over that as well. So it is kind of stated that the separation of power theory, which is an American doctrine, is the basis for the American presidential form of

government, where the legislature, the executive and the judiciary are separated and vested as the three organs of the government.

So, the president is the real executive. He can pass certain orders, but he cannot make real law. The real law is with the legislature. The president as the real executive is not a member of the legislature. The legislature is independent. The president cannot dissolve the legislature. He is not involved with the state. The separation theory works well in the United States.

There are some of the merits for the parliamentary system as well which are visible. It is ideal that big countries with diverse ethnic and cultural kinds of challenges, go in for a parliamentary system of government because there is a harmony that gets created by the legislature and the executive. The legislature and the executive must work in tandem to run the country. They cannot be in separation or in isolation. Like usually what happens in the United States, there is a deadlock very often between the executive and the legislature. So cooperation between the legislature and the executive is ensured in a parliamentary system because many of the legislatures are in executive positions and many of the executives may hold parliamentary positions as well. So, this results in less conflict and less disputes.

Such a system goes on to establish a more democratic and responsible government. The parliament can ensure the responsibility of the executive by issues like in a question hour in the parliament, and there are discussions, sometimes no confidence motion etc. So, this is how the other members of the parliament can control the executive outcome of the government. The parliamentary system because it establishes collective actions and collective responsibility prevents a dictatorial system or concentration of power in the hands of a single individual. So, the tendency to have the power to your own self and to create a system where it would result in one man deciding for all, is somehow dissolved through the parliamentary system. So, the parliamentary and quasi-federal system ensure the dual form of government and the collective form of parliamentary system ensures to a larger extent that the authority cannot be dictatorial. Dictatorial tendency can be curbed in the parliamentary system more easily than in the presidential system. In the parliamentary system there is always an alternative to the ruling party. So, if the ruling party loses confidence, the other party in the opposition can always stake a claim. If one party goes, the other party is always there. So, the parliamentary system ensures that the country is not dependent upon one individual and one party.

So, the leadership of the opposition becomes very critical and important in a parliamentary system. And that's why in Britain, the opposition also has something called the shadow ministers. These are ministers who are in the opposition who are watching the minister in power. They are checking and accounting for what the minister has done. Also, the parliamentary system is based on what is called a wider representation. And this is possible because all sections of the society and the regions can have their representation. And there

is a possibility that ministers, or ministerial berths can be taken by anyone. So, it's not that someone is deprived of the same. If you are qualified to be a member of parliament, if you can gain membership to the parliament, and you will be qualified to be minister. So, ministers from very remote regions of India have worked for the government, they have been given ministerial berths, both cabinet and state or otherwise. And that is how a wider representation in government and governmental decision making can be ensured through the parliamentary system.

However, there are a few demerits. One is an unstable government. The government has to prove the confidence time and again, whenever no confidence motion is brought about. Stability of the government is sometimes challenging unless a party gets a clear majority and there is no division between the parties due to anti-defection. Whereas in a presidential form of government for the four years the president's office is secure, it is a stable government. So, there have been some challenges, especially in a multi-party democracy, where a single party has not been able to win a clear majority in the central government or in the state government.

So there have been challenging times that some prime ministers of India have faced, say, Morarji Desai, Charan Singh, V.P. Singh, Chandra Sekhar, Deve Gowda, I.K. Gujral and finally, Mr. Vajpayee. These are some of the examples wherein the prime ministers were not able to complete their entire five-year term, they were not able to give stable government for the simple reason that their party, which was the leading party in the alliance or in the coalition, was not able to get a full majority. And through their alliance, they had just what is known as a wafer-thin majority and sometimes that would be lost in a no confidence motion. So, these prime ministers unfortunately, had to struggle to survive in their office and their continuity was questioned because of political defections and the evils the multi-party coalition had created at a time when India had to face an unstable government.

Second, one of the other demerits of the parliamentary system is that if a country is looking for very long-term policies or long-term social transformation, then the presidential form of government is much better than a parliamentary system of government. So, in terms of how experiences have happened, that is clearly how things have moved that the presidential form of government is always good for long term uniform development as against the parliamentary system of government. Some have criticized the parliamentary system because it is in violation of the separation of powers doctrine. And they say that there is too much of concentration of power in the cabinet and sometimes the cabinet itself can pass a no confidence motion against the prime minister and hence the whole system of government though in letter is collective, but in spirit it can result in a lot of misuse and abuse of power as well all which are considered as demerits of the parliamentary system.

The distinction between the Indian and the British system of parliament, are just two. First and foremost, while the Indian parliamentary system is largely based on the UK parliamentary system, we have not replicated the British system as it is, we have made changes, and the differences are a few. For example, India has a republic or a republican system of government. The republican system of democratic parliamentary system means we have no monarch. The monarchical system is done away with. We do not have anyone as the king or the queen. The head of the state in India is the president, the head of the government is the president in the central and in the state, it is the governor. So, we do not have any hereditary positions of the head of the state. It is purely through election; it is by choice, and it can change from time to time. The British system is not a republic, British is a parliamentary system. We are a parliamentary system as well as a republic. The British system is based on the sovereignty of the parliament.

The parliament is kind of supreme in Britain and it kind of enjoys quite unlimited powers. In India, the supremacy of the constitution is with the people, the sovereignty lies with the people and not entirely with the parliament. So, the parliament of India enjoys limited powers, and they are governed by the written constitution and such powers of the parliament are subject always to judicial review. The major difference in the British versus Indian constitution is that, in Britain, the prime minister should always be a member of the lower house. Whereas in India, the prime minister can be a member of either of the houses. In India, a minister can also be a member of either of the houses, unlike what is there in Britain. In Britain, there is something called the legal responsibility of ministers, which is not there in India. So, in India, unlike in Britain, the ministers are not required to counter sign the official acts by the heads of the state.

The shadow cabinet rule in Britain is a unique system where the opposition party has a cabinet member to each of the departments. They are also like ministers for the future and there is no such institution in India called the shadow ministry rule. So, these are some of the distinctions between the Indian and British model of the parliamentary system. Why India adopted the parliamentary system and why we are not moving to a presidential form of government is a matter of debate from time to time. To justify the parliamentary system, we must try and look at the presidential system, where we say the presidential system is based on the single executive system. Now, is it possible that in India, every power in the central government is given only to one person without any checks and balances as such? So, if you talk about responsible government, the parliamentary system is much better suited, rather than concentrating everything just in a single executive or in a president who enjoys every kind of power. Therefore, autocracy may easily come in a presidential form of government. Whereas in a parliamentary form of government, the chance of autocracy is far less.

And it is important to understand that the presidential form of government does not give wider and broader representation. That is a major demerit of the presidential form. The

same can be ensured through the parliamentary form of government. And that domination of one person as the president, in terms of the policies of the nation must be as a tendency curve. Of course, the American Constitution, the American system is more stable, but that does not mean the parliamentary system has not been able to give stable governments or is any way less responsible than what the government in the presidential form is. The doctrine of separation of power is an important doctrine to keep checks and balances between the legislature, executive and the judiciary.

So, the doctrine of separation of power theory is important. Whereas it is not a sacred rule that it should be followed in its absolute sense. So, we are very good at matching the separation of power theory in allowing the legislature also to execute, in allowing the executive to also legislate and making the judiciary meet the law. So, this kind of a hybrid feature of the separation of power theory in India has worked increasingly well. And we have been able to hold on to the vibrancy of the Indian constitutional democracy.

And, to a larger extent, it is a kind of heterogeneous state or the plural society that we have in India. For all of these, the parliamentary system offers a greater scope. And it gives all sections of the community greater interest in government formation in government spirit, information of the government policies, and in laying down public administration. And the parliamentary system has also protected national integrity, the national spirit to build people's resilience in terms of a national debate and what is a regional debate. And the parliamentary system is commendable this way. There is no glaring reason our Parliamentary system in India should be replaced with the presidential system at any cost. However, if one looks at the basic structure theory, one would come to this conclusion that the parliamentary system of government is a basic structure. And this at any point of time as of now is not subject to any change.