

COMPARISON BETWEEN INDIAN AND BRITISH PARLIAMENTARY SYSTEM

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Abstract

Parliamentary form of government can be defined as fusion of power, where power is not separated. Power is centered in this system executive as well as legislature are very close and associated. Parliament is pride of any citizen.

Parliament is derived from French word Parle which means talk or to discuss. In the U.K. the Parliament consists of the King, the House of Lords and the House of Commons. All three functionaries join together to complete the actions of Parliament. Both the Houses are in fact two different institutions having different characteristics and different functions.¹

In India the democratic system of presidency is divided into the parliamentary and therefore the presidential system supported the link between the manager and therefore the assembly. In an exceedingly parliamentary system, govt. could be a part of assembly that implements the law and plays a vigorous role in framing it additionally.

In a parliamentary system, the pinnacle of the state could also be a monarch or a president, however each of those positions are unit ceremonial. the pinnacle of the govt. United Nations agency is usually known as because the Prime Minister, is that the real head. Thus, all the important govt. powers are unit unconditional within the Prime Minister.²

This research paper is consisting of basic feature and comparison between both Indian as well as British parliamentary system on different basis.

Key Words-Monarch, Presidency.

Introduction

There is a natural tendency to match the Parliament of Republic of India with Britain parliament.

But our Parliament and parliamentary establishments and procedures don't seem to be a duplicate of the borough system. There are basic variations between their system and our system. British Parliament has adult through some 300 years of history. In Britain, it is often the sole establishment that exercises sovereign powers and on that there are not any limits as a result of there's no written constitution.³

¹ Parliamentary System in India, JAGRAN JOSH, 18-JUL-2015

² <https://www.civildaily.com/british-constitution-features-comparison-with-indian-constitution>.

³ STEPHEN INGLE, **The British Party System: An Introduction**, London: 4th Routledge, 240 pp., ISBN 978-0-415-41235-3, 2008..

In our system, we've got a written constitution and powers and authorities of each organ of presidency and each trained worker are solely as outlined and delimited by the constitutional document.⁴

The power of Parliament itself is additionally clearly outlined and delimited by the constitution. Inside its own sphere, Parliament is supreme. Also, Parliament is that the representative establishment of the individuals. However it's not sovereign within the sense during which land Parliament is sovereign and may | do or undo something. the purpose is that within the sense of constitutional sovereignty, their powers don't seem to be restricted by a constitutional document.⁵

The other major model is that the parliamentary system, that is generally classified into Majoritarian Parliamentary systems (Australia, Canada, India, Ireland, Jamaica, Japan, New Sjaelland, Sri Lanka, UK and Germany) and therefore the figurative Parliamentary system found preponderantly in Continental Europe (Austria, Belgium, Denmark, Finland, Italy, Kingdom of The Netherlands, Norway, Scandinavian nation and Turkey). Within the parliamentary system the individual chief govt. is that the leader of the bulk party within the assembly and is responsible to the national assembly. Although the Prime Minister ship is that the most significant workplace nevertheless there's collective responsibility of the cupboard. The Prime Minister continues to be in workplace as long as his party remains the bulk party within the assembly. the main {points} vary wide from country to country however the foremost vital common point all told parliamentary democracies is that the dependence of the Prime Minister and therefore the cupboard on assembly majority for his or her survival.⁶

Origin of parliamentary system

There are multiple theories on its origin, nature and functions however the constituting and essential components for state stay same in every theory. One amongst them is 'Government' that's a mechanism through that sovereign can of the state finds concrete expression. And to manifest those expressions Government functions in 3 dimensions – law creating, law implementing and adjudicating. These organs of state operate in their specialized areas with coordination and management. The govt. organs functions in any kind of government whatsoever the kind of state is: Unitary, Federal, Parliamentary, Presidential Democracy or Aristocracy. In democratic started these square measure somewhere blended (United Kingdom) and somewhere separated (United States) and somewhere merger of each. Usually in federal structure the Supreme Court possesses a first-rate position. Parliament controls government, government enforces law and policies and Supreme Court shield basic right and Constitution itself. So Supreme Court will review where necessary. Typically this routine slightly slips from coordination to friction as seen in U.S. and Indian models.⁷

In India if Parliament (Constituent Assembly) is that the original creator of two constitutions, the Supreme Court is creator of Constitution and basic Rights. Constitution determines the execs and cons of those establishments. The connections between Parliament and Supreme

⁴ Parliamentary system of India Preetha Kadhir , November 26, 2016.

⁵ <http://shodhganga.inflibnet.ac.in>.

⁶ Linz, J. J. (1991): "A Case for Parliamentary Democracy", Span, July.

⁷ An Introduction To Parliament Of India Dr. Yogendra Narain Secretary-General Fourth Edition 2007 pp115.

Court in Indian social group does not appear terribly lucid and flowing straightly. There are sure reasons once Supreme Court and Parliament confronted and lots of the days they worked swimmingly. But these establishments are the results of the constitutional history of a state. Individuals have right to border the system consistent with their alternative and preference wherever they board. In each democratic started individuals have gotten the correct to plot their own system of governance with none interference from outside. They relish the inalienable right of framing their own Constitution that is most suited to their genius, attribute and aspirations. Generally, the task of framing the Constitution of a sovereign democratic nation is performed by a representative body of its individuals. Such a body electoral by the individuals for the aim of considering and adopting a Constitution is thought because the Constituent Assembly.⁸

Indian Parliamentary System-

The Indian parliament, originated as a cross between country and yank models, consists of the Lok Sabha ("House of People" or lower house) and Rajya Sabha ("Council of States" or higher house). Members of the Lok Sabha are elective directly by the folks each 5 years, unless the ruling party or coalition loses its majority. In such a case, elections for a brand new Lok Sabha are control following

The collapse of the govt. In 1980, only three years once the final election of 1977, the Janata Party lost its majority within the Lok Sabha and a brand new election was held. Apart from many that the President appoints, members of the Rajya Sabha are elective (on the premise of population) by the elective members of the state legislative assemblies. each 2 years, simple fraction of the Rajya Sabha is reconstituted. The Rajya Sabha functions because the representative of state interests within the center. not like the Lok Sabha, the Rajya Sabha cannot be dissolved.

Reasons For Adopting Parliamentary System Familiarity with the system – K.M. Munshi argued Preference to more responsibility than stability – Dr. B.R. Ambedkar Need to avoid legislative- executive conflict – infant democracy could not afford Nature of Indian Society – Heterogeneous.⁹

Features of Parliamentary Government in India

1. President/Nominal /Titular - Head of State and Prime Minister/Real/de facto/ Executives - Head of Government – Council of ministers LED by PM recommendation binding on President.

2. Majority party rule- in Lok Sabha and in cabinet.

3. Collective Responsibility - Council of ministers generally-to parliament to Lok Sabha – The Principle of "**Collective Responsibility**", as stated by Article 75 of the constitution is the

⁸ Kashyap, Subhash C. History of parliament of India Vol VI -New Delhi: Shipra, 2000.

⁹ Mahajan, V.D., Constitutional Development and the National Movement in India, S. Chand & Company, New Delhi, 1986. Pp 257.

bedrock of the parliamentary system. This means that all the **ministers**(including the ones selected from the Rajya Sabha) are jointly responsible for the Lok Sabha. They swim or sink together.¹⁰

4. Political homogeneity – Party, ideology or common minimum programme.

5. Double membership – each legislative assembly- A **Member of Parliament** is any **member** of the Indian **Parliament** called Sansad, i.e., (Lok Sabha and Rajya Sabha).

6. Leadership of the PM – in parliament, party. Pm leads cabinet and he is also known as leader of house. the Prime Minister is the real executive. He is the head of the government, the council of ministers and the ruling government. Thus, he has to play a significant and important role in the working of the government.¹¹

7. Dissolution of the Lok Sabha – govt enjoys right to dissolve any time.

8. Secrecy – ministers operate this principle, The members of the executive in this system have to follow the principle of secrecy in matters such as proceedings, executive meetings, policymaking etc. In India, the ministers take oath of secrecy before entering their office.

9. To associate extent fusion of powers.-

10. Bicameral Legislature: Most of the countries following parliamentary system, including India, have bicameral legislature. The members of the Lower House of all these countries are elected by the people. The Lower House can be dissolved, in case, the term of the government is over or there is no scope of government formation due to lack of majority in house. In India, the President can dissolve the Lok Sabha on recommendation of the Prime Minister.¹²

The British Parliamentary System-

The British Parliament has been alive since 1215, once King John signed the The Great Charter, and is one in every of the oldest within the world. The workings of it have modified through the ages and below could be a temporary description of the ways in which during which it works.

Parliament consists of 2 chambers, the House of Commons, consisting of members of parliament WHO square measure non appointive, and also the House of Lords, consisting of

¹⁰ EIR Volume 16, Number 46, November 17, 1989 Indain Polity By M Laxmikant

¹¹ Parliamentary system of India ,Preetha Kadhir, NOVEMBER 26, 2016 .

¹² An Introduction To Parliament Of India Dr. Yogendra Narain Secretary-General Fourth Edition 2007 pp 89.

unelected peers. The Sovereign, at the instant Queen Elizabeth, is that the third a part of the Parliament. The govt. is formally called Her Majesty's Government. The Queen has, in essence, plenty of power over the govt. however chooses to not exercise that power. This position has emerged through the ages, although at just the once the Sovereign exercised plenty of power over the govt. and also the country.¹³

Features of The British Parliamentary System

1. Distinction between Nominal and Real Executive. - King/Queen is only the nominal executive where as the Prime Minister and his cabinet forms the real executive. In theory, all powers are vested in the name of the King but are really exercised by the Prime Minister and his men.

2. Close relationship between the Cabinet & the Parliamentary Majority.- It is the majority party in the lower house of the Parliament that forms the Government. In fact all the members of the cabinet are the members of the Parliament. Cabinet can remain in power as long as it enjoys the support and confidence of the majority of members in the Parliament.

3. Leadership of the Prime Minister. - The leader of the majority party in the House of Commons will be appointed as the Prime Minister, immediately after he General elections. If the King is the head of the State, Prime minister is the head of the government, the chairman of the cabinet and leader of the parliament.

4. Political Homogeneity. - Cabinet government is a party government. The party that secures majority forms the government in this system. English governments are run by a single political party and their person does not love coalitions. It has the advantage of formulation of policy made easy and arrives at decisions quickly and smoothly and hence can provide for stable and efficient governments.¹⁴

5. Ministerial Responsibility. This is the cardinal feature of a cabinet system of government. Cabinet governments are always called as responsible government. The concept of Ministerial responsibility implies three things –

1. Government does not act irresponsibly – do not abuse wide legal powers which they possess.
2. Responsive to public opinion – acts in accordance with the wishes of the people.
3. Government is answerable to the parliament for all its acts individually and collectively.¹⁵

6. Cabinet Secrecy. - The deliberations and proceedings of the cabinet are highly secret and confidential. The meetings of the cabinet are held in camera and are not often leaked out to press or public.

¹³ Review: New Perspectives on Parliamentary Systems: A Review Article by: Michael L.Mezey Legislative Studies Quarterly Vol. 19, No. 3 (Aug., 1994),.

¹⁴ STEPHEN INGLE, The British Party System: An Introduction , London: 4th Routledge , 240 pp., ISBN 978-0-415-41235-3, 2008.

¹⁵ The constitution of india.

7. Strong and effective Opposition. - It is another important essential for the successful functioning of the cabinet system of government. Her Majesty's Opposition is the alternative government or the government in waiting. It always acts responsibly and make only constructive criticism. It will not make any wild promises in order to destabilize the government in power.

Merits of Parliamentary System

1. Harmony between legislative assembly and executive.
2. Accountable government – Ministers to parliament.
3. Prevents individual despotism – authority to cluster of people.
4. Probability for various governments – while not elections.
5. Wide illustration – all sections/regions.

Demerits of Parliamentary System

1. Unstable Gov. – ministers rely on mercy of legislators.
2. No continuity of policies.
3. Dictatorship of cabinet.
4. Against separation of powers.
5. Government by Amateurs.

Comparison between Indian and british parliamentary system-

The Indian Constitution, although primarily sculptural on British people parliamentary system, makes sure modifications visible of the massive geographical unfold and therefore the federal started.

1. India has AN electoral President whereas British Monarch is hereditary; The Procedure of election of the President itself indicates sufficient departure from British people parliamentary system. In France, before the fifth Republic, and in European country even at the present, the President is chosen by each the homes of the Parliament. Indian President, like that of German Republic is electoral by body consisting of taken within the king's name solely on the countersign of the ministers; so, the king can't commit any wrong. The Indian constitution provides for instrument of the President for violation of the Constitution. It shows that President might discharge some of his functions on his own that he's liable. The federal set up of our polity needs the President to act as defender of the states' interests. The Constitution entrusts a lot of religion within the President face to face than the Union Government. The Governors of the States area unit appointed by the President and hold workplace throughout his pleasures. In exceptional cases, the President might assume himself

all the powers of the regime.¹⁶

2. The President takes oath to 'faithfully' execute the workplace of the President and to safeguard and defend the Constitution.

3. The Constitution provides surely machineries to advise the President, additionally to the Union Ministry. The Constitution provides for the

- Establishment of professional General
- Consultive opinion of the Supreme Court on sure question of truth or law,
- Determination of the disqualification of a member of Parliament in consultation with the commission,
- Consultation of justices of the Supreme Court and High Courts and magistrate of India in appointments to the Supreme Court bench,
- Consultation of magistrate of India Governor of the involved state and magistrate of the tribunal to that appointment is to be made, and
- Assumption of the powers of a State Government thanks to breakdown of constitutional machinery within the State on report of the involved Governor.¹⁷

4. In England, the allegiance owed to the monarch comes from tradition, sentiment and history whereas the position of the President India depends upon the facility exercised by him among the express provisions of the constitution.

5. British people system has unitary started with parliamentary supremacy; the Indian Constitution brings the thought of restricted government with federal started and written constitution. Indian Parliament cannot claim state of British people Parliament to make or undo any law. This reveals that the Indian system of Government is preponderantly supported parliamentary system, but it is not duplicate of that.¹⁸

6. In India parliament is not supreme while in Britain it is supreme.

7. In India pm can be member of either loksabha or rajyasabha. But in Britain he must be member of house of common.

8. Non MP can be appointed as minister or pm but he have to become member within 6 month. While in Britain there is no such provision.

9. No legal responsibility of minister in India, while in Britain minister is legally responsible.

¹⁶ Rao, K.V.; Parliament Democracy of India: A Critical Commentary, Calcutta: The word Pres 1965.

¹⁷ Dua, B.D. et al. (ed.) Indian Judiciary and Politics, Manohar Publishers & Distributors, New Delhi, 2007 pp 185.

¹⁸ Dua, B.D. et al. (ed.) Indian Judiciary and Politics, Manohar Publishers & Distributors, New Delhi, 2007

10. Concept of shadow cabinet occur in Britain while in India there is no such concept. (**Shadow cabinet-** A shadow cabinet is a group of politicians who hold a political post with their party, but whose party is not in government)¹⁹

Conclusion-

All political systems are embedded in their historical past, they work differently in numerous political and social settings. Every system has its Constitution because the cornerstone of the state and its governance. It's central theme that determines and defines the purposeful parameters of all 3 branches of presidency – legislative assembly, government and judiciary. The framers of Indian Constitution adopted Brits model of parliamentary government as a result of freelance Republic of India may be a product of the foremost massive freedom movement. Therefore it might be a mass democracy, based on universal adult franchise. but they didn't create it a sovereign law making body like its English counterparts. They placed mastery within the hand of legislative assembly, however it had to be restricted as a result of in contrast to nice United Kingdom of Great Britain and Northern Ireland,²⁰

India has extended written Constitution, a federal distribution of powers and an inventory of fundamental rights. Thus order to be valid should ensure altogether respects with the constitution. In the classic parliamentary example of the UK, the Parliament is that the facility of not solely the legislative and government powers but the last word judicial authority (the law lords within the House of lords acts as the highest court of appeal). The Indian federal experiment conjointly considerably departs from the classic yank federal system in the maximum amount because the Indian states neither get pleasure from the residual legislative power (which belong to Parliament) nor is there equal illustration of federating states within the federal second chamber (as within the U.S. Senate). the foremost vital feature of India Constitution is Rule of Law and it's mirrored within the elementary rights of citizens, specially the proper to equal liberty and justice and therefore the idea of "the procedure establish by law" that is expressly mentioned within the Art. 21, but it truly underlies all rights. In many recent judgment of the Indian Supreme Court, the idea of procedure establish by law has been taken in approach indistinguishable from the 'due method of law' within the U.S.A. (Maneka Gandhi case) Supreme Court satisfy with due process of law of law whereas in Gopalan case 1950 the Supreme Court glad with the procedure establish by law.

Indian Constitution manufacturers adopted parliamentary democratic system, with the conviction that it best suited our attribute and culture and realized that a representative democracy operating with the electoral representative operating in harmony with the manager and therefore the judiciary is best suited to handle the challenges of diversity school of thought identity, democratic attribute and therefore the development desires of the folks.

¹⁹ Westminster model of democracy not suited to us ... India needs a presidential form of government' By Nalin Mehta, TNN| Updated: Nov 16, 2016

²⁰ Westminster model of democracy not suited to us ... India needs a presidential form of government' By Nalin Mehta, TNN| Updated: Nov 16, 2016.

We have seen in this research paper how parliamentary system of government is different from presidential form of government. if we talk about comparison between Indian and British parliamentary form of government they are different as well have similarities in various aspects. one hand they have similarities in Dual Executive , Majority Party Rule, Collective Responsibility, Political homogeneity,. Double membership, Leadership of Prime Minister Dissolution of lower house, Fusion of Powers. But they have difference in work of pm, monarchy and republic, shadow cabinet.

But overall parliamentary system keeps Harmony between legislature and executive. Responsible government, Prevents despotism, Wide representation to people of many sectors.

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