

# International Journal Research Publication Analysis

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## PARLIAMENTARY AND PRESIDENTIAL FORMS OF GOVERNMENT: A COMPARATIVE CONSTITUTIONAL STUDY OF INDIA AND THE UNITED STATES

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Article Received: 02 September 2026

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Article Revised: 22 September 2026

India.

Published on: 13 October 2026

DOI: <https://doi-doi.org/101555/ijrpa.1366>

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### ABSTRACT

This article examines whether parliamentary or presidential government provides a more effective constitutional framework for democratic accountability, executive stability and institutional restraint. It compares India's parliamentary system with the presidential system of the United States, focusing on executive selection, tenure, responsibility, legislative relations and checks and balances. The research adopts doctrinal and comparative methods, using constitutional provisions, judicial decisions and official constitutional materials. It argues that the difference between the models is not simply that one combines powers and the other separates them: each distributes political responsibility differently. India's model makes the Council of Ministers answerable to the Lok Sabha and permits a government to be replaced when it loses confidence, while the US model gives the President an independent electoral mandate and fixed tenure, subject to constitutional removal. The analysis finds that parliamentary government may promote policy coordination but can enable executive dominance when party discipline is strong; presidential government may provide continuity but can produce institutional deadlock. Neither design guarantees democratic performance without effective oversight, constitutional conventions and respect for legal limits. Rather than recommending wholesale transplantation of the American model, the article proposes strengthening parliamentary scrutiny, committee review, transparency and constitutional accountability in India.

**KEYWORDS:** Parliamentary government; presidential system; collective responsibility; separation of powers; checks and balances; comparative constitutional law.

## **1. INTRODUCTION**

Constitutional design determines how public power is authorised, exercised and controlled. Among the most consequential design choices is the relationship between the executive and legislature. Parliamentary government links the executive's political survival to the confidence of the elected House; presidential government gives the executive a separate constitutional mandate and ordinarily a fixed term. These models are often presented as opposites, but their practical operation depends on party systems, constitutional conventions, courts, legislative procedures and political culture.

India and the United States provide a useful comparison. Both are federal democracies with written constitutions, bicameral national legislatures and judicial review. Yet India follows a parliamentary model influenced by Westminster, while the United States adopts a presidential model shaped by the constitutional commitment to separated institutions sharing power. The comparison is relevant to India because debate about executive stability, legislative accountability and the possibility of presidential government often treats institutional form as if it alone could solve political problems.

The central argument is that the relative effectiveness of either model must be assessed against the constitutional values it is designed to serve. Parliamentary government offers a direct mechanism of political responsibility, but the executive may dominate the legislature where party discipline is strong. Presidential government separates institutional mandates, but separation can become deadlock rather than effective restraint. This article therefore compares not only constitutional text but also the consequences of each arrangement and the lessons India can draw without mechanically importing another jurisdiction's model.

## **2. STATEMENT OF THE PROBLEM**

The legal and practical problem is whether parliamentary government's dependence on legislative confidence provides more meaningful democratic accountability than the presidential system's separation of powers, and whether fixed presidential tenure offers stability at the cost of effective governance. In India, collective responsibility is a constitutional principle, but its effectiveness may be weakened where the governing party's legislative majority and party discipline limit independent scrutiny. In the United States, checks and balances can restrain unilateral action, yet divided political control may delay legislation and budgets.

The problem is not simply to identify which system is superior. It is to determine how each system manages three competing aims: an executive capable of governing, an executive answerable for its decisions, and institutions able to prevent arbitrary or concentrated power.

### **3. RESEARCH QUESTIONS**

- (i) How do the constitutional arrangements of India and the United States allocate executive authority and define executive accountability?
- (ii) What are the principal institutional advantages and weaknesses of collective responsibility compared with fixed presidential tenure and separation of powers?
- (iii) What lessons can India draw from the US system to improve parliamentary scrutiny without abandoning its constitutional model?

### **4. RESEARCH OBJECTIVES**

The article aims to explain the constitutional foundations of parliamentary and presidential government; compare their executive–legislative relationships; analyse judicial interpretation and institutional checks; and formulate recommendations for strengthening responsible government in India. These objectives correspond to the research questions and evaluate performance rather than merely describe formal rules.

### **5. RESEARCH METHODOLOGY AND HYPOTHESIS**

This article uses doctrinal legal research and comparative constitutional analysis. Primary sources include the Constitution of India, the Constitution of the United States and relevant judicial decisions. Secondary materials include constitutional commentaries and official explanatory resources. India and the United States are selected because they are established federal democracies with contrasting executive structures; comparison helps identify the effects and limits of parliamentary responsibility and presidential separation. No questionnaire or interview data are claimed. The research is limited to the national executive and legislature and does not attempt a full comparison of state-level government or every parliamentary and presidential jurisdiction.

The hypothesis is that neither system is inherently more democratic or efficient in every context. Parliamentary government is more directly responsive to legislative confidence, while presidential government creates stronger formal separation between branches. In both systems, effective accountability ultimately depends on the practical independence of legislatures, courts, oversight institutions and the political willingness to observe constitutional restraints.

## 6. LITERATURE REVIEW

Constitutional scholarship distinguishes parliamentary systems by the executive's dependence on legislative confidence and presidential systems by the separate origin and survival of executive and legislative institutions. Indian constitutional commentaries, including D.D. Basu's Introduction to the Constitution of India and M.P. Jain's Indian Constitutional Law, explain the Cabinet system through Articles 74 and 75, the role of the Prime Minister and collective responsibility to the Lok Sabha. Their doctrinal approach clarifies the constitutional structure, though a research article must also ask whether the formal duty of accountability is effective in political practice.

Comparative scholarship associated with Arend Lijphart's Patterns of Democracy cautions against treating institutions as isolated variables. Electoral systems, party systems, federalism and political conventions influence how constitutional forms work. A presidential system in a polarised, fragmented political environment may operate differently from one in which cross-party bargaining is routine. Likewise, parliamentary government may be stable under disciplined majority government but vulnerable to uncertainty in a fragmented legislature.

The Supreme Court of India's decisions provide a doctrinal foundation. In *Ram Jawaya Kapur v. State of Punjab*, the Court described the relationship between executive and legislative powers under the Indian Constitution and recognised that India does not adopt a strict separation of powers in the American sense. In *Shamsher Singh v. State of Punjab*, the Court clarified the constitutional position of the President and Governor within a parliamentary system, emphasising the ordinary operation of ministerial advice. These decisions explain the legal structure but do not, by themselves, measure the quality of parliamentary scrutiny.

Official US constitutional materials explain Article II's vesting of executive power in the President, the four-year term, appointment powers and impeachment. The US model is not unchecked presidential authority; it distributes power through constitutional checks, including Congress's legislative and oversight functions and the judiciary's interpretive role. The unresolved practical question is whether formal separation or direct parliamentary responsibility more effectively secures accountability in particular circumstances. This article addresses that question through focused institutional comparison and reform proposals for India.

## 7. LEGAL FRAMEWORK AND JUDICIAL ANALYSIS

**7.1 India: Articles 74 and 75.** Article 74 provides for a Council of Ministers headed by the Prime Minister to aid and advise the President. The President is required to act in accordance with that advice, although the advice may be returned once for reconsideration. Article 75 addresses appointment and tenure of ministers and states that the Council of Ministers is collectively responsible to the House of the People. The design separates the formal head of state from the political executive and makes the latter answerable to the Lok Sabha.

Collective responsibility has legal and political dimensions. Politically, the government must retain the confidence of the Lok Sabha; a successful no-confidence motion ordinarily requires resignation or another constitutionally appropriate response. Individually, ministers are expected to answer for their departments and defend government policy in Parliament. Accountability is meaningful only if members can obtain information, question ministers and scrutinise legislation. If party discipline prevents meaningful dissent, formal responsibility may not translate into effective oversight.

In *Ram Jawaya Kapur v. State of Punjab*, the Supreme Court explained that India's Constitution does not establish an absolute separation of legislative and executive powers. The executive is drawn from and operates in close relationship with the legislature, while remaining subject to constitutional limits and legislative authority. The decision rejects the assumption that executive power must always be confined to actions expressly authorised by a specific statute; it does not authorise the executive to violate legislation or fundamental rights.

In *Shamsher Singh v. State of Punjab*, the Supreme Court clarified that the President and Governors ordinarily act on ministerial aid and advice within the parliamentary structure, subject to limited constitutional exceptions. The judgment supports the proposition that the elected ministry, not the nominal head of state, is the real political executive. This arrangement strengthens democratic responsibility because executive decisions are attributable to ministers who must answer to the legislature. At the same time, accountability relies heavily on parliamentary scrutiny and the governing party's internal discipline.

**7.2 United States: separation of powers and checks.** Article II, Section 1 of the US Constitution vests executive power in the President and provides a four-year term. The President does not depend on Congress's continuing political confidence. Article I vests legislative power in Congress, while Article III establishes the federal judicial branch. The branches are separate, but their powers overlap at specific points. The President may veto legislation; Congress can override a veto under the constitutional procedure; the Senate

participates in specified appointments and treaty processes; and Congress holds impeachment powers.

The presidential model's legal promise is that no single institution should exercise all governmental power. Yet the system is not based on complete isolation. It depends on institutional bargaining and on each branch respecting constitutional limits. In *Youngstown Sheet & Tube Co. v. Sawyer*, the US Supreme Court rejected President Truman's seizure of steel mills in the absence of sufficient constitutional or statutory authority. Justice Jackson's influential concurrence developed a framework for assessing presidential power according to its relationship with congressional authorisation or opposition. The case illustrates that presidential authority is legally bounded and that constitutional separation is enforced through judicial review.

The contrast with India should not be overstated. India also recognises constitutional limits, judicial review and institutional checks. The difference is that the Indian executive's political survival is connected to legislative confidence, while the American President's survival is not ordinarily dependent on legislative support. The US President may be removed through impeachment and conviction for constitutionally specified grounds, but impeachment is not a substitute for a parliamentary no-confidence vote. The systems therefore provide different kinds of accountability rather than a simple strong-versus-weak executive distinction.

## **8. COMPARATIVE ANALYSIS: SIMILARITIES, DIFFERENCES AND CONSEQUENCES**

**8.1 Source and survival of executive authority.** In India, the Prime Minister and Council of Ministers govern through the parliamentary majority and must retain the Lok Sabha's confidence. Executive authority is connected to the legislature's political composition. In the United States, the President has a separate electoral mandate and a fixed term. This can make executive survival more predictable but may separate the President's programme from the composition of Congress. India may replace a government after loss of confidence, whereas the United States usually continues with the President until the end of the term despite political disagreement.

**8.2 Accountability and scrutiny.** Parliamentary accountability is potentially immediate: ministers answer questions, appear before committees and may lose office when the government loses confidence. Its weakness is that the same majority that sustains the government may control legislative business and discourage scrutiny. Presidential accountability is distributed through congressional hearings, appropriations, confirmation

powers, elections, impeachment and judicial review. Its weakness is that oversight can become partisan and the impeachment threshold is intentionally high. In either model, accountability depends on access to information, independent oversight and political incentives to use formal powers responsibly.

**8.3 Stability versus deadlock.** Supporters of presidential government emphasise fixed tenure and continuity. A President can pursue an executive programme without facing the immediate risk of a no-confidence vote. However, the same continuity can preserve executive–legislative conflict for years. The parliamentary model can be more adaptable because a new majority may replace the government, but fragile majorities may undermine policy continuity. Stability must therefore be distinguished from mere duration in office: a government may remain in office while failing to secure legislation, and a government may change while the constitutional system remains stable.

**8.4 Separation of powers.** The US model provides a clearer formal separation between executive and legislature. India adopts a parliamentary relationship in which the executive is formed from the legislature but remains subject to constitutional boundaries. The Supreme Court's interpretation rejects strict separation in the American sense while preserving functional differentiation. The relevant question is not whether branches are completely separate, but whether each can perform its constitutional role without improper interference and whether unlawful conduct can be challenged.

**8.5 Similarities and contextual limits.** Both systems are federal constitutional democracies with bicameral national legislatures and independent courts. Both use elections to confer democratic legitimacy and provide legal mechanisms for controlling executive action. Their differences arise from constitutional history and institutional choices. India's framers sought responsible government within a diverse post-colonial state; the American Constitution emerged from a design intended to prevent concentrated authority by dividing power. The comparison cannot establish that one model would produce the same outcomes if transplanted into the other country. Electoral rules, political parties, conventions and constitutional culture mediate institutional performance.

## 9. COMPARATIVE SUMMARY

**Comparison Table**

| Basis                | India                                                       | United States                                                       |
|----------------------|-------------------------------------------------------------|---------------------------------------------------------------------|
| Executive model      | Parliamentary; Council of Ministers led by Prime Minister   | Presidential; President heads executive branch                      |
| Constitutional basis | Articles 74–75, Constitution of India                       | Article II; related provisions in Articles I and III                |
| Tenure               | Government depends on Lok Sabha confidence                  | Fixed four-year term, subject to constitutional removal             |
| Accountability       | Collective responsibility and parliamentary scrutiny        | Congressional oversight, elections, impeachment and judicial review |
| Main strength        | Coordination and flexible replacement of government         | Executive continuity and institutional checks                       |
| Main risk            | Executive dominance if majority discipline weakens scrutiny | Deadlock between separately elected branches                        |

## 10. CRITICAL FINDINGS AND ORIGINAL ARGUMENT

The comparison supports four findings. First, formal accountability and effective accountability are not identical. Article 75's collective responsibility creates a direct constitutional link between the Indian government and the Lok Sabha, but the link has practical value only where parliamentary questions, committee scrutiny, debate and voting are meaningful. A dominant majority can improve legislative coordination while reducing the incentive to scrutinise the executive. This is not a defect unique to parliamentary government; it is a risk created by the interaction between executive control and party discipline.

Second, fixed presidential tenure creates continuity but does not guarantee effective governance. A President and Congress may both possess democratic legitimacy yet disagree on legislation, spending or appointments. Checks may prevent unilateral action, but may also delay solutions. Such delay may be a constitutional safeguard in some circumstances and a governance cost in others. Institutional friction should be evaluated by asking whether it protects constitutional limits or simply prevents ordinary democratic decision-making.

Third, formal separation of powers is not a guarantee of independent oversight. If Congress does not use its oversight powers, or if partisan loyalty overwhelms institutional interests, checks may be weak in practice. Conversely, the parliamentary system does not lack checks merely because executive and legislature are connected. Courts, federal arrangements, the

upper House, parliamentary committees, constitutional offices and public accountability can constrain government action, though their effectiveness varies.

Fourth, a wholesale shift to a presidential system would not automatically resolve concerns about executive dominance or legislative weakness in India. It would require redesigning elections, executive tenure, removal mechanisms, cabinet responsibility and the relationship between the President, Parliament and federal units. It could create competing mandates between a separately elected President and Parliament. The more defensible reform path is to strengthen existing accountability mechanisms while preserving the constitutional logic of responsible parliamentary government.

## **11. FINDINGS AND RECOMMENDATIONS**

The findings answer the research questions as follows. India's Constitution makes the Council of Ministers politically answerable to the Lok Sabha, whereas the United States separates the President's tenure from congressional confidence. Parliamentary responsibility offers a more immediate political remedy, but may be weakened by executive dominance over the legislative majority. Presidential separation creates institutional checks, but can result in deadlock and relies on Congress and courts to use their powers effectively. The comparative evidence therefore does not support a universal ranking of the two systems.

First, parliamentary committee scrutiny in India should be strengthened through adequate research support, timely access to government information and greater opportunity for detailed examination of important bills. Committee review should be treated as a substantive accountability mechanism rather than a procedural formality.

Second, the executive should provide clearer and more timely explanations for major policy choices, delegated legislation and urgent executive action. Transparent reasons allow Parliament, courts and the public to evaluate whether government action is lawful, proportionate and evidence-based.

Third, parliamentary procedure should preserve meaningful time for opposition scrutiny and ministerial questioning. Responsible government is not achieved solely by the existence of a majority; it also requires the majority to accept that scrutiny strengthens the legitimacy and quality of decisions.

Fourth, the role of constitutional institutions and independent judicial review should be protected. Courts should enforce constitutional boundaries while remaining attentive to the distinction between legal questions and political preference. Constitutional offices should

function according to the text and conventions of the Constitution, rather than being treated as instruments of partisan advantage.

Finally, comparative reform should be context-sensitive. The United States offers lessons about checks, oversight and institutional independence, but those lessons can be adapted within India's parliamentary framework. Any proposal to replace the parliamentary system should be supported by evidence about its likely effects on federalism, political representation, accountability and governability, not merely by frustration with particular governments.

## **12. LIMITATIONS OF THE STUDY**

This article is doctrinal and comparative, not empirical. It does not present original interviews, survey responses or statistical claims about legislative performance. The comparison focuses on the national executive-legislature relationship and selected constitutional authorities; it does not exhaustively analyse state governments, party finance, electoral systems or all comparative jurisdictions. Further research could test the conclusions through systematic content analysis of parliamentary questions, committee reports, bill scrutiny and congressional oversight over a defined period.

## **13. CONCLUSION**

Parliamentary and presidential forms of government organise executive authority in different ways, but both seek to reconcile effective administration with democratic control. India's parliamentary model places the Council of Ministers within a relationship of collective responsibility to the Lok Sabha. The US presidential model gives the President a separate constitutional mandate and fixed tenure, while distributing power among Congress, the President and the judiciary. The distinction is therefore between different structures of accountability, not between accountability and its absence.

The analysis demonstrates that neither system guarantees good governance on its own. Parliamentary government can coordinate policy and replace a government that loses confidence, but it requires robust legislative scrutiny to prevent executive dominance. Presidential government can protect institutional independence and executive continuity, but it requires functioning checks to prevent concentration of power and to manage deadlock. Constitutional design must be evaluated in context, including political parties, conventions and institutional practice.

For India, the strongest conclusion is not that presidential government should replace parliamentary government. It is that the principles associated with effective checks and balances—transparent decision-making, meaningful legislative oversight, independent institutions and respect for constitutional limits—should be strengthened within the existing system. Comparative public law is most useful when it informs contextual reform rather than encourages mechanical transplantation.

## FOOTNOTES

1. The Constitution of India, 1950, arts. 74–75.
2. The Constitution of the United States of America, 1787, arts. I–III, especially art. II, § 1.
3. D.D. Basu, *Introduction to the Constitution of India* (LexisNexis, latest available ed.).
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6. *Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549.
7. *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831.
8. U.S. Const. art. II, § 1, cl. 1; see also U.S. Const. amend. XXII.
9. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).
10. U.S. Const. art. I, §§ 2–3, 7; art. II, §§ 2–4.
11. Congress.gov, *Constitution Annotated*, ‘Overview of Article II, Executive Branch’, [constitution.congress.gov](https://constitution.congress.gov) (accessed 9 October 2026).
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11. Congress.gov, Constitution Annotated, Overview of Article II, Executive Branch, constitution.congress.gov.