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PRESIDENTIAL
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versus
PRESIDENTIAL SYSTEM OF GOVERNMENT

Proceedings of Seminar
Organised by India International Centre
on November 19, 1966

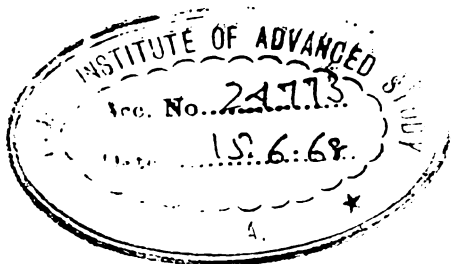


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FOREWORD

TILL A FEW YEARS ago students of political organization as well as practitioners of democratic politics brought up on the Anglo-Saxon traditions had more or less taken for granted that the Westminster model of parliamentary democracy represented perhaps the most unalloyed form of the parliamentary system of government. Deviations from it were regarded as aberrations from an acknowledged norm, resulting from the erratic courses of history in the deviant countries. This implicit assumption received a jolt in the early sixties, *albeit* temporarily as it appears in retrospect, even in the United Kingdom, which might perhaps be properly described as heartland of parliamentary democracies. It was at this time, towards the end of Mr. Harold Macmillan's term of office as Prime Minister of United Kingdom, that the authority and power of the British Parliament seemed to undergo a slow process of erosion in many different ways, and executive decisions on major issues of policy appeared to be increasingly taken in a political style more in tune with the 'presidential system' of government.

The trend was so noticeable in these years that perceptive observers of the then prevailing political scene in that country, with close acquaintance with parliamentary politics, like Mr. Richard Crossman, M.P. (now Minister for Labour), and Dr. J. P. Mackintosh, M.P., to mention only two names among other leading political practitioners, began to wonder if a new pattern of political organisation, viz., a 'Prime Ministerial system' of government was not in the offing, as indeed a few discriminating political analysts in this country had begun to do in the heyday of Pandit Jawaharlal Nehru's Prime Ministership.

A serious agonising appraisal of the prospects of the parliamentary system of government was, however, sparked off in a very different milieu only after the death of Pandit Jawaharlal Nehru by the somewhat curious political goings-on

which marked a climacteric in our democratic evolution since independence. These manoeuvres, ostensibly prompted by the eminently laudable object of a search for a consensus on the selection of the Chief Executive of the nation, resulted over the succeeding months, in a slow but noticeable attrition of the stature and powers of the Prime Minister. This necessarily hampered the vigorous exercise of executive leadership at the highest level of government and became a source of concern to all those who believed in such leadership as being a *sine qua non* of the efficient functioning of parliamentary democracy.

The setting of the Indian problem was thus basically different from that in the United Kingdom ; whereas in the latter case the problem posed stemmed from a seemingly excessive acquisition of power by the Prime Minister, in the former the problem seemed to be one of undue dilution of this power. In thinking circles in this country, questions began to be asked if, in the Indian context, a 'presidential system' which conferred increased powers on the Chief Executive of the nation and enabled him to lead Parliament effectively would not be more appropriate to the needs of the new political situation. Indeed a senior member of government in one of the leading States of India, viz., Madras, formally gave notice of a resolution to be moved in the summer session of the All India Congress Committee in 1965 which advocated a change-over to some sort of a 'presidential system' of government in the interest of the effective democratic governance of the country.

It was in this climate of thought that the India International Centre conceived of the idea of a colloquium on this subject with particular reference to the prevailing political situation in this country. Unfortunately, the armed conflict with Pakistan in the autumn of 1965 and its aftermath held up the consideration of this project which was further delayed by the political and administrative developments in 1966 following the death of Prime Minister Lal Bahadur Shastri. These developments did little to improve the style of politics or administration, and the circumstances which had suggested the need for a serious dialogue on the major issue of the form of government gained an accession of strength and added urgency to this issue.

At this time, Prof. Max Beloff, Gladstone Professor of Government in the University of Oxford, England, happened to be in Delhi as a Visiting Professor of the Delhi University. The India International Centre took advantage of his presence

to organize the projected colloquim on "Parliamentary *versus* Presidential System of Government". The colloquim was presided over by Dr. C. D. Deshmukh, President of the India International Centre and then Vice-Chancellor of the University of Delhi. Prof. Max Beloff was good enough to agree to lead the discussion in which many eminent public men and distinguished scholars in different disciplines participated. The list of the participants is given in an appendix to this document.

The colloquim attracted wide notice and roused much interest. Enquiries were subsequently received from many different quarters about the record of the discussion. The India International Centre, therefore, considered it desirable to publish the present document containing summaries of the statements made by the participants made out from the records of the discussion at the colloquim. The basic issues debated at the colloquim appear to have received an unexpected edge from the results of the last general election. The fundamental political problem of all democratic systems, viz., the reconciliation of Freedom with Authority calling for the establishment of the right equation between them, would seem to have acquired a new dimension in the wake of the latest electoral developments. The consequent changes likely to occur in the configuration of the political terrain would need sustained study and careful watchfulness in the years to come. The Centre trusts that the present publication may be found to be a small contribution to the better understanding of some of the political prospects ahead of us.

The India International Centre is grateful to Professor Max Beloff and to the other participants in the colloquim for the interest and trouble that they took to participate in it and to help clarify according to their lights many of the major issues debated in it.

New Delhi
March 15, 1967

D. L. Mazumdar
Director
India International Centre

Proceedings of Seminar on

PARLIAMENTARY vs. PRESIDENTIAL SYSTEM OF GOVERNMENT

November 19, 1966

Chairman (C. D. Deshmukh) : introducing the guest speaker said : I have very great pleasure indeed in extending a very hearty welcome to Prof. Max Beloff, B. Litt., M.A., Fellow of Royal History Society. He is the Gladstone Professor of Government and Public Administration, at the University of Oxford, and Fellow of All Souls College since 1957. He is such an eminent person that I shall not take up your time by giving the detailed bio-data about him, except to recall to your memory that he has a number of very distinguished publications to his credit, about a dozen, some of which, like *Thomas Jefferson and American Democracy*, *The Great Powers*, *The American Federal Government*, etc., have run into more than one edition.

Max Beloff : I would like to begin by saying that it is not my fault that I am here—the subject for this seminar sprang entirely as far as I know from the brain of Mr. D. L. Mazumdar. He suggested it to me before I came to India and I accepted his invitation rather rashly, because I was unaware then of how topical a subject this was in this country. I thought this was really just an academic discussion of the kind with which one is very familiar, but as I have seen on more than one occasion, and of course as we can see from the two documents circulated to us—the letter from the Minister of Industries, Madras, and the paper by Dr. Pal—not only is this a topical subject but it is obviously a subject on which people in this country entertain very diverse views.

A second point I would like to make is that although I produced a number of questions, which have also been circulated, which I thought would be the kind of questions to which the people might like to address their attention, I did this within the framework of a general assumption that the issues raised in these questions might be of great importance if a constitutional change of this kind were to be on the agenda, as it were, of the Indian political scene.

But it is not that I am myself altogether convinced that the change would solve, or indeed go very far towards solving,

many of the problems which have caused people to think of this change. For, it is arguable that the conditions of Indian politics, and indeed the country's general social and economic structure, are such that to argue about the form of the executive or the relation between the executive and the legislature—which is what this comes to—is taking it at a level at which no enormous difference might in fact be made with the kind of problems which those who seek the change would like to solve.

Put another way, it is arguable that the problems that have been taken on in the endeavour to construct a parliamentary system on the basis of universal franchise in a country so large and so diverse, which represents a political experiment with no parallel in the world in any period of history, are such that one has to think about the feasibility of this before one comes to discussing the details of the central institutions. And though it would be improper to enlarge upon this, I feel, I ought to say this as a prelude that whether a federal system or a centralized system, whether a multi-party system or a single-party system, whether indeed democratic rule or totalitarian rule, are more appropriate to the conditions of the country, would all seem to me to be prior questions to the purely constitutional one to which we have limited ourselves.

Having said that much to explain my own position, I will now accept the view that it is important to decide about the nature and function of these central institutions, and that it is natural, therefore, to look at the alleged advantages and disadvantages of these systems as they operate in countries where, if you like, these basic questions of national identity, of the ability of the central government to enforce its will, do not arise or do not arise in the same acute form. In the present context this seems to me to be the importance of our interest in the experience of the United Kingdom and the United States—the two countries we know best, and the two countries which perhaps best represent these alternative ways of running the central government. Therefore, I would like now to spend a little time simply on presenting some thoughts, not all of them my thoughts, but anyway thoughts which people have about the present state of presidential and parliamentary or cabinet government in the United States and Britain.

The most important thing that strikes observers of these two systems is that each of them has certain advantages denied to the other and that the differences between them depend at least as much on the individuals concerned in running a system at any one time, as they do upon the

constitutional structure or even the conventions within which the constitution operates.

It has, for instance, been fashionable to argue in Britain in the last few years that the British system is becoming more 'presidential', that there is a clear accretion to the power and authority of the Prime Minister as compared with his colleagues. But it could equally well be argued that this impression gained during the very unusual period of ascendancy of Mr. Macmillan as Prime Minister in the first five years of his tenure in that office—his ascendancy disappeared as you know in the last year—and if looked at his two successors would, on the whole, I think, suggest that there are limits to which this 'presidentialization' of the office can go even under a fairly strong personality. The system has been looked at and studied closely—I think this represents perhaps the most acute attempt to analyse these differences—by Prof. Richard Nevstادت of the Columbia University in a paper presented a year ago to the American Political Science Association, when he pointed out that the difference between the two offices still remain so striking—Presidents, he said, with their twenty and odd high-powered assistants and with a thousand civil servants in their executive office, and Prime Ministers with but four such assistants in their private office—three of them on detail from departments—and a handful more in the cabinet office, which by definition does not serve Prime Ministers alone. I think this is a very important point, because one may exaggerate the extent to which either a Prime Minister or a President ought to be thought of as an individual irrespective of the instrument which he has at command.

One of the reasons, I think, why Mr. Macmillan's tenure may in this respect look like a move towards a presidential system, was the unusual relationship which he had established with the then Secretary of the cabinet, so that the cabinet office began to look as though it were becoming a sort of instrument of the Prime Minister. Indeed, for a short time—and it has not reappeared in official documents—the Secretary to the cabinet was described as the Prime Minister's Principal Official Adviser. But this has changed; the office has been split from the headship of the Treasury, that is to say, the Civil Service with which it was combined. And, of course, in certain fields of government, the British Prime Minister has no equivalent of the instruments which the American President has. There is no equivalent to the Council of Economic Advisers, there is no equivalent to the President's Office for Science and Technology. These functions are departmental

in the United Kingdom, presidential in the United States—so that, it would seem, if one were contemplating a shift to another system it would be much more than a simple rewording of certain clauses in the constitution. It would involve a major change in the organization of the governmental machine.

On the other hand, it could also equally well be argued that in some respects the British Prime Minister, with a cabinet to deal with, has a more direct control over many or most of the agencies of government than does the President in the sense that, provided his authority is retained, i.e., provided that he retains the authority to nominate the Ministers and the final say in the allocation of posts, both within departments and in the great nationalized and public sectors of industry, in the various boards and commissions that cover so much of the country's economic and social affairs, and provided he has the ultimate sanction of Parliament behind him, he has a power which in the United States constitution is quite deliberately diffused. In other words, the President cannot, for instance, command the activities of, say, the Tariff Commission or the Federal Reserve Board in the same way as an impulse coming from the Prime Minister in Britain is or can be transmitted to every branch of government activities. The relevance of this factor for looking at the way in which the economic affairs of the two countries are run is well brought out in Andrew Shoenfield's *Modern Capitalism*.

Where the American President has an advantage, through a large staff in executive office, is the ability to formulate policies without depending on departments. The British Prime Minister, without such an office, probably lacks the ability to formulate policies, but is better equipped to execute them. This again is something one ought to consider if one is thinking of making a change: Is the problem one of dealing with the execution of policy or of the formulation of policy? From the point of view of someone like Prof. Nevstad the position of the President appears to be one of competing agencies, that is to say, it is the most important but not the sole organ of decision, and much of what the President has today within the administrative sphere, quite apart from the well-known problems of handling the legislature, does depend upon his personal authority, bargaining power and so forth. It becomes therefore a much more political office than that of a Prime Minister who, provided he keeps his party fences in order, is given in this respect a clear hand.

Another point which seems to be relevant, because it is mentioned, I think, in one of the papers put before us, and

this of course will come up in the discussion, is whether the presidential system does in fact enable a President to by-pass things like seniority in party service or local influence in the selection of his cabinet offices. Is it true, in other words, that if your problem is one of making the right type of talent available to government at the centre, that the presidential system offers a clear advantage? Obviously, on the clear letter and performance of the two systems, this is, I think, a fact. The American President no doubt has problems in filling a cabinet office but these are not on the whole the problems, in the most sensitive offices, of political support. It is I think a matter of common knowledge that when Mr. Rusk became Secretary of State in the USA, which is an important office, not only was he politically totally unknown but the President himself had never personally met him. The choice of various other cabinet figures also would appear to lie—Mr. McNamara again—quite outside the ordinary inter-play of politics, which under the British or similar systems does determine the position of those holding political offices at the centre.

Similarly, it is true that at any one time, at any time of crisis for instance, the President is far less inhibited by the actual office held or by considerations of formal seniority as to whom he chooses to advise him. If one looks, for instance, at the very detailed account given in Mr. Sorensen's book on President Kennedy and the Cuba crisis, confrontation over the Soviet missiles, which I suppose was one of the greatest tests of the American system of management that it has yet had to face, one can see that the President surrounded himself for the three or four critical days with a group of people, some of whom were there because their positions dictated it, but others were there because the President felt that their counsel would be valuable, though quite different people could conceivably have been called in. There was nothing, in other words, to say 'this is the group that shall decide'. If one were to imagine a British confrontation with a crisis of that kind, people whom the Prime Minister would be bound to take into his confidence were really settled in advance and it would be a matter of very considerable surprise, and indeed even dismay, if he were to introduce into the counsels of the cabinet someone outside or someone who held an office which did not entitle him to participate in decisions of this kind. So I think there is this genuinely greater measure of freedom in both senses.

On the other hand, one could equally well say that in a political system where you are still depending and must depend

very largely upon consent, which really means acquiring voluntary support for policies, it may not in the long run be a great advantage to have a wide breadth of choice in the appointment of persons to positions of great responsibility. Thus the parliamentary system, for better or for worse, is a method of bringing forward and training a recognizable political elite and, indeed if I were again to go outside my terms of reference to range more widely over the Indian political scene, I would have added in parenthesis this point, that one of the weaknesses, it seems to me, in the operation of the parliamentary system, like the Westminster model, in India is that it has not been fully accepted, and that the presence of persons belonging to the general body who obviously have an influence and responsibility but hold no position in Parliament or in government, is a major weakness, in the sense that I find it very difficult to reconcile this or to see how it can be reconciled, with the working of the Westminster model. Certainly, any attempts to exercise this kind of influence by extra-parliamentary personnel, whatever their party affiliation may be, has always been resisted in England and has always been regarded as flouting the essence of the constitution.

Now, you may say, that under Indian conditions or under conditions in other countries, Parliament is unlikely to act as the filter through which a political elite emerges, and that this elite is more likely to be found, as American Presidents appear to be finding it, in the offices of the Foundations, in the Board Rooms of companies, in private business, in universities, and so on. I can see that the argument for this, in a relatively homogeneous society like that of the United States, is a fairly strong one. If President Kennedy did not know Mr. Dean Rusk it was not at all difficult for him to find out what kind of a man he was and to establish the probable kind of relationship he would have with him, but I would have thought that if the President of India were suddenly launched into the task of filling up not only a cabinet but hundreds of offices—the American President, by nomination fills at the time of his installation something like a thousand offices carrying political decision-making powers—if he were simply to have a sort of loose range for the whole of India, I would have thought the problems of personnel would almost be baffling. I fail to see quite how one would get the right feel for the kind of person that one wants. The only alternative would be to look for them among the people who had come forward through the machinery of States, and that again, one may say, is something which in a country where the centrifugal tendencies of federalism are so strong, might not altogether be desirable.

Now these, I think, are the immediate reflections that one has when one compares the arguments relating to the two systems and sees a suggestion that one or other might be more appropriate under the existing conditions in this country. There is, of course, another range of subjects—as I said, they are much more familiar, the books tell you much more about them—and those are the subjects that relate to the position of the executive in regard to the legislature. Now, here of course one could say that the two systems are very far apart, in that the American President is likely to be in a bargaining position with his Congress except in very unusual times—and it seems from the American elections of the last week, it is going to be a difficult bargaining position for the next two years. The British Prime Minister, on the other hand, except when the luck of the electoral system produces a very unusual parliamentary situation, as developed in between the last two general elections, has the legislature virtually at his command from the point of view of the legislative programme which he thinks desirable. The only limitations on the legislative programme are the physical limitations of the number of hours in the day.

Now, I am not quite clear—and I speak, as you will recognize by now, as a total ignoramus on this country, in which I have recently arrived for the first time, I am not at all clear, just looking at the Indian Press, or talking to my Indian friends, that the problem of the lack of a responsible legislature is really a very important one. If, as I see it, if the party has a commanding voice in the legislative matters, and is generally speaking responsible to the party Whip, I find it hard to see what would be gained by foregoing this command over legislative machinery. It may be—and one could argue and I think I would argue—that the Congress is a much more effective legislative machine in the long run, that it is likely on the whole, by an elaborateness of its procedures, to bring the country to accept things which the more radical and direct British method might not only fail to achieve but render almost impossible of achievement because of resistance or obstruction or confusion which they would provoke. But the American Congress will only work where it can develop within itself legislative leadership.

Now, one could argue again, why should not the Indian Parliament, without Ministers to take the lead, become a legislative machine of that kind? And, indeed, there is no abstract argument to the contrary. But it does seem to me that there is again this practical argument to the contrary—is it likely in so diverse a country, with so many calls upon its talent, that you can afford both to man an executive branch

of government at the highest level of competence and have quite a large number of people left over who are prepared to regard the legislature and its functions as their main and indeed their sole concern? In other words, can India really afford a double political elite, even supposing that the dominance of one governing party remains unquestioned—and that of course may not be the case for long?

The final point that I would make, and it is related to the earlier one, is that the usually dominating argument for presidential government—it was this argument which has brought the French system over very close to a presidential one—is for stability in the executive. Arguments have usually arisen, as they arose in France, from a multi-party system, where it appears that the competition between the parties forces permanent and unstable coalition as the normal fact of political life, as was the case throughout the life of the Fourth Republic and much of the life of the Third Republic.

Again, though one could visualize circumstances in which this might become true in India, one would not at the moment say that the instability of the executive was something one had to worry about, when one has a political system and an electoral system which appear to make it almost certain that comfortable majorities will continue to exist. It does not seem to me that any Indian Prime Minister so far has been in danger because of possible loss of a commanding majority in Parliament itself. Consequently, this argument, which has been so powerful on the continent of Europe, does not, again, seem to me to be a very relevant one in Indian conditions. You could of course rephrase it and say that it is not the likelihood of instability in the executive, it is the ability to bring pressure on the executive and to weaken its administrative action which is the result of its immersion in the parliamentary process. But there again I find this—and I speak very much subject to correction—not to correspond with what actually goes on in as far as the ordinary external observer can see it.

What appears to me to be an inhibiting factor in this country in executive action is partly, as we have seen in this city in recent weeks, a tendency in some quarters to exaggerate the importance in a democratic society of extra-parliamentary agitation—a great tolerance, in other words, of non-parliamentary political pressures, but even more and perhaps over a longer period more important, the existence, as I said earlier, of a federal system with very highly centrifugal tendencies and with very great tendencies in certain parts to place the satisfaction

of a regional, local demand or position above that of the national consensus. It is the direct operation of the State governments or indeed the public opinion in the States which seem to me to be much more important than any weakness in the parliamentary system or any lack of support which in the last resort the Congress government can command from Congress M.P.s. So, once again, on that account too, I would have thought the argument for a change may be misconceived.

This is all that I should like to attempt to put before you. As I say, I speak very much subject to correction, but I thought if I did not put my neck out, no one else would.

C. D. Deshmukh : I shall throw the discussion open, but I would suggest that in our intervention we only make our points. In this gathering, it would seem hardly necessary to elaborate them, much less to indulge in argumentation.

Karan Singh : Well, in my preliminary remarks I would like to make a couple of points. First, the arguments regarding the comparative merits of the presidential and the parliamentary forms of government imply the basic acceptance of what one might call a democratic system rather than a totalitarian system. Because, really the crucial choice in Asia today is not so much between the parliamentary and the presidential system as between what is called the democratic system and the authoritarian system. In our discussion we are assuming that it is going to be the democratic system, and within the basis of that we are going to discuss the merits in the two systems. Once this is accepted, I would like the discussion to bear specifically upon the Indian problems, because it is very difficult to consider the problem in theory unless you relate them to some specific country. Whereas the two ideal models, as it were, are the U K and the USA, I think in this seminar it would be more useful if we concretize the discussion on the Indian problem.

When we do that, what exactly is the problem before us? Is it suggested that we switch over from our present parliamentary form of government to a presidential system? We in India today have been functioning under the present system of government for the last twenty years. Now an argument has been put forward that this parliamentary government has failed and therefore we should switch over to the presidential form of government in India. If this is the issue I think it would be

helpful for us to have clear ideas as to whether this is really so.

I personally have no doubt whatsoever that the parliamentary system of government for India is far superior to the presidential. It is true that there are certain obvious attractions to a presidential form of government, which to my mind will prove illusory. First, the main argument of those who want a change is that they want a strong government. They would prefer to have one person who can lead the country. But actually, if one studies our situation carefully, one would find that in a country like ours with the background of a parliamentary system of government, with a federal system with a large number of States of varying sizes, with the inherent tensions and unpredictability of a developing society, the parliamentary form of government is likely to give us much more scope to meet the problems that confront us. We must remember that although the societies in the UK and the USA are also developing, they have achieved a certain equilibrium, as it were, over the last two decades, whereas in India our democracy is only barely 20 years old and we are still grappling with the massive problems of economic development, of technological change and of social evolution. In order to handle these problems, a certain amount of flexibility in our system is essential. The great advantage of the parliamentary system for us is the possibilities of making important changes without having to resort to violent means. I will give one or two concrete examples.

Take, for example, what happened after the Chinese invasion. There was a general feeling in the country that our defence system was not adequate. Well, certain changes were made, including a change in the Minister of Defence, painlessly. I would say not entirely painlessly, but without any severe convulsions, and the system was able to take that shock, the traumatic shock, of a defeat by the Chinese at the border and to carry on without our democracy being basically impaired. Much more recently, in the last week, there was another very important change in the government. There was a feeling in Parliament and elsewhere that Home Affairs were not being handled with the ability and the firmness which were necessary. Therefore, our system gave us the opportunity to make a change without disrupting the fabric of democracy.

Once you adopt the presidential form of government, then you are stuck with the President, as it were, whether you liked him or not. When tensions mount there is no way in which you can change the government or important elements in

it without the necessity of a formal impeachment, or you let the tensions grow and ultimately explode. Therefore, it seems to me that the parliamentary system is much superior from this particular point of view.

I am not saying that our parliamentary system is functioning perfectly. In fact one last point that I would make is that our parliamentary form of government needs some essential developments to make it more effective. Two developments which occur to my mind immediately are, first, an increasing sophistication in our committee system in our Parliament. Even today the M.P.s do not get adequate opportunity to participate in the tasks of government apart from merely voting on bills. Now, the development of the committee system, I think, mainly on the American pattern, would be very useful. I think that is one thing we can derive from the American system without having a presidential form of government.

Secondly, it seems to me that the committee system within the cabinet itself should function more effectively than it does today. You have the Cabinet Sub-Committee on Defence, you have the Cabinet Sub-Committee on External Affairs, and so on. For many years these Sub-Committees did not function very effectively, because we had at the head of government an outstanding charismatic leader. Now these committees should develop and become more effective. With these developments I feel a lot of frustration among the Members of Parliament would be removed. But I would certainly say that any attempt to change the system in India today would be fraught with danger.

Susan Rudolph : It seems to me that the main arguments behind Mr. Venkataraman's proposal are important, as also the burden of Prof. Beloff's remarks. The reason for Mr. Venkataraman's proposal appears to be his doubts about the possibility of all the States continuing to command one party stable majorities. I think Mr. Venkataraman proposes an executive without, if possible, the multiple party system, to avoid the instability which flows from such a system. In this respect, it seems to me that the proposal for a strong executive is a proposal for stability.

There is another advantage that would flow from his proposal, which I suspect is less general and perhaps more partisan—although I would not like to suggest that this was his intention. Presumably, the Congress Party is much better equipped as a party institution to manage, for example, a national presidential election, because it has a fully national

party organization, which a good many of the opposition parties lack. In some ways you could argue that a strong executive is a possibility which would benefit the Congress, particularly at a time when its majorities in the various States become narrower.

There are two apparent weaknesses in the proposal. The first—the one Mr. Beloff has stressed several times—is that under a presidential system the legislature cannot be commanded. I am struck by the fact that in Mr. Venkataraman's proposal the whole issue of how differences between the legislature and the executive shall be resolved, is slid over, it is not really centrally confronted. You could raise an argument that Mr. Venkataraman's proposal strikes for stability, while possibly sacrificing the effectiveness which the executive now has with its majority in the legislature.

There is another disadvantage. I think Mr. Beloff also referred to it. Mr. Venkataraman feels that the factionalism which is now one of the prevailing difficulties for the State executives particularly, and increasingly for the national executive, can be managed better by a term executive. I wonder whether, if you get fixed term executives in the States that are under an obligation to jolly along legislators to pass their programmes, they would not be under considerable obligation to get the members in the cabinets from the various factional groups who can then assure that the programme will perhaps go through in the legislature. So the legislature and the executive are obviously closely tied together.

Lloyd Rudolph : I have one observation to make. One thing which has to be considered seriously, if India wishes to adopt a presidential system, is what the capabilities of India's political system are in supporting the national politics. I do give support for the national politics now rather well, in my view, but this it does through a fantastic, complex, structural arrangement working up from the local basic power, upto M.L.A.s and the whole scheme of local governments, to the State cabinets and through the nomination process, in a myriad and complex system of negotiation and bargaining which makes it possible for a large mass of the public in India, without the kind of political communication, mass communication and so forth, which national politics in more developed countries from this point of view command, to participate in the elections.

Whether India will be able to have a national political system and a federal system as well without a mass newspaper

reading public, without a mass television public and even without a mass radio public, because of this rather deeply decentralized complex hierarchical system of negotiation, bargaining and participation is open to question. Now Mr. Venkataraman's proposal would be, at least, as far as one could guess from the draft resolution, that the President be nationally elected. I think it is worth thinking about what this would mean in a country like India. Of course, it would be certainly advantageous to any party which has a national organization. But beyond that, in a general way, my question will be: what will be the nature of the national presidential campaign in India and the implications of the efforts to mobilize a national majority behind a President on a party basis? Yet if the President is to be elected by the present means, i.e., by the same legislators voting together to act as the electoral college, what would be the nature of the political process by which a particular individual was elected as President. You must imagine what will be the nature of presidential politics. In America presidential politics is very complex and a long-term operation—getting the nomination and winning the election. We must think about how such a thing would be done in India. I just raise it as a problem in the context, on the one hand, of this rather complex and effective system of negotiation and participation (now relying on a hierarchical system) and in the absence of mass means of communication available today in the country.

C. D. Deshmukh : I believe what you want is a new model of democracy which has not yet been thought out by political scientists. In other words, I do not know why we should confine ourselves to the Westminster model or the equivalent Washington model. We need a model of democracy to suit our conditions. Now, the problem here is, as Professor Beloff has hinted, that this is the first time in history that the Western parliamentary system of democracy is being tried in a country without perhaps the necessary basic preparation of the nationals, and without the basic premises being satisfied.

In particular, I should say that this is the first time in history where over a sub-continent we have given adult franchise to a largely illiterate and ill-informed franchise holders. Every adult in this country has a vote. This has very serious consequences. After the initial glamour from the politics of our independence wore off and the old leaders who had fought for it and won it disappeared one by one, we have had to live with representatives of the people from many constituencies who were brought up on increasingly narrow and parochial

interests and were men and women of increasingly lower educational and other qualifications. The universe out of which we have now to choose our Ministers both at the centre and perhaps in the States does not produce men of the required calibre. I cannot say anything about their integrity, but certainly few of them possess the requisite capacity or industry so that 3/4th of their time, as revealed by a study of the administration in the Punjab according to the admission of the Ministers, is spent on political in-fighting and in political manoeuvres to retain their position. Now, this has had a very demoralizing effect on the entire administrative machinery which, by Asian standards, was not particularly weak. We inherited a reasonably efficient administrative system; although the complexities of the tasks have increased enormously, as well as the dimensions, we still have the makings of a very good system of bureaucracy. But it is thoroughly demoralized by bad leadership at the political level, with the result that in the implementation of policies and policy-decisions our administration has given very poor evidence of any kind of sense of direction, and it is notorious that our plans have progressively failed. I think it would not be incorrect to say that we have today a really hesitating and inefficient government.

Another disadvantage is that the centre of political power is entirely in the States largely because of the way in which we manage our elections. When to elect representatives for Parliament and the State legislatures the people go to the polls on the same day, it is quite clear that a person cannot be elected to Parliament unless he is able to carry five or six local seats with him. It is a kind of a psychological attitude when you go to the poll booth, if you are voting for the Congress you will give all the votes to the Congress. If we were to make a small change in our system, and the elections for the central Parliament could be held on a day, say, six months away from the elections to the State legislatures, I think much could be achieved. Today all Parliament members are apparently at the mercy of the local bosses and these local bosses are now not making it a secret that it is they who wield power and not the people at the centre. That explains the gigantism of the plans and various other things—the retention of food zones and many other evils from which we are suffering. This is what is to be corrected.

As regards the quality of the people, I suggested to our former Prime Minister, Shri Jawaharlal Nehru, and to others, and also in my speeches during the last six years that what was needed was that they should reinforce themselves by looking at the younger talents particularly as the Congress Party

lacked any definite kind of ideology except the one they had appropriated from the Socialists and badly operated. Too many old people are sticking around to their jobs—a Minister who left his job recently was a Minister for 20 years ! Now, I think that this is wrong, because your brain does not function that way—as you know. I should say that five or ten years or something like that ought to be the sort of ordinary rule

Interruption : There was the Kamaraj Plan !

C.D. Deshmukh : No, that was a stratagem; it was not a rule at all and most of them came back. Therefore, I say unless a party rejuvenates itself by looking round for fresh talent, inducting it into its own ranks, ensuring that they get seats to which they will be elected, our government will never improve no matter what system of democracy we may run.

That is in short all that I want to say at this stage on this topic.

Shiva Rao : I think it may be of some use if I were to throw a little light on the circumstances under which the Constituent Assembly came to the decision that we should not have a presidential system. The Constitutional Adviser, in his draft, had borrowed many of the structural features of the 1935 Constitution and he had suggested that whoever be the Head of the government should have two categories of powers : one, to be called Special Responsibilities on the analogy of the Governor-General's powers in the 1935 Constitution, and the other powers which he would exercise only under instructions from the government of the day.

A normal procedure in the Constituent Assembly was that the Drafting Committee, which incidentally consisted of a non-Congress majority—there were seven members of the Drafting Committee and five were non-Congress—normally considered the draft proposals of the Constitutional Adviser and then placed them with its own recommendations before the plenary session of the Constituent Assembly. But in this particular matter of powers under Special Responsibilities for the Head of the government, the Drafting Committee, which was rather allergic to the 1935 Constitution, struck that proposal outright and said that under no conditions would the Head of the government enjoy any sphere of responsibilities to be exercised in his discretion, that is to say, without consulting the cabinet of the day. That is how the constitution took

shape, and although our constitution provided for the President to take over the administration of a State in certain circumstances, there is no provision in the constitution for the President to take over the entire administration of the Government of India, under any circumstances, a point which I had made in a letter to *The Hindustan Times*.

The other point which I think we have to consider is whether the presidential system as we have evolved has had sufficient experience in working. We have had two Presidents so far. One was the President of the Constituent Assembly, Dr. Rajendra Prasad, who was inevitably the choice of the Congress Party for the position of President. He was not a very assertive person and had a rather masterful Prime Minister to deal with. Therefore, even the limited powers that were placed in his hands by the constitution he did not choose to exercise. He occupied that seat for two terms and was followed by Dr. Radhakrishnan, the present President. He was not really a Congress Party man. He is more of a philosopher and educationist. He was selected with the support and the backing of the Congress Party. As President I must say that he has exercised much more freedom in his speeches than Dr. Rajendra Prasad did. Whether he will be elected again next year or not, I do not know. But having regard to the composition of the electoral college which will elect the President after the general elections next year, I think it is quite possible—personally I would consider it quite likely—that the position will change somewhat materially. That is to say, the Congress Party, even if it comes to power in the centre, will have a considerably reduced majority, and it is quite on the cards that in at least two or three States there may be non-Congress majorities functioning. In any case, the composition of the electoral college which will elect the President would be markedly different from what it has been in the last 15 years. Therefore, I think the President who will be elected next year will have more room for manoeuvring than the first two Presidents have had.

One other point I would like to make is that I entirely agree with Dr. Karan Singh in what he said about the committee system. I had myself experience of both Houses of Parliament and I personally think the committee form of government is much more appropriate for this country than the system we have followed. I think that in a revolutionary age like the present, the very slow and almost dilatory processes through which important legislative measures go is a warning of which we should take notice.

N. C. Chatterjee : Mere discussion on comparative merits and demerits of the two systems will be of very little practical purpose. I would like to be a realist and say that the history of the evolution of the Indian political and constitutional system has been very peculiar. Our leaders fought the British but when we got independence it is amazing that they deliberately retained the British system of jurisprudence because they thought that that would be conducive to the rule of law. We deliberately adopted the parliamentary system. It had earlier operated in the provinces, which are now States, for some decades with varying degrees of success. Let us remember the men who were in the Constituent Assembly : Sir Alladi Krishnaswamy Ayyar, Dr. Rajendra Prasad, Sir B. N. Rau, the real maker of the constitution, and other great men of India. We adopted the parliamentary system because we were convinced that that would be the best system for having democracy functioning in India.

I am convinced that what Bagehot had said is still correct—after all there must be coordination between the legislature and the executive and the best way to do it is the parliamentary system, for the cabinet is the hyphen which joins the two.

Now, our misfortune has been the artificial imbalance—those who are in Parliament know it very well—only about 43 per cent of the votes go to one party, but the party has over 70 per cent of the seats in the House. Although the Congress majority has been going down in successive elections, the proportion of seats which it has in the Lok Sabha, which is the dominant House, is getting larger instead of going down. Secondly, as Dr. Deshmukh pointed out, there are other difficulties.

But I am against switching over to the presidential system. In a country like India where the States have a big pull—one of the great parliamentarians standing up in Parliament once said, ‘In my constitution it is written : “India, that is, Bharat, that is, Uttar Pradesh” ’—this system can lead to dangerous consequences, to some kind of fascism, to dictatorship, that will intensify the centrifugal forces. You can just imagine what can happen. A few States with large majorities may back a strong man and he comes to power and completely dominates the scene. That will be the end of democracy in India. Therefore, I am pleading for an amalgam of both the systems, for their synthesis, for a reconciliation of the two.

Dr. Rajendra Prasad was one of the men who made the constitution of India. Yet, when he was President, he wanted to know what exactly his position was. Possibly, Jawaharlal Nehru or other Ministers had told him that he was merely a counter-part of the British monarch, and had no other powers excepting those which had been specifically given, and as such must act purely as a spokesman of the cabinet. He was rather unhappy at this. He put it to the country, to lawyers, jurists, eminent thinkers, politicians, to define his exact powers. There was a symposium in Delhi at which I had the privilege of initiating the debate. I pointed out—I still maintain I was right—that it was not the intention of our constitution-makers to make the President a mere replica of the British monarch. I can give Article after Article which demonstrate that he can exercise his own independent judgment, apart from the judgment of the cabinet. Take for instance Article 111 of the constitution, which says :

‘When a Bill has been passed by the House of Parliament it shall be presented to the President and the President shall declare either that he assents to the Bill or that he withholds his assent.’

Now look at the proviso :

‘provided that the President may, as soon as possible after the presentation to him of a Bill for his assent, return the Bill, if it is not a Money Bill, to the House, with the message requesting that they will reconsider the Bill, or any specified provisions therein, and in particular to consider the desirability of introducing any such amendment as the President may recommend in his message to the Parliament. And when a Bill is so returned, the House shall consider the Bill accordingly and if the Bill is then passed again by the House, with or without amendment, and present it to the President, the President shall not then withhold his assent.’

I am pointing out this to show that it is not correct to say that our President’s powers are no more than those of a constitutional monarch like that of Britain. There are other sections also which bear this out.

I am pleading that this artificial imbalance can be to some extent redressed—you can have proportional representation, if you like, you can think of other things. Unless there really are two parties more or less evenly balanced, you cannot have

the parliamentary system functioning properly. Unfortunately that has not evolved here; we are trying to move in that direction, but we do not know if we shall succeed. In some States the dominating party has been thrown out of office and power, and as some of the participants have also said, the present ruling party may be dislodged in a large number of States. What I am suggesting in this? Why not give the President increased powers? We could develop conventions or amend the constitution. We have already amended the constitution 21 times, if necessary we can amend it again.

Dr. K. M. Munshi, the eminent lawyer, who was also a member of the Constituent Assembly, states that some of the powers of the President are supra-Ministerial where a Minister cannot be relied upon to advise him. He has given four or five cases :

- (i) Dismissal of the Prime Minister who does not enjoy the leadership of his party ;
- (ii) dismissal of a Minister who has lost the confidence of Parliament ;
- (iii) dismissal of the House of People which appears to the President has lost the confidence of the nation ;
- (iv) his exercise of powers as the Supreme Commander in emergency when the military has failed to defend the country.

Also, in cases of emergency you have got to depend largely on the powers of the President.

I am, therefore, advocating that the President should be given powers to come to his own decisions, not to be always fettered by the judgment of one Minister or the cabinet. In that way, I think, it is possible to have the best from both the systems. You can make an amalgam of them, make a blending of them, and apply them to the Indian constitution. I do not think that our Indian constitution-makers were wedded only to the British model, completely ignoring the American system. Of course we could not have a complete separation of powers. That is not possible, because we have the cabinet system, which means a blending, a reconciliation of the legislature and the executive. There cannot be a separation between the two. Apart from that, there is a large field where the President can usefully act at his own discretion in

the interests of the nation and the country.

For instance, the greatest lawyer in India, the former Advocate-General, has been deprecating the continuance of the emergency. The emergency was declared when the Chinese invaded India. Everybody welcomed it then, but it is still continuing, without any check, without a revision by Parliament, without any periodical review of the situation. In such cases, I think the President should be given power in his own judgment to revoke it, to suspend it, and bring about normal conditions.

The finest feature of the Indian constitution is the guaranteed fundamental rights. Making a departure from all other constitutions in the world we had deliberately conferred basic human rights and guaranteed them, and given the right to all Indian citizens from Kashmir to Cape Comorin to go straight to the Supreme Court for the vindication and enforcement of any of the fundamental rights. But all the fundamental rights today stand practically suspended simply because of the emergency. The Supreme Court has ruled that nobody at present can petition the Supreme Court or a High Court for the vindication of Article 14 or Article 19 of the constitution. Article 19 virtually means all the basic freedoms. Therefore, all the basic freedoms have gone. Part III of the constitution, which is the most valued part of our constitution, is completely kept in abeyance. How long will it remain in abeyance? It is in these matters that the President should be given some powers. It may suit the Ministers; it may suit the party in power; it may be convenient for them to keep up this apparatus of emergency and deprive the people of their fundamental rights. But then a man like the President, who is also elected, not nominated, who has also come through the democratic process, should be given powers.

I am therefore pleading for a realistic appreciation of the situation and to make our constitution function in such a way so as to secure the double objective of the maintenance of the basic human rights and also the preservation of national solidarity and national sovereignty. I think this can be done by incorporating the good points from both the systems and working our constitution on that basis. There need not be a complete scrapping of our constitution but simply re-modelling it and establishing certain conventions?

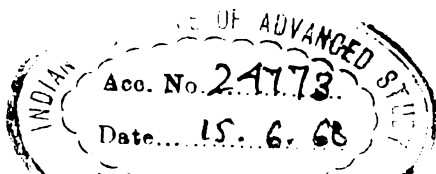
V. K. N. Menon : It seems to me that the question as to whether we should switch over from a parliamentary to a

presidential executive has come up in the context of a tendency towards the development of a multi-party system, towards the break-up of the Congress system and the possible consequences on the centre as well as the States. But I do not know if it is a correct reading of the American constitution and its development to argue for such a change in India. As I understand it—we have got American experts on the subject here—the strength of the American presidential system has depended upon the development of a two-party system, and a President has been particularly effective when he has had a majority in both Houses, as at present, although it has diminished somewhat in the last election.

If in India we are going to have a multi-party system and no majority for any party, I do not know how the American system can work profitably here. I think it will only lead to a great deal of weakness and constitutional anarchy with a President having no majority in the legislature and unable to direct the government. There may be stability, of course, as he will continue for five years, but it will actually be an ineffective stability, it seems to me. This is the first point I wanted to make.

I hesitate to disagree with Mr. Chatterjee, but the point that I am making is relevant to the point that he has stressed. Mr. Chatterjee said that he would like to have some more powers for our President than he has as present, either by law or by custom or by both. I doubt very much if it is desirable, or even if it was the intention of our Constituent Assembly, to confer any real powers upon the President. As I read the Constituent Assembly proceedings, as I read the constitution, I think it is intended very clearly that the President will act and should act only upon the advice of the Prime Minister and the cabinet. If the President is, on the other hand, given some powers of a kind, some powers of a discretionary or individual judgment and character, it will lead to a conflict between the President and the cabinet or the Prime Minister which, seems to me very undesirable. I think the whole principle of the British system which we have adopted is that there is a smoothness in the working of the parliamentary executive system which will be lost if we adopt the American system or even if we adopt a modified system of a kind which Mr. Chatterjee has advocated.

So, I think, at present there is no case for a change over, particularly because the present majority system is not likely to disappear, it seems to me, for a long time.



Renuka Ray : I would like to first say that I too was a member of the Constituent Assembly and I remember the discussions that took place.

Before I enter into this particular matter, I would like to focus attention on one point. The impact of the new strands in society as a whole in the world today shows that the gap which exists between democracy and those countries which are supposed to have different systems—like the dictatorship of the Left, in particular in the communist countries—have somewhat narrowed down in some countries ; in Yugoslavia, for instance. Also I think today we would all recognize that democracy means not only the giving of the right of fullest self-expression to the individual but to see that economic and social justice and the good life and equality are available to every citizen. It may be that democracy stresses these two equally. In the framework of some other systems this may not be so apparent, but there is a narrowing of the gap. Therefore, when we are considering which system would be the best for any particular country it would be useful to consider the good points in other systems as well. In today's discussion we are confining ourselves to the presidential and the parliamentary systems. But we in this country and some of the new democracies could take something from other systems also. There should not be any feeling of restriction or inhibition about it. In fact, I think, it is interesting to know how much the USA takes from the USSR system and vice versa. It is gradually taking place, although they are not conscious of it.

Now to come to the presidential system and the cabinet system. I think the problem arises from the fact that there is no strong second party in the country. I belong to the Congress Party, and feel guilty that even though we did not secure a majority of votes we hold the majority of seats. But whose fault is it? Is it our fault or is it the fault of other parties who cannot get together even after talking about electoral alliances? We hope they will get together. Our blessings will be with them. We have a huge majority obviously because there is no other party which can take the responsibility. Parliamentary government, to be effective, does need at least a second party, and nobody would be more glad to see the rise of a second party than all the responsible Congress men and women.

I think there is something in Mr. Chatterjee's suggestion, not in regard to giving more powers to the President necessarily, but in adapting and making alterations. Take the presidential system of government itself as it is in the USA and as it is

transplanted to Latin American countries or even to the Philippines. There are changes, adaptations, according to the environment of different countries, their aptitudes, their background and talent. If we try to adhere too rigidly to the sister or the mother of Parliaments, that is where things start going wrong. Since the conditions here are not the same as in the UK and there is no second party, we must see what can be done about it. The matter needs a deeper study. I think we should go into that, because it has led to frustrations outside, it does lead to extra-parliamentary activities which are most undesirable and which must be checked.

Another point which Dr. Karan Singh has made, I think, is very important, i.e., the committee system as prevalent in the United States should be introduced in our legislature. There is a good deal of frustration among Members of Parliament because of the lack of some such system. This is much more necessary in a country like India than in the UK.

I would like to stress one more point. In the presidential system the separation of the legislature and the executive is an essential part, in the USA at least. If that is to happen in India in the present conditions, I have no doubt that it will lead to a most difficult situation. Because there are certain conventions, apart from everything else, that are established in the USA, the sanction of the legislature does come to the President. It may so happen in India that either the sanction is not available to the President or by bringing in the presidential system we begin to follow what has happened in so many of the newly-emergent countries in Asia which have gone in for dictatorships. All these matters have to be considered.

But I do feel that it is time that we took into account our own experience. There is no doubt that one-party rule, whatever its demerits may be, was a help in the formative years; we had to grapple with the problems of partition and it was necessary to have unity and uniformity in the country. This is what carried us through, with Panditji at the helm of affairs, in a manner in which we have been able to advance to a great extent. Today we are feeling frustrated because of the many crises that we are facing but we forget that we have developed. If the Planning Commission today is not doing so well, if there are many difficulties—one of the serious problems of a democratic system with a large uneducated electorate is a fall in the calibre of the members in the legislature—then there is no doubt that we should consider also the question of bringing in talent and expertise from outside if it does not

come to the legislature in sufficient numbers and see how we can have some kind of a mixture of the two systems that obtain in the U.K. and the U.S.A.

D. L. Mazumdar : I should like to say a few words to explain the circumstances in which we had decided to organize this seminar at the India International Centre—particularly in the light of what Professor Beloff said at the beginning of his talk. The title of the seminar—Presidential vs. Parliamentary System of Government—unfortunately seems to suggest that we expect the participants to take a position. We had nothing of this sort in mind. Starting from the two broad models of executive government in a democracy which are best known to us in this country, some of my friends who helped me to organize this seminar felt that perhaps the time had come when it might be worthwhile to take a second look at the form of the executive government which we have chosen for ourselves. We are all aware of the history of our constitution. Although I was not a participant in the deliberations of the Constituent Assembly, being very close to a few of the leading constitution-makers of that time, especially to the late Dr. B.R. Ambedkar, Chairman of the Constituent Assembly, with whom I shared many confidences while the constitution was in the making, I knew, in a general sort of way, what was going on, as did many of my other friends who were interested in this subject. We may therefore be deemed to be aware, again in a general way, of the reasons which induced our constitution-makers, including Dr. Ambedkar, to adopt the parliamentary system of government.

Nevertheless, if some of us felt that in the light of contemporary developments, it might be useful to have a second look at the form of our executive government, it was because we considered that the ground-work of political postulates and assumptions on which our thinking about the structure and functioning of our executive government had been based in the early 'fifties had undergone a major change, particularly since the death of the charismatic leader who bestrode the Indian political scene like a colossus ever since independence. That apart, some of us who are away from politics but happen to be sufficiently close, if only physically, to some of its leading practitioners, to be able to know something about the processes of politics, thought that we had perhaps arrived at one of those critical times in the life of a nation when theory and practice must commune together as a matter of urgency. So my friends and I thought that it might be rewarding to have a second look, not so much at the British or the American

patterns of executive government but at the two global models of this government operating in different parts of the world. It was our hope that the collective insight of some leading public men in this country assembled round a seminar table might unearth those common elements in the two models, which might help us to strengthen and invigorate our practice of democratic politics. I am, therefore, encouraged by the trend of the talks so far in this conference, with its stress on the concept of relativity, that we must think for ourselves, and decide for ourselves on what is best in the objective conditions of our country.

While I repeat that we are not required to take a position in the debate over the two systems of government, I should say that it is certainly necessary for us to take a view of the contemporary trends in politics and in the governance of the country. You cannot really engage in any discussion on this issue unless you take a view of what is happening in the present and what is going to happen in the future on the basis of legitimate deductions from the present. If you take the view that the present malaise in our contemporary politics and administration is only a passing phase, you draw certain conclusions. If, on the other hand, you are of opinion this stems from certain basic factors in the nature of our politics and economics in this country, you are likely to reach an altogether different conclusion. I am afraid I take the latter view. I do not think that the contemporary malaise is a passing one and that the governance or the administration of this country will materially improve in the coming years or that a very much better type of leaders is likely to emerge in the near future. That is the assumption on which I base my arguments, and it would be a joy to be proved wrong.

From this point of view it seems desirable to apply one's mind to the points set out in the note circulated by Professor Max Beloff—unfortunately nobody has so far referred to them. Are there any advantages in combining some of the elements in the leading models of executive government, as for example, has been attempted in the Fifth French Republic? Or, say in a plural executive, such as that of Switzerland? All this may sound very theoretical to many of us, because we only know of the Westminster model of executive government. But I suggest, it may be very much worthwhile, as I said a little while ago, to bring theory to bear on considerations of practical politics in the years ahead of us for the reasons which I venture to indicate to you.

I consider that, for three separate groups of reasons, it is

worthwhile to ask ourselves whether some changes are not needed in the structure of the executive government of this country. I am not interested in the name or the description of this structure. For, I do not believe that there is any such thing as a 'pure' presidential form of government or a 'pure' parliamentary form of government in the contemporary world. Most pure types are extinct in the world of nature ! And so it must be with political institutions ! I should like to invite attention to three major issues, viz. (a) the question of political and administrative stability ; (b) the question of a right relationship between the executive and the legislature; and (c) thirdly, the problem of the competence of the executive government for its essential contemporary tasks. From these three points of view—I would not argue at length because time is short—it seems to me that there is a good deal to be said for borrowing constructive ideas and thoughts from the operation of the presidential system, not necessarily confined to the American model of this system.

Take for example the French model. When the constitution of the Fifth French Republic was adopted in 1958, an important innovation not in conformity with the parliamentary tradition in France was introduced as regards the separation of legislative and executive powers (including the rule about the incompatibility of Ministerial office with the membership of Parliament). In that context, General de Gaulle observed :

“It goes without saying that executive power should not emanate from Parliament—a Parliament which should be by-cameral and should exercise legislative power—or the result will be a confusion of powers which will reduce the government to a mere conglomeration of delegations.....The unity, cohesion and internal discipline of the French government must be held sacred, if national leadership is not to degenerate rapidly into incompetence and impotence.

“But how, in the long run, can this unity, this cohesion and this discipline be maintained if executive power is the emanation of the very power that it ought to counter balance, and if each member of a government that is collectively responsible to the representatives of the whole nation conducts himself, in his Ministerial post, as the delegate of a party ?”

I do not, of course, aver that we have quite arrived at the stage of 'incompetence and impotence' to which General de

Gaule refers, although in the opinion of many competent observers we may be moving in that direction ! Nor do I suggest that we must necessarily follow the General's line. As a matter of fact, I do not think his arguments will fully carry conviction with many of us whose experience is predominantly based on the Westminster model of parliamentary democracy. But it does seem to me that those factors which accounted for that relative weakness of the executive in the Third and Fourth Republics in France may be already in operation in this country, and, therefore, from the point of view of the stability and firmness of the executive government, I venture to suggest that we should consider what adjustments in our traditional thinking on the structure of the executive government are needed.

As I was saying to some friends here a little while ago, I do not mean 'electoral stability', i.e., the return of one party in power every five years. That sort of stability has now no significance in terms of the sound governance or stability of our national politics. What is needed is firmness and stability in pursuing consistent well-conceived policies over the years with the minimum amount of dynamism needed to adjust these policies in the light of the developments of a changing national and world order. I do not feel certain that the present form of executive government could ensure this in the foreseeable future.

The Congress was historically a great national movement, but it has not been able to convert itself so far into a modern political party. It still partakes of the nature of a movement and behaves like a movement, and therefore you find men and women of many political hues and divergent political faiths in the kaleidoscope of the spectrum presented by the Congress Party. It is this amorphous and heterogeneous internal structure of the Congress Party which in my view accounts for the continuing lack of vigour, lack of dynamism and lack of long-term stability in the enunciation and execution of national policies by the executive government based on the Congress Party. At the same time I do not see that there is any early possibility of any other modern all-India political party emerging in the near future, i.e., in course of the next one or two decades. That being so, the question of making the executive governments less dependent on the legislatures and more directly based on the vital social and economic forces operating slowly but unobtrusively in Indian society becomes a matter of some practical importance.

The second group of reasons concerns the issues arising

out of the relationship between the legislature and the executive. Obviously, the traditional Westminster type of parliamentary government establishes an easily identifiable equation between the legislature and the executive—easily the strongest point of the parliamentary form of government as practised in the United Kingdom. I hope our friends from the United States who are present at this discussion would be able to tell us whether the executive government in the United States, through the exercise of the right type of leadership, is able to establish a similar equation between the legislature and the executive. Recently, I was once again reading Prof. Clinton Rossitor's book on the American Presidency. The impression that I carry is that the conditions needed for the establishment of the type of equation, which is said to be the pride of the Westminster model of parliamentary government, are more or less the same in both the parliamentary and the presidential forms of executive government. Obviously, even the presidential system of government must function on the basis of parties and so forth. It is not that a charismatic leader functions or is elected without reference to these parties.

I shall now pass on to the last point about the competence of the executive. This is a very important consideration in developing countries like ours. Mr. Chairman, you said something about the quality of politics and politicians in our country. I do not think that having regard to our deliberate decision to adopt 'adult franchise' as the basis of the practice of democracy in this country, we could reasonably expect our electorate, such as it was, to be able to return discriminate representatives to the legislatures of a higher intellectual or moral calibre than we see at present. If, therefore, the members of the executive government have to be chosen from among the elected representatives of the people, we should be prepared to make do with a relatively low calibre of members of government. Some elements of the presidential system might offer us a wider area of choice, and that is very important in this country. Men of some intellectual or moral standing are not too many in whatever walk of life you might look for them; but if you confine the choice to men in politics, you needlessly deprive yourself of access to many other sources of talent which in the over-all shortage of requisite talent in this country becomes a matter of some concern.

Professor Beloff referred to the difficulty in this country of identifying members of the non-political elite like Dean Rusk or Mr. MacNamara to quote his examples. I do not share his views on this point and do not think that the difficulty

is particularly greater in this country, notwithstanding our caste or class structures.

These are broadly my views for what they are worth. May be later on when we debate these issues I may have an opportunity to clarify some of them.

Charles Schleicher : I do not believe that there is any particular type of government for any country which can be said to be perfect for that country. Certainly, that is true in the case of the United States. As you look not only at the national level but at the States and then the local governments, I suppose you have got almost every conceivable type of government, except the responsible cabinet system. We have tried about everything else. In the case of the States, for example, we often have really what is a multiple-executive, where the Governor is a sort of *primus inter pares* and a lot of the members of the executive are elected may be even from political parties. We have these anomalous situations. But looking at the national level, I do not think many Americans are totally satisfied with the situation. As a young political scientist I used to make an argument for the adoption of the cabinet system for the American set up.

There is certainly a great deal of dissatisfaction particularly with the deadlock which often ensues between the executive and the legislature. This was true throughout the Kennedy regime, for example. It is very likely to be true, as people have pointed out, during the next two years. This is a real problem.

It is being tackled from two points of view: one from the party and the other from the constitutional point of view. A few years ago the American Political Science Association had appointed a committee which investigated this in great earnest. They produced a very voluminous report called 'Toward a More Responsible Two-Party System'. Their solution of the problem lay in the reform of parties more than in the reform of the prevailing relationship between the party and the form of government. But there were some who were dissatisfied with this. Finer, at Chicago, particularly attacked this report as refusing to face the basic issue, and not only on the basis of endemic deadlock, i.e., the continuing guerilla warfare that goes on between the executive and the legislature, but on the basis of management. He maintained, for example, that the whole administrative problem was such in the United States that it put an absolutely impossible burden upon the President, and that from the standpoint of efficient management the

United States would be better off if it had a responsible cabinet system of government.

Some have suggested some kind of reform of the parties. From the standpoint of constitutional reform I think there is an awful lot to be said for, let us say, increasing the life of the House of Representatives to four years. President Johnson did propose this. I do not know whether the proposal is going to get anywhere at all or not. I do not know what you might do with the Senate—that is another kind of problem. Personally, I will reduce it to four years too and have them both elected at the same time. A particular proposal is that in case of a deadlock on serious issues, the President would have the authority, at least once in the period of two or four years, to dissolve the legislature, to go back to the people and to let them elect another legislature, in which case if the legislature turned out to be one which would not support the President then he will resign and the legislature would elect a new executive, so that they remain all their term. All I am trying to point out here is that most Americans are dissatisfied with many aspects of the presidential system. Here are some of the suggestions which had been put forth by responsible people how we might move, in a sense, not entirely, in the direction of a cabinet system of government, just as perhaps you might move somewhat in the other direction. But I have no prescriptions for you.

Norman Palmer : I have been an interested outside observer of India's political experience for about 20 years and I think that on the whole the Indian achievement has been a very impressive one, perhaps more impressive than some of the Indians themselves might think in the light of all the problems and difficulties. It is true I suppose that there are times in the life of any political system when it is rather unwise to probe to the fundamentals in certain ways. But I must confess that I was rather disturbed by Prof. Pal's suggestion that even a discussion criticizing the parliamentary types of government may be dangerous. I would say that if India has reached a point where you cannot discuss matters such as parliamentary vs. presidential system, or any other topics which are quite suitable for discussion at various levels, other than academically, I suppose, I would fear for the future of Indian democracy. I realize that this is a delicate time when India is facing many problems. But certainly a continuing dialogue in respect of political problems and realities would seem to be essential.

In some ways, I suggest, that the question we are discussing today is not a real question, it does not have to bother us very much. For example, as Prof. Menon felt, there is probably no prospect whatsoever that India would change over from a simply parliamentary system to a presidential system. In the second place, I think Dr. Karan Singh pointed this out, the concern really has to do with the broader issues—whether India is going to keep within the democratic channel which has many different areas for growing, or whether it is going to shift over to somewhat authoritarian patterns which would not be interpreted by most of us here as being democratic in nature. Thirdly, the basic question I suppose has to do with the adaptability of whatever political system exists to the given conditions.

If I may quote Prof. Laski, under whom I had the privilege of studying, as probably some of you had, he once said, 'A system of government is very like a pair of shoes. It grows to the use of the feet to which it is fitted'. But it is well to remember of governments, what is true also of footwear, that the shoes must be suited to the journey which it is prepared to take. I suppose one of the basic questions would be the nature of the journey which India is prepared to take or wishes to take. In this sense, and perhaps only in this sense, the immediate question which we are discussing has to be considered in the light of the broader framework and broader questions which will come up.

The next point has already been mentioned, but I would like to stress it. Obviously, there are many different forms of the so-called parliamentary and presidential systems; we have been concentrating on the British and the American models, but even those have changed a great deal in the course of years. It would be very interesting, dealing with the spirit of the constitution as well as with the fact, to consider the nature of the American presidential system today in contrast with what it was in the past. And the same certainly with the British parliamentary system. These systems have changed, they have proved, I think, adaptable to many different situations and conditions and I am not at all sure that they will prove to be adaptable to some kind of long sustained emergency conditions, to which Mr. Chatterjee referred, where even the so-called constitutional dictatorships might not exist for a fairly lengthy period of time. But in any event we have not only the British and American systems but also those other systems; Prof. Beloff mentioned some, and so on.

Dr. Deshmukh made a very interesting statement that

what many in India are looking for is some new political system which, he said, perhaps political scientists have not even yet thought of. I doubt very much if there is any possible new political system which Aristotle himself did not think, but I may be wrong, it may be a matter of adaptations and variations of one pattern or another. Again if I may quote Laski with reference to the two systems we are discussing, he once wrote that neither system was likely to be capable of transference to another environment where alien traditions were deep-rooted without becoming something very different from what it was in the country of its origin. Here again we are talking about political systems which have been grafted on to certain alien conditions, I suppose, in some respects.

Another thing which certainly very much has to do with this question is the fact that India is, alas, almost alone among the developing countries of all of those who adopted at least in form a parliamentary system. It seems to be making a real go at it. Now this raises a very large question. Obviously, if India is capable of carrying on in this way—as I shall hope it will—then I think by the very size and significance of India in the so-called developing world this will be a great contribution not only to the evolution of a suitable political system but perhaps to the future of democracy in the world as a whole.

I would, without making any comparisons, invidious or otherwise, remind particularly of Pakistan's experience. If you have read the report of the Constitutional Commission in Pakistan you will remember they have an interesting section there which raises a question: Did parliamentary democracy fail in Pakistan or was it never given a chance? And the final conclusion was by and large that it failed. I am not at all sure if that was a correct conclusion, but for whatever reason parliamentary democracy did not function very well at any time in Pakistan, and after the period of military rule from 1958 to June 1962, a new constitution came into effect which sometimes has been described as instituting a presidential system. This raises, I think, another kind of question. What Pope said, 'for forms of government let fools contest...', perhaps has as much concern with the type of government as with its underlying realities and the nature and spirit with which these things are operated. It is possible that the so-called presidential system in the form in which it was operated in Pakistan was more suited to the conditions at the time than, say, an attempt at resumption of parliamentary government. But I have no clear views on that.

Another point which has been mentioned in passing seems

to me to deserve somewhat greater underlining. That has to do with the party system as distinguished from, say, the parliamentary system generally: the role of parties in the political system. It seems to me that this is one of the great unanswered questions here in India, in the sense that it appears that no party, with the exception of perhaps one or two of the relatively small and more extreme political parties, is a well organized party or is functioning very well. You do not, to be sure, have the extraordinary degree of indiscipline which exists in the American party system under which, as somebody has pointed out, a party tends to function as a party once in four years and struggle along more or less in between. The idea that, say, the Chairman of the Republican or the Democratic National Committee should have a major role or anything for that matter affecting the political decisions of the country would be shocking beyond words, whereas of course here the whole question of the relative roles—Ministerial and organizational wings—of the individuals concerned, all that is wedded a great deal to the political experience of the country. So I think that it is a matter of whether we are talking about ways and means of improving the political operations, not only improving the machinery of government or even of relations between the executive and the legislature, but the party system to the extent to which it does operate in democracy is really quite important.

There are some great unanswered questions obviously facing India. I seem to detect these myself whenever I visit India. I seemed to detect this time more concern about the whole basic stability of the system, perhaps than ever before. Some people say, may be elections will not be held. Or, as one of my friends in Parliament said, you have come to witness the last session of the Indian Parliament, and so on. I know he was jesting with me. I do think that in some ways it is a healthy sign that in a time of trouble Indians are raising all kinds of questions and are quite willing to consider these matters. But the great danger, I think, is that they say this in a language deeply characterized by a high degree of agitational politics which has something extra-parliamentary or supra-parliamentary. Then it takes some negative forms and creates frustrations and so on. Here again the question is in relation to the basic stability of the system.

In the United States I think we have a disgustingly stable political system. After all, to put it more fairly, almost all the political life in America is in the middle channel and very little outside. When Prof. Beloff referred to America as a homogeneous society I was thinking of Winston who consi-

dered the American as about the least homogeneous society which the world has ever known. But basically he is right, as I suppose he was speaking in a more fundamental sense. In America when some of the ways of generating frustrations occur there is no real threat to the stability of the system whatsoever. If the students wish to conduct teach-ins on Viet Nam or Civil Rights or whatever the issue, they can go out in the middle of the street and scream bloody murder. Few people pay attention to it, and no one for a moment will think that it was a fundamental threat to the system. It is on a wholly different level, which I am afraid, has too little influence even upon the political life of the country. It is very hard, I suppose, on people who are accustomed to different political and social environments to see the problems in right dimensions.

In any event, whatever the forms that exist in India, they have to be obviously adapted to the basic underlying conditions. There has to be some real faith in them. People have told me, for example, that nobody but the people in the Yojana Bhavan believe in the Fourth Plan. Or there is Dr. Munshi who says that parliamentary democracy is a failure. Some of these sweeping statements may suggest some basic concern about the most fundamental aspects of the Indian system, whether political, as we are discussing now, or socio-economic or what not. This makes India a fascinating laboratory for me of change. It is one which inevitably you in India and we who are interested outside, are focussing upon, and I hope you will be patient with all those who come here, enabling us to look around and see how you are solving your problems.

Gopal Krishna : It seems that we really have to address ourselves to the fundamental questions. When you consider whether India would benefit by having a presidential system or how its parliamentary system might be reformed, we really have to address ourselves to the question of the kind of society we are dealing with, the kind of political problem this country is facing.

Its basic difficulty surely is a lack of cohesion and quality of leadership. The parliamentary institutions which we operate could really function, it seems to me, successfully as long as this country was run—I do not mean only dominated but really run—by the Indian educated classes. This class understood the rules, as it were, and as long as it had the unhindered authority, it could perhaps erect the kind of political system it considered suitable. But with adult franchise, with 14 States to

handle, you perhaps had a different situation. It was found manageable, I think, as long as we had in the person of Jawaharlal Nehru, a President, a Prime Minister and a King, who combined, who legitimized authority in this country. Because it is not so now, we are faced with the problem of creating institutional structures which would facilitate emergence of a powerful leadership which combines these characteristics. For years to come this country will be faced with the problem of stability and legitimate authority, and the parliamentary system as we have it, I am afraid, is clearly not going to be able to do it.

There are perhaps two ways of maintaining political order in any country. One, at the lowest common denominator, which we have operated for some time. Nehru provided us with an opportunity of sound leadership. The Congress Party itself in a sense exemplifies this system very well, where pressures are managed and adjusted, claims are sort of taken care of, the party is made as heterogeneous and as coherent as the country itself is. This is something we cannot afford. This country cannot survive for very long on these terms of minimum consensus. What it needs is something much more, if it is to cope with its social problems. It might be possible to cope with, if not by-pass these problems, if we had an authority which, as it were, did not depend for its legitimacy on consent in nearly everything, and the presidential system perhaps would give us this advantage.

The other thing which I wanted to discuss is the question of the type of party system we have and the type of electoral system, how representative the Congress Party is, whether you have to have two parties either for the presidential or the parliamentary system. I do not think it is really a very serious question. I am always amused by Congressmen's concern for a healthy opposition. It is observed that Nehru was never concerned with this question, because what is needed is not opposition in the sense of an organized opposition which could play the ruling party and so on. What is needed is a dominant party which commands authority, but a sufficiently open political system in which the criticism of those in authority is possible, so that they can be restrained from exercise of power if necessary. I would plead with Congressmen and intellectuals of this country not to go in for this business of an evenly balanced two-party system which would do no good to this country.

Regarding the representative character of the Congress Party, it seems to me that again this is something really shallow

when people talk of the Congress Party having 45 per cent votes and 70 per cent seats. After all, in no country is the representative character of parties judged in this manner. I have just looked at the statistics. Every Congress M.P. who has been elected has polled more votes than any other party, except perhaps the Communist Party—they are thus more representative than most of the other opposition. So, when we look at this system our problem it seems to me is not whether we can or cannot operate the present system. I think it is creating problems, but on the minimum consensus it could perhaps be operated.

Rajani Kothari : Some of the points I wanted to discuss having just been covered by Dr. Gopal Krishna, I have only a few points to add. My views are the same as his. I think my own position is that any institutional system can work provided the people and the leadership attend to the tasks of institution-building rather than *ad hoc* management of issues as they come up, almost as emergencies. I think it is in the absence of this we have to consider the problem of today's discussion. I would say that two real rubrics of discussion can be underlined. One is the nature of our party system. Another is the nature of our federal system.

I have no doubt at all that there is need to establish and retain the authority of the dominant party. The mythology of an opposition, the mythology of a properly functioning democracy, are, I am afraid, too many luxuries for us. This country faces the problem of continuity, of authority, of unity, homogeneity, of building up consensus. These are problems which, if not faced the system would be overthrown any way, whether or not we have a strong opposition. In any case at the moment you have the Congress Party managing the situation, controlling a large number of resources and revenues and not really faced by any opposition party worth the name. I would say, as against what Prof. Menon said, it is not the Congress system that is in disarray, I think it is the opposition that is in disarray in spite of the hullabaloo that you get in Parliament. Unfortunately it is only in Parliament that this can be seen, not in the constituencies.

Secondly, in the federal system also, I think there is need to retain the authority of the dominant party. I think there is also need to restrain the powers of the States considerably. Our situation is not really the situation of the United States. The problem of State-centre relationship here is a problem of relationship with the centre, not of an efficient machinery of

government at the State level. It is really this problem of relationship that is under considerable strain at the moment and unless we devise an institutional system which takes care of this and establishes central authority without any doubt, I am afraid whatever else we have is not going to work.

It is against these two rubrics of problems—the nature of the party system and the nature of the federal system—that we can consider the questions raised today. I think there is need—in this I am addressing myself to the problem of parliamentary vs. presidential system—there is need to have continuity and homogeneity of government and this is something that we are not assured. From this point of view I would vote for a strong executive, I would say, an executive which is even more centralized and strong than the American presidency and without the constitutional inhibitions of the American presidency.

There is something to be gained by looking at the continental systems, where the cabinet is given a long tenure irrespective of the elections and where there is some flexibility, for example, change of membership of the cabinet, yet the cabinet continues in power irrespective of the party position in the legislature. There is need to look into this and probably combine it with some of the features of the presidential system, hopefully dominated by a strong executive, but we should be able to replace our Ministers—I am referring to Dr. Karan Singh's point. I think that should be there; as long as we are not able to have a large number of Nehrus I think it is very important. Attending to the problem of institution-building in this manner might throw up a powerful leadership. I do not share the view that we ought to have a constitutional system which will throw up talent. Talent is there to seek, talent can be really identified. Only if you have a secure institutional system, not insecure as it is today, it is not at all difficult to have a powerful leadership and leadership of talent. This country itself had that leadership to begin with, and it is not difficult for us to find such talent. I do not think, as against Prof. Beloff, that it is the constitutional system that should take care of the recruitment of talent. I would say that this is really a marginal problem—an important problem of course, but marginal for our discussion today.

Prof. Rudolph mentioned some interesting points. He discussed the highly complex and hierarchical system of communications, decision-making, etc., that exists in India and the virtue of this system in terms of the involvement of the people, in terms of the mobilization of support and all that. I agree with him, except to say that if

this is not institutionalized properly, there is scope for considerable delay, scope for considerable drift that gets into the system and gives rise to the sort of extra-parliamentary tendencies we are seeing these days. I would say that even in Parliament the extra-constitutional incitement of certain types of movement, etc., gets into the system of national affairs by neglecting these issues and by getting into a complex system of decision-making which is not properly controlled and led by a strong executive.

Much has been said of Nehru. I would say that it is Nehru himself who must take the blame for lack of institution-building. His tenure of office did give us a powerful and dominant party and it also gave certain institutions. But on the whole this problem had been neglected.

Prof. Beloff thought that the extra-parliamentary counsel to the Prime Minister was a weakness of the system. I would say that this is perhaps under the present system one of the strengths of the system—that the Prime Minister is not bound to seek advice from a few people in the cabinet, who are themselves not a united cabinet as we have seen these days. If he or she has the power and the ability to get counsel from outside the cabinet, there is nothing wrong in it. It is a federal system we deal with and we have to take consensus of large numbers and at several levels of decision-making and legitimacy and it is just proper, I think, that she has available before her through the party system, through the dominant party that she operates, these types of advice, counsel, coming from other sources. After all I would say that this system would not have worked as well as it is doing without Kamaraj and Atulya Ghosh. I am sure there would be people more ideologically oriented than I am who would not agree with me. But I think managers are very much needed in any system, whether parliamentary or presidential.

I do not share Mr. Chatterjee's indictment of the Congress. I think there is need for two things. One of a central party which is powerful, and the other, of a strategy of coalition building which takes care of the sort of problem which we have been neglecting. Therefore, we throw the oppositional forces out of the system and lead them into other types of ventilation of grievances.

I would just sum up by saying that any institutional system would work but we have found this institutional system not working because of the lack of attention to the problems of building a powerful and homogeneous party system, and of

restraining the powers of the States. I think we may look into the possibility of a very strong executive, cabinet as well as Prime Minister or President—it does not really matter—a very strong executive who will be able to mould the party system and the centre-State relationship in the manner it is required by our present stage of development.

M. M. Sankhdher : A country having the largest illiterate electorate at the back of an unprecedented parliamentary system in a heterogeneous society is bound to experience stresses and strains of an unusual type. The need for a new model of government to suit the very special conditions of India arises from the persistent demand for a strong executive within the democratic framework. Any consideration along these lines has to leave out deliberately the Soviet or the Chinese model as unsuited to the preservation of the values of liberty and social justice. Democracy largely operates in two divergent ways—parliamentary and presidential, as in UK and USA respectively, or as an admixture of the two, as in France and Switzerland. We have to re-examine the question of the pattern of government in India in the context of the history of the working of our political institutions for the last 15 years or more.

A rational approach to the proposal for the adoption of a presidential system presupposes a rejection of the Westminster model for the latter's failure to deliver the expected goods, such as, efficient and honest administration and an environment of respect for law. B. N. Rau refers to the fact of a considerable body of opinion in the Constituent Assembly favourably disposed to the US type of executive for India. But the dominant view was for the adoption of a cabinet form as seen by the turning down of K. T. Shah's amendment. The logic of preference could be briefly discussed for an understanding of its validity.

Firstly, it was argued that since we have had about a century's development of parliamentary institutions, how could we go back upon the tradition and innovate? We were convinced that once the foreign hand was removed, we would be able to work the sophisticated and delicate machine of a responsible executive. And so the Constituent Assembly linked the Government of India Act, 1935, to the Charter of 1950 and reinforced a full fledged parliamentary system. One need not recall the familiar story but for the fact that we ignored the point that the tradition on which we relied was rather one of authoritarianism. It can be argued that the

British era was marked by the despotism of the Governor-Generals and Governors and that we have no enriching tradition to fall back upon. We had hardly any experience of running a responsible government. In fact, the system corresponded more to a presidential form for the provisions of separate and independent and overriding powers of the executive. Hence, if today the parliamentary system shows signs of failure, it is precisely because of our wrong choice. We ought to have reproduced the executive of the Governor-General-in-Council type with which we had familiarity in the past.

Secondly, it was felt that a cabinet system would deal more effectively with emergent situations for the reason of the strength implied in the fusion of legislative-executive authority. Such an expectation has been belied by events. Despite recurring crises, the legislatures have behaved in the most indecorous manner. The cabinets, being collegial executives, have demonstrated a singular incapacity for promptness and decision. Consequently, the administration has become demoralized, inefficient and lax. Under the existing pattern, even the President's extraordinary powers cannot to be used by him on account of his dependence on the cabinet. Moreover, though emergency tends to perpetuate itself in one form or another, the President's rule betrays an abnormalcy and there is always an impatience about its continuation. In the U.S. the President is more effective because he exercises his power single-handedly and in a normal way. When we give emergency powers to the President by one hand we take them away by the other, i.e., the cabinet. There is neither an independent authority for the President during an emergency nor is there a provision whereby the President can assume control of the administration of the entire country. The proclamation of emergency certainly turns the system from federal to unitary but it does not make it presidential. So that the 'aid and advise' clause remains an euphemism. An adoption of a genuine presidential apparatus can provide the necessary corrective.

For a long time to come, it may be visualized, we shall be face to face with crises. In a vast and plural society, in the throes of development, this seems to be inevitable. Presently, for instance, we face all the three types of emergencies stipulated in the constitution : threat of war, internal disorder and financial disarray. The condition for a successful policy to meet grave situations is firm handling and implementation which in turn depends on the maintenance of law and order—the elementary duty of any government. With all

the conceivable powers vested in the Central Government we find the curious lack of will to exercise it. The cause can be traced to the anatomy of the cabinet which is subject to pulls and pressures of diverse character and reflects division and vacillation attributable to its plural composition. Obviously, a single, separate executive would be more strong and effective in taking decisions and in carrying them out. This is not to say that the presidential system always and invariably throws up strong rulers—Harding and Coolidge are illustrations of weak rulers of America—but, of course, in times of crises the presidential system tends to produce powerful Presidents.

Again, as anticipated, India might undergo the severest test of life as a parliamentary democracy if the coming general election saddles non-Congress Ministries in a few States and a formidable opposition at the centre and the rest of the States. Some maintain that the next will be India's last democratic election. Before the whole structure collapses or even if there is a danger of the subversion of democracy, we might take the lesson and replace our parliamentary system by the presidential one. The alternative to it would be, inevitably, a dictatorship of the communist, communalist or military kind. The survival of democracy will largely depend on choosing the right machine for serving our urgent purposes.

Thirdly, the democratic argument was advanced to justify the preference for the existing system implying that the presidential executive, if given a chance, would tend to coalesce into a dictatorial fold and thus weaken the democratic fibre. Nobody cared to see the performance of the classical presidency in the U.S.A. Perhaps, executive dominance is a more conspicuous trait of the British prototype, characteristically described as 'cabinet dictatorship', in the absence of 'checks and balances' and with the majority support in the legislature ensured. The presidential system, on the other hand, secures greater legislative scrutiny of executive action and effectively checkmates the reckless ambitions of the chief administrator. Besides, it provides stability to government—an essential need for a developing country. In India, after the charisma of Nehru is over and the hold of the Congress loosens, stability will be the first casualty and the desire for a strong and stable executive will correspondingly grow. A President having a fixed tenure, being directly elected, would enjoin continuity and responsibility in the government. It would be no less conducive to the growth of the representative democratic temper.

Assuming that there is a case for the change-over from a

parliamentary to a presidential government, let us confront the difficulties involved, which are serious ones :

1. It would require almost a complete rewriting of the constitution. No tinkering with the executive-legislative relationships would be enough. Whether the Parliament is competent to amend the bulk of the constitution has legal implications because such an amendment would be tantamount to repeal of the major parts of the constitution.

2. Supposing the Parliament can do it would beg another question : whether it will like to do it. Here is a practical difficulty. The Parliament may not voluntarily abdicate its control over the government—an authority which has immense benefits in terms of status and prestige. By agreeing to presidential government, the Parliament would be, as it were, clipping its own wings.

3. Can the President in the existing set up, in the exercise of his unilateral (without cabinet advice) powers seek to transform the system to his advantage? Can he invoke emergency provisions to dissolve the Parliament for six months, impose Governor's rule in all the States, appoint a Constitutional Commission to report on the proposed switch-over, proclaim a new constitution, and order fresh elections suited to the needs of a new system? All this seems to be far-fetched, for unless we have an ambitious and strong man in office to accomplish this there is no such possibility. France and Pakistan provide an illustration.

4. Has our system the capacity to throw up a democratic-dictator as an incumbent to presidency capable of mobilizing public opinion to undertake a drastic operation? Can he make political capital out of the failures of his cabinet?

5. Lastly, what would be the implications of the proposed change on the federal nature of the constitution? That is to say, has the model of a presidential rule to be reproduced in the States also? Or, should it be a completely unitary system with States as administrative units like Union territories with Governors acting as agents of the centre? It can also be argued that like the USA the presidential system would be compatible with a federal pattern where States enjoy wide autonomy and have elected Governors.

The problems are formidable, indeed. It is not suggested that they cannot be overridden. Nor is it believed that the presidential system would by itself cure all the deficiencies in

policy formulation and policy execution. In fact, it would be too much to rely on institutional arrangements to bring about efficiency and honesty in political life. For a mere conversion of one system into another cannot produce men of integrity, capability and strength. In the ultimate sense, everything turns on the development of the national character and certain values—attributes of a sound political system. But in so far as institutions can go to improve political behaviour, they have to be readjusted to our purposes of a good ordered society where plans will be realistic and will not fail for want of an adequate apparatus of implementation and where all development will not mark time in the absence of a respect for law.

The recent manifestations of violence in different forms, both inside and outside Parliament, are a sure sign of an impending collapse of the democratic structure. If a strong stable, prompt, decisive government, short of dictatorship, can be instituted, to some extent, the rot can be checked. For that, if need be, the constitution can be modified or replaced. Even Mr. Nehru as an architect of our constitution was not dogmatic about systems or patterns of government as long as our values of democracy and social justice could be preserved. In a growing and dynamic society, at different stages, a choice has to be made for workable institutions in order to give the desired direction and purpose to diverse movements.

S. Pal : I will not raise more problems because I have already raised some in my paper. First of all, I wish to meet two criticisms. One was made by Prof. Palmer that I considered even a discussion of the problem at the present time as dangerous. I am a grass-root democrat and in touch with public opinion. I am reminded of a couplet of Tagore which roughly translated says : 'One side of the river says with a sigh that all happiness is on the other side ; and the other side says with a deeper sigh that all perfection is on the other side'. Similarly, in Bengali it has been said, 'He is a good cook whose cooking we have never tasted'. This subject appears to be topical and all important because now there is frustration and we want to get some remedy. But the question which the common man is asking is, 'Has democracy succeeded in delivering the goods'? My objection has therefore been that the present time is not opportune for a thorough discussion to go from one system to the other. I quoted in my paper the American saying, 'Don't change your horse in mid-stream'. For if the other system fails what will be the third system for our deluge ?

The second point raised by my friend Sankdher is that the British system we have adopted was the result of some sort of coercion. But I think the Indian public opinion since the days of Raja Rammohan Roy till the time of the makers of our constitution had been in favour of the British system. One reason might be, perhaps, as I was told as a student, the weakness in the efficiency of the American government on account of the separation of powers and the failure of Woodrow Wilson. So, we want a government which provides both speed and stability, and I think this can be done only on the model of the British system.

Probably, Prof. Beloff knows about the seminar held some time ago in England on the "Response of the Parliament". I think we should arrange a similar seminar here. In that case we need not go to the USA for the committee system, because in India already the Public Accounts Committee, the Estimates Committee, the Parliamentary Committee on the Public Undertakings, are working within the parliamentary framework and I feel with a reasonable degree of success. So I believe if we are to retain our democratic framework with some changes, both functional and imitative, we can just carry on with the British model.

Prabhakar Padhye : I am not a professional student of the subject. This is the advantage of my notions and I want to exploit it if I can. I have been asking a question within myself why is it that none of the speakers have raised the question that, whether they want a presidential or a parliamentary system, why don't they apply that at the State level? Why don't they want the gubernatorial system, if I can coin that word? And the answer as far as I am able to see lies in the difference between the two systems, which again I would try to define in a non-professional manner.

In a parliamentary system, it seem to me, unless you have a strong leader like Nehru, the bottom, the basis, is reflected in the policy. If a strong executive system is there, the executive can jam down the throats of the people certain policies. What are we doing in India—this, I think, is an important question. In one sense we are a unique people, a unique nation. We are perhaps the only people in the world, whatever we may say or whatever others may say, who are trying to build a multi-cultural, multi-lingual society, or, I would say, a multi-cultural, multi-lingual nation. The usual definition of a nation is 'one people, one culture, one language', etc. Even in India you get people—from the north, for instance, who

when they talk about the Hindi language,—‘each nation must have one language’—have this definition in mind. But if you go round the country and if you ask the people what they are engaged in doing today, you will find it is really building from the bottom up a multi-cultural, multi-lingual nation. This creates the problems and the problems are that at the State level, which is frankly a lingual State, a uni-lingual State, it is bound to reflect what the people want in their language and in their culture. So nobody would really talk of a gubernatorial system at the State level. People have been toying with that, but they do not talk. I want to make it clear.

Now, there is the other side of the problem. We want to create a nation out of the phenomenon which is multi-cultural and multi-lingual. A nation would mean unity. Now we have the parliamentary system and we have been told by people who had participated in the constitutional process that we had this model and that model before us and these were the controversies. I would like to ask them, to tell us, if at any stage it was stated what we wanted to achieve in this country and, therefore, wanted a particular model or a system to do so. No, the thinking was that we are a sort of English-speaking nation and we have two models—the American model and the Westminster model—which shall we choose. And that is how the whole trouble began. We chose the parliamentary system, but we forget that we really did not work the parliamentary system. We had a leader who was the top man, as somebody said, who combined in himself kingship and everything. That was for our benefit upto a point. Now that leader has gone. We have a minor leader, so minor that the leader can call a Minister and tell him, “You are dismissed”, and, in the evening, the same Prime Minister writes to the same Minister saying, “No, no, you are not dismissed ; I was wrong, you are right, you continue”. In this situation, what happens is purely this : we have a group of Ministers representing many different lingual, multi-lingual and multi-cultural pressures and these pressures are being worked out and therefore you get the phrase the ‘syndicate’. We have the ‘syndicate’. Nobody knows what exactly is the composition of the ‘syndicate’. Nobody will know, because the pressures go on changing. Therefore you have one ‘syndicate’ today and another tomorrow, but these ‘syndicates’ are agreed about one thing, that they will not allow the leader to function as the leader wants to function, and the leader has continually to look back over the shoulders.

This is really our problem, and the answer is that we

must have a stronger executive. I do not know how you are going to get it, because it is the Parliament that alone can change the system. I agree of course we must talk, we must shout, we must use our talents, if there are any, and tell the people that this is what we want, but I really do not know how we are going to get a stronger executive, because we did not know the weakness of the system that we have worked because we had a fine and strong leader. Now we have a situation where the present Parliament has a vested interest in the continuation of the present system. That is our tragedy. We are engaged in an experiment which is unique, which no other country in the world has really done on this scale and on this level—building a nation which is multi-cultural and multi-lingual. But we have adopted a system which is completely unsuited for the task.

M. P. Sinha : I might perhaps step out of the terms of reference set out initially by Prof. Beloff. If I do so it is only to underline and emphasize the points that Dr. Deshmukh made in passing.

When the Constituent Assembly met and framed the constitution, I have no doubt that it made a perfect job of it. It made a constitution which was perfect, but it stopped short at that. If it had gone forward and framed a society which had the kind of conflicts which that system was capable of resolving, then there would have been no trouble at all and perhaps we would not be discussing the question today. If the function of any political system is to mediate in the conflicts and resolve the tensions in a society, then the question to ask is, what the conflicts are and whether the system that we are devising is adequate to resolve those conflicts.

The questions that we asked were entirely different. We merely asked which were the available models and which one could be adopted and how we could improve it. I am told that President Sukarno of Indonesia is in the habit of taking paintings and improving upon them, rather than creating an original painting. Similarly if you give us a model ready-made, may be we can improve upon it and make it better. The only difficulty is that it would be entirely irrelevant to our situation. Imagine for a moment that all those various countries that make up Europe today unite in one State. When they set out to decide what system they would adopt to manage their affairs, the question that will be put is not whether to adopt the American or the British model. The order of questions would be different. The order of questions would

be: here is the reality, so many countries which have often fought each other, are coming together, with their own cultures, which may be are not so very different from one another, but with their different languages, their different interests, what system are we going to devise which will be workable in such a context? It was not such a question which we addressed ourselves when we framed the constitution, and it is not this question to which we are addressing ourselves today by debating whether the parliamentary system would be better than the presidential system or the other way around.

I humbly suggest that if we are going to find a remedy for the malaise which is noticed by everybody, no matter what his solution is, whether a stronger executive, stronger legislature or whatever you have, this is not the order of questions to which we should address ourselves.

Max Beloff: A great many points were raised in course of the discussion. I have tried to jot them down, but I think it may not be appropriate to answer them individually, since the discussion has touched on so many things. I would rather like to take up and elaborate certain points which have occurred to me.

The first of them is really the last point that Mr. Sinha raised. Ought one not to begin with the problems rather than with the models? I think this to be true, but there seems to me two difficulties involved in this. One of them of course is that one cannot know what the problems are going to be. Suppose the Constituent Assembly had been told that the major problem of the Indian government in 1966 would be the troubles over its frontier with China, he probably would have been howled down by derisive laughter. One cannot anticipate in human history many of the problems for which one has to create institutions.

The second difficulty is, however, more fundamental in that it touches on what Mr. Padhye said towards the end, viz., that you may know what it is you wish to do, but what you wish to do may be inherently impossible, or at any rate beyond the reach of political institutions. It may be that a country which is multi-cultural, multi-lingual and at the same time a nation could come into existence, but history gives us no reason to believe that such an animal has existed or could have existed. And it may be that in trying to frame something which will enable one to achieve this one is in fact aiming for the stars (not for

the moon which is now within reach!) One can say that given an area which is multi-lingual, multi-cultural and multi-whatever-you-like, one wishes to find a frame of ordered government by which to pursue both the interests which these people or peoples have in common, and the interests which they have as individual citizens. This is a little more manageable, but it would seem to me that one of the great difficulties has been this great ambition—a natural ambition of a country which has attained its freedom—to try and do things which are inherently contradictory.

I felt throughout this discussion that while a great many other points had been made, whether the real question was not that one was not trying to compromise over what was essentially uncompromisable. The business of a political theorist rather than of the practical man should be to examine the logic of the proposals to see where they lead one. I make this point because I am much impressed by the argument of one speaker that, after all a great deal of what one wants to do—and presumably what the Government of India wants to do—lies in the social and economic field and that, therefore, one certainly ought not to exclude *a priori* methods of stimulating economic growth, redistributing economic resources, which are not inherent in any of the models which were seriously considered by the Constituent Assembly or indeed are also being considered today. There is the Soviet Union, there is Yugoslavia, there is China—we have all sorts of possible models. Can we derive anything from them in addition to things with which we are more familiar? The difficulty here seems to me that by turning your attention to one of these models you may in fact be ruling out the possibility of doing certain other things. For instance, it does appear to me, as someone who has spent a little time in the Soviet Union, that the key factor undoubtedly in its success—in many respects the Soviet system is a success—is the unquestioned authority of a self-selecting political elite organised in a single party. This is where you get your dynamic force, and where you get your control of the administration. If this system functions, and with some exceptions the Soviet system has functioned, you get a degree of national discipline which may be essential if you are to get the kind of growth such as the Soviet Union has achieved.

If this option were a serious proposition on the Indian scene and if one found a sizeable body of opinion prepared to accept this degree of discipline from a self-selecting and self-perpetuating elite, (myself would find it very hard as an outside observer to say, 'you cannot have this, it is not democratic'. But I see no signs of any one being seriously prepared

to accept this essential element in this type of model, and therefore it seems to me that you cannot do very much with its minor aspects, because when you begin to look at it, they all depend upon this fundamental fact.

Now I shall take up a few points within the rather narrow range of our theme which have been made, and look at them again from the point of view of their internal consistency. Dr. Rajni Kothari, for instance, said that it was perfectly all right for the Prime Minister, in a parliamentary system, to seek advice from whatever quarter he or she wanted. This seems to me again to be an attempt to get a mixture between a system in which the driving force comes from the ruling party, which may be said to represent the will or intentions of the electorate as mobilized by elected persons. I would think myself that you have got to opt for one or the other system and to try to opt for both would put the ruling party in any parliamentary system in an impossible position. If you are trying to get the best of both the worlds, in fact you would be getting the best of neither. What you are looking for is surely a number of things which are essential to any political system, viz., clarity in the definition of the problem; ability to take decisions which the problem seems to you to dictate; and, if it is a democracy, a clear line of responsibility so that those who take the decisions can be rewarded if they succeed and penalized if they fail.

Now, if you look at the position in this way, you will see that, however ineffectively, most forms of government that have shown considerable survival value do exemplify these basic criteria. There are, however, additional criteria which they hope to exemplify. Two of them are particularly relevant to developing countries. I am very surprised that Dr. Rajni Kothari regards them as so unimportant or so irrelevant to the question of institutions. One is the question of mobilizing and of training of talent for the solution of these problems. I cannot see how this can be left to chance. I cannot see how you can dissociate the institutions of a country from the people that they throw up. If the institutions put at top or in the high ranks of the pyramid, as our Chairman pointed out, persons who are unequal to this task, either you have to say this nation is no good and you can write it off, or you may have to say that there is something wrong in the processes of the institutions which give us these people to rule us. To say that this is not a criterion, that you cannot judge a parliamentary system by the quality of your cabinet or you cannot judge the American presidential system by the calibre of its Presidents, seems to me to be an extraordinary position

to maintain, if indeed that is what Dr. Kothari was trying to maintain. If I misunderstood him, I apologize.

The other criterion which again, I think, very obviously applies, particularly to developing countries, is economy. I do not just mean the amount of money that you spend on the machinery of government, though I think this is a very relevant point in a country of limited resources. I also mean the economy of time and energy, the economy of time which is devoted by those who have to run the affairs of the country to the mere business of staying there and seeing that they run them.

One knows that in any machine, take, for example, an automobile, there is *always* a *proportion of fuel* that is not ~~burned~~ into energy, there is a proportion of waste. But when *your waste begins to rise beyond a reasonable level*, I think you begin to re-design your machine. To a newcomer like me in India, who has been plunged into the Indian scene with very little preparation, one of the most striking facts as I read the newspapers is that although there are still nearly four months before the general elections, the proportion of time which is spent on what might be called politics, against the proportion of space and time spent on what might be called government is already absurdly disproportionate. But if you look at any going system, any of the other going models in the world, you will see that this preoccupation with election politics extends over only two or three weeks before an election, or in the United States' case for a limited number of persons for a much longer period but nothing like the extent to which the business goes on here. As far as I can see, a major task before the Prime Minister of India for the last few weeks has been connected with nominations in constituencies all over the country. This seems to me to be a burden on the Prime Minister which is really untenable, unless one assumes that the real problems she has to face are non-existent.

Therefore, if you look at it in this way, you begin to say how we can deal with it. Is there really anything much to be gained, in the first place, by saying we can get the best of both the worlds, let us try to inflate a little the powers of the President, push down a little the powers of the Prime Minister? (I am sorry, Mr. N.C. Chatterjee is not here because these remarks are largely addressed to his arguments). I would say that this sort of argument is totally misconceived.

Suppose you have an exercise of a suspensive veto by a President within a basic parliamentary democracy. What in

fact does this mean ? Either the Act suggested for suspension has been passed by a government enjoying a majority in the legislature, in which case presumably it regards it essential for its general authority of power, and therefore will not be able, and will indeed refuse, to govern if the measure is vetoed or held up. Or you get a stage in which the country does not know where its leadership comes from, who to follow, and you introduce into a system where you are trying to concentrate power, a further element of diffusion. Similarly, you may have feelings about emergencies, about the curtailment of individual liberties, and no doubt there ought to be controls, judicial and others, to see that emergency and other powers are not usurped. But how a government which says it needs emergency powers is to continue to govern if someone else can say, 'you are wrong, you do not really need them', I must say I fail to see.

It does seem to me, therefore, that you have still got to make a basic choice. You have got to say where is the energy in our system going to come from ? Are we going to channel it, as the Americans tend to do, through a single individual and regard him as, at least, setting the tone and the pace, and if so, the question which Prof. Rudolph raised, how do you organize an election of a single individual in a mass electorate of this particular kind ? You have got the problem which I think was touched upon by Mrs. Rudolph in relation to State governments : Will not the only possible contenders, the only people fitted for this office, be those who had been State Governors and, in that case, will they not inevitably be regarded if they come to the presidential post as being partial to the area or the linguistic group to which they themselves belong ?

You have got to face that the presidential system means having a President, means deciding how you elect him, means deciding what authority he has, and means deciding what are the relations between him and the country which enable him to face the division between himself and the legislature. Or, you have got to take the point of view, which Dr. Karan Singh mentioned. You have got to say that, basically, we have got a system of cabinet and a parliamentary government, which clearly is not within that framework necessarily the best that could be devised. We do not make the best use of our parliamentary institutions; there are methods of enlisting members of Parliament in more constructive ways. The committee system does, I think, require development. This was the subject of a discussion which I had at the Institute of Constitutional and Parliamentary Studies earlier this week,

and I was impressed with the evidence brought forward on these lines. There may be other important ways in which Parliament could be made a more valuable, more constructive and more active agent of government. Certainly all these possibilities need to be explored. But when you come to this level in your reasoning—how a thing is done in Westminster or Washington or in Paris or in Timbuctoo should be entirely irrelevant. The solution to be sought is either something that fulfils or is conducive to the fulfilment of the basic criteria suggested by me earlier.

You have then to say that we must try and improve and centralize authority in a cabinet. I do believe that this does mean an abnegation of the position of the Congress Party as being both a national movement and a parliamentary party. I believe this to be an untenable and dangerous position, and one which has, I believe, produced many of the frustrations which have been referred to. For how are people to know whom they are to call into account ?

If you do this, you still of course have to face the very great problems of the relations with the units of the Federation. One point which has not, I think, been brought out as clearly as it might have been, either by myself or by anyone else, though it has been implicit in much of what has been said, is that the parliamentary system, has, on the whole, flourished best in countries with a high degree of unity and that the combination of a cabinet system with a federal system, though it operates in Australia and Canada, is somehow or other dependent—and indeed major experiences show how dependent—upon a very large degree of acceptance of inter-unit responsibility, probably greater than the present stage of Indian politics has achieved here.

If you look—again I am putting before you the frank views of an outsider—if you look at what is happening in India, as reported (I have no other source) in the Press, in conversations with friends over the last few weeks, there is clearly at the moment a dangerous problem of food shortage in certain parts of this country. Now, in a situation of that kind, which could lead to hardship, if not loss of life, it is obviously something which must be given priority by any government. What is, however, the impression left on the minds of unbiassed observers by the discussion in the Press and in private as I said just now. The first impression—I must confess I am speaking very frankly—is that the system does not enable a clear statement of the nature and the acuteness of the problem to be made, in a way in which it would be generally acceptable.

If I were, for instance, President Johnson or the Prime Minister of Canada, and was asked to give priority to the shipment of foodgrains to India, I would say, well I still cannot gather, whether this is a period of shortage or a period of crisis or a period of famine. What is the level of urgency? What is the real magnitude of this problem in terms which I, President Johnson or Mr. Pearson, can transmit to my electorate and say this matter ought to be given high priority by us? And if the situation is not clear to foreign observers, it seems to me it also cannot be wholly made clear to the people of India, who will after all have to contribute the major share of rescue work, rehabilitation or famine relief, as the case may be.

The second thing that I have not been able to ascertain from these discussions—and I think it is even more relevant to our question—what is the extent to which it is believed by the centre and by public opinion that the State Governments are able to tackle this problem. Is this a question of saying, well here are States with a particular problem, we must assist them financially or in kind, but basically this is their affair? This is a federal system. Is the relief of distress in a bad harvest period a State matter, or is it a national emergency? Is the problem of such a kind that it outstrips the powers the States have under the existing system and that the Central Government should intervene? And if this is so, has the Central Government to create a new machine which could be utilized or are there any methods which have been worked out and tested and are generally understood, by which the State and the unit governments—Central and State Governments in this case—can effectively cooperate? Now, it does seem to me that on all these questions and others which will no doubt occur to you when you think of these events, the present measures of uncertainty will continue with political discussions, enquiries, and debates. As long as the basic choices that have to be made in dealing with these major administrative problems and the basic way in which these questions are to be answered are not spelt out, it is clear that people will say—well the parliamentary system is not functioning successfully.

Now, you could say and you will have to ask yourself—suppose we had a presidential system, what are the chances that answers of greater clarity to the questions that I have raised would be given? This, as I was trying to say at the beginning, would very largely depend upon whether you could have a presidential office which would command, would have sources of independent information and would also be

in a position to evaluate them, proclaim them and put them in the forefront of the national consciousness. Here I think Mr. Rudolph's point about mass communication is very valid. If one thinks of, say, the hundred days of the New Deal, which perhaps imposed a greater strain on government than a famine, however terrible, could on any government, because the collapse of the American economy was almost universal—one would realize how a presidential system could rise to its inherent possibilities, though largely because of the ability of the then President to focus upon himself, at any rate for the limited period of real emergency, the attention of the electorate. I can, however, see that there are great difficulties in doing it in this situation.

You could argue, on the other hand, that, at any rate, the degree of stability or the degree of independence—I think the latter is a better word than stability—which a presidential system might provide would enable a President to do this much better than a Prime Minister in a parliamentary system. What I cannot, however, see is that this would enable him better to go from there to the executive part, because it seems to me that the relationship with State governments (assuming that they also changed over from a cabinet to presidential system) would still evoke the present uncertainties, would still be conditioned as they must be at present, by the intra-party relationships concerned, and clearly if it is a question of creating a new machinery, then if you have the presidential system, you would require very rapid action by the legislature to create the new machinery required, to raise the new funds required, and so on. This could hardly come about unless one had, I think, the kind of change in party structure and party relationships which would be necessitated. In other words, it is my view that though you could produce a theoretical case and that, in emergency situations at any rate, a greater measure of clarity might be derived from the presidential system, when you try to work out the system on the ground in particular situations, I fear that you will discover that it is not so obvious that the gains from the suggested change-over from the familiar parliamentary system would be sufficient to justify the departure from it.

Further, it does seem important to me to consider whether there may not have been at the root of the constitutional development a basic over-estimation, not of the authority to be conferred upon the centre, but of the range of responsibilities which could be efficiently discharged by it. You will have noticed that we have been assuming in this discussion that to confer responsibilities upon an institution or upon a person is the same thing as adding to its authority, and it may,

of course, be that the reverse is often true. It may well be that the responsibility entrusted to a federal system of the kind which the Indian constitution lays down is a burden upon the centre, which is so great as to be beyond the capacity of central institutions to perform, and that it might have been better, and it might still be better if one were engaged in constitutional revision, to suggest a devolution of certain responsibilities to the States, a new division of powers, which would limit what the centre was asked to do, but make it more certain that what the centre was asked to do, it had the capacity to accomplish.

You have a centralized governmental system which appears to minister to the demands of national unity, which I take it is the reason why this Federation is such a centralized one, but you have apparently done this at the expense of placing upon the Central Government, given the size, variety and number of problems in the country, a burden which it is *prima facie* incapable of performing, and which any executive would be incapable of performing, particularly one which has to spend so much of its time on pure politics.

These thoughts, inevitably, take one outside the framework of today's discussion, and it may well be that the rather tantalizing remark about a new model of democracy by our Chairman may have better solutions to offer along new lines, rather than our discussions within the limited possibilities of constitutional reform.

I would myself think that there is something to be said for looking out for what Mr. D.L. Mazumdar referred to in passing, and someone else also referred to in talking about continental European experience, i.e., an idea of a plural executive. It does seem to me that there is something to be said for the Swiss system or for some such variant of it—not for a direct election of the executive in place of the election by Parliament for the duration of its life, but for a collective executive and the development of certain conventions by which this collective executive would in fact represent, for the time being, more than one party, and certainly in the long run all the major linguistic and other groups which are the natural divisions, as in India. Now, I do not think this could be the cabinet.

In Switzerland, which is a small country with a few problems and a high degree of devolution for local issues, the executive and the cabinet are synonymous, but I cannot see India with a cabinet of a few Ministers in charge of numerous departments. But one could, I think, envisage a system in

which you would have a basic policy-forming collective executive responsible to Parliament, naturally re-elected by each new Parliament, but with a guarantee for the duration, and Ministers who would be departmental heads at a second level, who would be answerable to Parliament, cooperate with parliamentary committees, perhaps in an intimate way, over the details of the tasks entrusted to them, but would in their collective capacities be subordinate to the executive. This is a system which is, if you like, a combination between the Swiss and the parliamentary system. But it does seem to me to be worthy of attention, because Switzerland is the most successful of European countries, and although it is small, it has some of the problems of variety and of permanent divisions which distinguish most countries from those countries like the United States or Britain where homogeneity—Prof. Norman Palmer will forgive me—is so great that the transfer of votes between parties can be taken as a normal feature of the parliamentary system or the congressional system, as the case may be. I think there is in Switzerland, and on a much greater scale in India, a plural society. There are objective divisions in the population which are unlikely to disappear—language or religion, whatever the case may be, and the case for a collective executive as well as a Parliament that represents the principal ones is probably a very strong one.

I rather agree with those who feel that simply to develop a parliamentary opposition on the British or the American lines in the circumstances of India would probably not conform to some of my criteria: it would not be economical, because talent will not be used to its full efficacy. Probably the value of mere criticism is sometimes overrated. What I think important is, not as Dr. Gopal Krishna said, that there should be possibilities of criticism within the system, but that there should be a clear understanding of responsibility in the system. If you have evidence of frustration with the political system—whether it is students' disturbances or other forms of extra-constitutional activity—the first thing one has to look at is—is it that the people do not know who is responsible or who bears responsibility for the policies which they would like to see changed or hope to see changed, or are there other forms of frustration involved? I would think that the lack of clarity in the distribution of responsibility is something which no system can afford, unless it is prepared to translate itself into a totalitarian system. It may well be that the task of running a political democracy in these terms with a largely illiterate electorate is, as I said at the beginning, like the creation of a nation which is multi-cultural, multi-lingual, almost a contradiction in essence, but if the

experiment is to be tried and continued—and no doubt most politically-minded Indians feel committed to this—then it seems to me that it ought to be given the best possible chance and it cannot be given this chance if there is a blurring of responsibility and of the area where the decision-making power really lies.

C. D. Deshmukh : I will just permit myself a few concluding remarks, because it is something of this kind that Prof. Beloff had suggested that I had in mind when I spoke of a somewhat different model of democracy, not merely in the light of our contemporary experience but also in a way that would suit our very special conditions. We have a largely illiterate and ill-informed electorate and, therefore, we have to think out very carefully what sort of pattern of democracy we should opt for.

I believe that in Switzerland finally they have a referendum. If there is a difference between the Ministers in this country of 500 million people, I do not know how it would be practicable to organize a referendum. I do not suggest that with modern means of communication it should be entirely impossible to organize this, and indeed, on certain important issues, we are going to try out some kind of a referendum. Secondly, it seems to me that the question of the revision of the legislative lists is important. Prof. Beloff has referred to it. There are Federations where the residual powers remain in the centre rather than in the States, and here I believe it is only because of the historical process that the British first arranged for local governments and then gave us grudgingly provincial autonomy. The development could very well have been otherwise. Perhaps, not entirely agreeing with Prof. Beloff, I should think that it would have been better if greater powers had been given to the Central Government through the enlargement of the concurrent list, on the very over-simplified logic that it is easier to find 10 good men than 100 good men in our system of democracy.

There is one very pessimism-causing feature in the Indian democracy, and that is prominently in evidence in some States, e.g., Orissa. Although fault has been found with the individuals in power and they have been removed, they answer back that whenever you hold an election we shall come back. They are emboldened to say so because in the meanwhile they have used power to corrupt the electorate. To this problem I have not yet found any answer. This is something which is perhaps unknown in other democracies, at least in modern days.

Anyway I should say that the key-notes of any government must be harmony and efficiency. In other words, what the people are looking for is not so much the statistical figures of whether the rate of economic growth is 4% or 4½% per annum or whether the national income per capita is going to be Rs. 365 or Rs. 400. These are only figures, and do not really affect the level of living of a very large number of people, because of the gross internal disparities in income. Something which is more tangible to them is harmony of government and a sense of direction and efficiency.

I am convinced that even if we do not change our constitution we should do well to accept the innovation which I suggested to the late Prime Minister, Shri Jawaharlal Nehru, at a seminar at Ooty a few years ago—that we should form a government of all parties on some kind of proportionate representation, because like war the total economic plan is more or less unanimously approved by Parliament and it was right that the executive government should reflect this inter-party understanding. If this was done we might call a 'truce' in playing this game of parliamentary Western democracy—we do not quite know all the rules being relative novices in this game. In that case all leading political parties could get together to man such a government, say, for a period of ten years, for two or three plan periods in the first instance. We might then look up and review the situation.

Well, these were the few remarks that I thought I would make before I proposed on your behalf a very hearty vote of thanks to our Chief Guest for his part in this very stimulating seminar. Indeed, not only has our Chief Guest given us the best of his thoughts, so to speak, but the seminar has also brought out the best in all of us according to our ability and our experience. I should, therefore, like to observe that our Chief Guest has, in a sense, been the motive power behind this very informative and successful seminar, and our most grateful thanks are due to him.

APPENDIX

Points for Discussion by Max Beloff

THE OFFICE OF CHIEF EXECUTIVE : PRESIDENT AND PRIME MINISTER

1. What have been the reasons for the preference for the presidential form of government? Do these hold good under modern conditions? What disadvantages are apparent in the working of presidential government? Can they be remedied?

2. What is the role of the Prime Minister in the cabinet form of government? Do modern conditions, for instance in Britain, tend to move it in the direction of greater personal authority for the Prime Minister? Are there dangers in this tendency? Should they be resisted?

3. Can a table of advantages and disadvantages be constructed for the two systems?

4. Is size of country or any other objective factor a relevant one in deciding between the choice of the two forms where 'new States' are concerned?

5. What effects would a change over from one system to the other entail?

6. What merits can be found in systems combining the two ideas—that of the Fifth French Republic, for instance? Or in a plural executive, such as that of Switzerland?

Extracts from letter of May 27, 1965

From *R. Venkataraman*, Minister for Industries,
Madras, to the A.I.C.C.

THE internal stability of our country is weakening day by day especially when the external dangers are mounting all around us. The defeat of the Congress Ministry in Kerala by the defection of the Congressmen themselves, the resignation of a group of Congressmen from Mysore, the growth of 'dissidentism' in a large number of legislature parties and the existence of groupism in the Ministries, parties and the Congress organisation, coupled with the absence of developed and disciplined opposition parties, capable of providing an alternative government, and the growing fissiparous tendencies, each organising a mushroom political party, have caused grave doubts in the minds of many thinkers both within the Congress and outside regarding the future of our parliamentary democracy.

The primary aim of any constitution is to ensure stability of administration, in a form best suited to the genius of its people. The parliamentary system of government has secured it in the United Kingdom and some Commonwealth countries because of certain pre-conditions that exist in those places. Homogeneity of the people and a national outlook are the strong foundations on which parliamentary democracy stands. Besides, there is no multiplicity of parties in those countries, while in ours, instead of the number of political parties getting reduced over the past 15 years of our Republic, they are growing like mushrooms making it difficult for any single party to secure a majority in the legislature. I think that Kerala is not an exception or isolated situation, but the true picture of the shape of things to come in other States sooner or later. The prospect of a similar situation arising in the Lok Sabha will cause a shiver to every patriotic citizen of our country.

The hope that in a multi-party system, dependence on one or more groups will become necessary to form a government seems to encourage the formation of smaller groups in legislatures. Those groups expect that they will be able to hold the balance of power and obtain bargaining strength.

The parliamentary system presupposes the election of members on the basis of party programmes, so that the programme which is endorsed by the majority of the people may

be implemented by its sponsors. It will be idle to feign that such conditions exist among us today. Most members are chosen for their personal affiliations rather than on their party affiliations and this renders their loyalty to the party superficial. It is clear that a government which has to depend on the vagaries of such shifting loyalties is bound to be weak, ineffective or worse.

With the grave threat of aggression on our borders, it behoves us to give unto ourselves an executive which will be stable and not depend on the vagaries of groups and dissidents. Such an executive must derive its strength and authority from the people of the country and should not be removable except on the expiry of the term or by impeachment. The presidential system offers the best solution to the chaotic spectrum of splinter parties projected in our national kaleidoscope. Perhaps, if it becomes clear that an executive once elected cannot be dislodged, the tendency to form groups and dissidents among legislators may also disappear.

In a presidential system, the choice of colleagues is not made from the members of the legislature of his party and the sad spectacle of party members forming several permutations and combinations for ousting the party chief will be eliminated. Besides, the President will have a wider field for the choice of colleagues and will be able to bring a measure of expertise to the administration.

Again a provision in the constitution that legislatures once elected cannot be dissolved before the expiry of their term will give greater freedom to the members to freely criticise and vote down the proposals of the executive which they cannot do in a parliamentary system except on pain of the dismissal of the Ministry and dissolution of the House.

I do not want to stray into an academic discussion of the merits of the two systems, as much may be said on both the sides. But the question before us is whether in the present political conditions of our country, we can rely on the parliamentary system to give us a stable executive. Our experience belies any such expectation.

In my view, the structure of the executive may be altered to a presidential system with minimum changes in the constitution. The President may be elected as at present or directly by adult franchise and may hold office for five years. The President may be authorised to appoint his Ministers who should not be members of the legislature but should have the

right of audience in the House of the legislature. The legislature should be elected for a term of five years and should not be liable to dissolution except on the expiry of the term. Similar provisions may apply *mutatis mutandis* to the election of Governors and the constitution of Ministries in the States.

Except for some consequential provisions for meeting the exigencies of differences between the executive and the legislature, no further amendments to the constitution will be necessary.

DRAFT RESOLUTION

Considering the increasing instability and weakness in administration caused by the growth of dissidents and groupism in the legislature parties in the country,

Considering the tendency towards multiplicity of parties springing up like mushrooms incapable of giving the country an alternative stable government,

Considering the grave dangers to the territorial integrity of India from the threats of aggression from our neighbours, and

Realising the imperative need for stable governments both at the centre and the States.

The All India Congress Committee resolves—

That the Congress Working Committee be requested to constitute a committee to examine and report before the next annual session of the Indian National Congress—

Whether the present cabinet form of government at the centre and the States may be replaced by an executive directly elected by the people for a fixed term of years; and if so,

To recommend consequential changes in the constitution of India as appropriate.

Suitability of Parliamentary System of Government for India

by S. Pal

Lecturer in Political Science & Administration, Delhi College

WHILE the constitution issue of the late 19th century was how to democratise the legislature, that of the 20th century was to democratise the executive. Nobody, then, questioned the type of executive we should have, though representative democracy offered three types of executive, namely, the representative executive or the American presidential type, the responsible executive or the British parliamentary type and the plural executive or the Swiss collective type. In India, primarily because of our connection with England, when bit by bit political concessions were granted they were on the parliamentary model. First it was introduced in the Government of India Act, 1919, which came into full force in 1921 and the principle to a great extent was augmented in the provinces in 1937 by the Government of India Act, 1935. Of course, the parliamentary system was then introduced by the British Government but with the willing acceptance of the Indian leaders.

Therefore, during the debates of the Constituent Assembly on parliamentary or presidential form of government for India, the overwhelming opinions including those of constitutional experts like Dr. Ambedkar, Sir Alladi Krishnaswami Ayyar, Shri T. T. Krishnamachari, Dr. Rejendra Prasad favoured the parliamentary type of executive. Shri K.M. Munshi said, "...Our constitutional traditions have become parliamentary and we have now all our provinces functioning more or less on the British model. After this experience, why should we go back upon the tradition that has been built for over a hundred years and try a novel experiment...?" (*Constituent Assembly Debates, Vol. II, p. 984*).

Fifteen years later, Shri Munshi now regrets to remark at a meeting held under the auspices of the Indian Institute of Constitutional and Parliamentary Studies that "parliamentary democracy has failed." (*Hindustan Times, November 9, 1966, p. 3*) Similar views have been echoed in some other quarters with the recommendation that the presidential system of government should replace the parliamentary type.

We have to examine the implications of our choice of

parliamentary or presidential form of government in the historical setting and pragmatic consideration of the needs of the country.

- (i) India is a country of bewildering diversity of races, creeds, languages, etc., which compete with each other for recognition and representation in the seats of power both in the legislature and also in the executive. In this case of competing demands the single executive head, namely the President, cannot absorb all these elements. The cabinet system as it operates in India is a great political contrivance to reconcile the different, sometimes conflicting interests, both within the governmental framework of the constituent units and the Union-State relationship. The composition of the Councils of Ministers of the Union and the State governments provides a balance of interests—regional, linguistic and communal. This may hamper their effectiveness as policy-making bodies and operating hand of the government but these give a sense of satisfaction, arising out of a sense of belonging and participation. The cabinet system, in this respect, is a system of compromise springing out of the nature and needs of plural political societies of India which want to articulate themselves through their representatives in the Council of Ministers.

The leadership of a multi-lingual country cannot afford to form a presidential pattern when the source of direction comes from the regional leaders forming the cabinet or the group behind him; for instance, it is well known that behind Mr. Sachindra Chaudhri, Minister of Finance in India, is the West Bengal Congress and the West Bengal Government.

- (ii) The presidential system will encourage the centripetal tendency which has already engulfed Indian political unity. With the centralised federal structure, 'States', having limited powers and resources, will try to place all the causes of their failure at the door of the centre and the State public opinion will be generated on the emotional ground to support the 'favourite son' of the State demanding more 'State rights'. At present the cabinet system provides representation of the regions and the States and no State can accuse the centre for ignoring its claim completely.
- (iii) It will be impossible for a President with real powers

to make use of Article 356 of the constitution providing presidential rule in case of failure of the constitutional machinery in the States. The logical corollary of the presidential system at the centre is that the Chief Executive of the State should be elected as it is done in the USA. When Governors belonging to different parties are elected to power they may resist central directives and interferences. On vital matters the presidential system in a federal country is fraught with danger. State resistance on colour issues in the USA should be a lesson to us what may occur in India with greater vigour and dimension on account of the existing fissiparous tendencies.

A tightly centralised federalism, based on a uniform pattern closely controlled from Delhi as provided in the constitution, is the need of the hour when there is a real political and economic emergency of the first magnitude. But the presidential system and a centralised federalism are incompatible. The change from the cabinet system will inevitably lead to a refutation of the centralised federal structure of India.

- (iv) India is a predominantly peasant country, which promotes political individualism, strong local loyalties and a social psychology more adapted to political isolation than to political cooperation. This tendency, prevailing particularly in rural and hilly areas, can be changed by direct contact of Ministers and citizens instead of civil servants and citizens which may be a feature in the presidential form of government, if introduced in States.
- (v) When democracy is not deeply rooted in the soil of the country and the soul of the population, the presidential system may be a source of potential danger rather than of potential gain. It will be a standing temptation for a triumphant demagogue, a President or a Governor, to run amuck. How a single public speech whips up the pent-up emotions of the masses and becomes a threat to the fabric of democratic society has been brought home in the capital during the recent anti-cow slaughter agitation. A system of checks and balances in the composition and function of the cabinet and in the system of executive-legislature interdependence provides a safety valve for any demagogic outburst in a cabinet system. An omnipotent executive, irresponsible to the legislature, may tend to be, if not corrupt, at least erring.

Of course, having learnt from experience both at home and abroad we can make some reforms in the cabinet and Parliament of our country. The cabinet should be more broad-based to include some representatives of the opposition except the extremist parties. In this critical hour when democracy faces the issue "to be or not to be" all right thinking leaders inspired by patriotism should be willing to join the cabinet if requested and to reciprocate the confidence vested in them. After all, there is no very fundamental difference amongst them on the "policy of the State" but they differ on the methods of execution and day to day administration. Here lies a big responsibility on the ruling party.

It has been felt in some quarters that if the Congress could have avoided two major tactical blunders in 1937 the Muslim League would not have come into the political limelight and the partition of the country could perhaps have been avoided. The Congress should have allowed Mr. Fazlul Huq, leader of the anti-League Muslim party in Bengal, to form a government with their support. Secondly, it was a major blunder to brush aside the request of the Muslim leaders for some seats in the Congress Government of U.P. The U.P. Leaguers became later the 'brain-trust' of the League and Bengal became its muscle. The situation is no better now. A coalition government—a national cabinet of like-minded people and parties believing in the democratic system—would be able to stop the rot.

Regarding reforms of the Parliament we can think of a strong effective executive by providing some changes in the function of the legislature. The same problem has been encountered in England, *i.e.*, to make Parliament more effective by Specialist Committees. A seminar or study group on parliamentary reforms can be organised on the model of the Committee set up in England in 1964 with Sir Edward Fellows as Chairman.

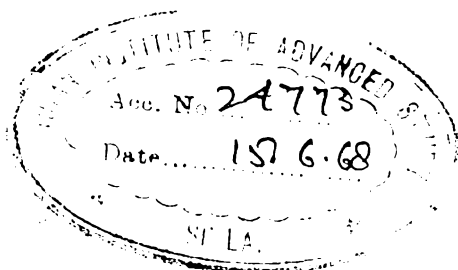
We are not condemning the American presidential system. In fact, with certain modification this personal separation of executive has been carried on successfully in the USA. But when imported into other countries it has often led to disastrous results. France and some Latin American countries have been the laboratories for the experiment of a political system based on one man executive. Democracy in these countries, on various occasions, went to the grave with the warning, "beware of our President". Leaders, Fuhrers and Candillos do not always come into power by coup d'etats but by the constitutional provision of the presidential system. This possibility is to be

resisted in India particularly at this transitional and crucial stage of our national history. We are in the midst of a revolution—hitherto bloodless—but it may rapidly lead towards a total change of the democratic character and values. Even a discussion criticising the parliamentary types of government may be dangerous. For instance, do not the Americans themselves say, “don’t change your horse in mid stream” ?

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