

# APPOLO STUDY CENTRE

## Assignment

(Parliamentary Form Of Government And Presidential Form Of Government)

11<sup>th</sup> vol - 1

### UNIT - 6 FORMS OF GOVERNMENT

#### Introduction

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

#### Approaches to the study of Government

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

## 1. Comparative-Historical Approach

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

## 2. Legal-Institutional Approach

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

## 3. Political Economy Approach

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

## 4. Political Sociology Approach

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

- Early Montesque proposed a three-fold division of Government namely Republican, Monarchical and Despotic government  
**Republican Government:** “People possess the sovereign Power”.

**Monarchical Government:** “Rule by one single person and governed by fixed and established laws”.

**Despotic government:** “Rule by one single person but there is no fixed rule for governance, everything conducted by his will. According to Montesque the survival of the government depends on “persistence in given society of that particular spirit which is characteristic of the form”.

### Meaning, Definition and Nature of Government

- Government refers to the executive functions of the state. It denotes a body having authority to make and enforce laws applicable to the civil, corporate, religious, academic or other groups.
- The term Government is derived from an old French word “governor”, derived from Latin word “gubernare” which means to direct, rule, guide, govern.
- Aristotle’s Classification of Governments Aristotle identified a combination of two criteria to classify the constitution that he analysed.

**Criteria One:** Number of People having Power – One, Few, Many; Thus he distinguished between Monarchy, Aristocracy and Polity  
**Criteria Two:** To whose interest the Government works for – Working in General Interest, Working in Personal Interest. The respective perverted forms of the three types are Tyranny, Oligarchy and Democracy

### Unitary Form of Government

- A unitary system of government, or unitary state, is a sovereign state governed as a single entity. The central government is supreme, and the administrative divisions exercise only powers that the central government has delegated to them.

England, France, Japan, Sri Lanka are examples of Unitary Form of governments.

- In a Unitary form of government all authority and power vested in a single centre whereas in a federal form of government authority and power distributed between centre and the constituent units. Even in a Unitary form of Government there might be a lot of decentralization of authority but we cannot claim it as a federal system.

### Definition:

- Some leading political thinkers defined unitary form of government as follows:

**A.V.DICEY:** "Habitual exercise of supreme legislative authority is by one central power"

**GARNER:** "Where the whole power of government is conferred by the constitution upon a single central organ"

**C.F.STRONG:** "Two important qualities of the Unitary Government".  
They are:-

The supremacy of the central government;  
The absence of the subsidiary sovereign bodies.

- The distinction between subsidiary law-making bodies and subsidiary sovereign bodies is the distinction between the local authorities in a unitary state and constituent units in a federal state.

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

### Merits of Unitary Form of Government

- a. Suitable for small countries.
- b. There is no conflict of authority and responsibility.
- c. A unitary government will make prompt decisions and take speedy action.
- d. A unitary government is less expensive.

- e. Amendments to the constitution are easy.
- f. There is unity, uniformity of law, policy and administration.

### **De-Merits of Unitary Form Government**

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

### **Unitary Features of Indian Constitution**

#### **i. Strong Centre**

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

#### **ii. Central Government's control over state territory**

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

#### **iii. Single Constitution**

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

#### **iv. Flexibility of the Constitution**

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

#### **v. Unequal representation of states**

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

#### **vi. Emergency Provisions**

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

#### **vii. Single Citizenship**

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

#### **viii. Single Integrated Judiciary**

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

#### **ix. All India Services**

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

## **Federal Form of Government**

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

## **Federal Features Of Indian Constitution**

### **a. Dual Government**

- The Indian Constitution establishes a dual polity consisting the Union at the Centre and the states at the periphery. Each is endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution.

### **b. Written Constitution**

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

### **c. Division of Powers**

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

### **d. Supremacy of the Constitution**

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

### e. Rigid Constitution

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

### f. Independent Judiciary

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

### g. Bicameralism

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

### Merits of Federal Form Government

- a. Reconciliation of local autonomy with national unity.
- b. Division power between centre and states leads to administrative efficiency.
- c. It gives rise to big states.
- d. Distribution powers checks the despotism of central government.
- e. More suitable for bigger countries.
- f. It is good for economic and cultural progress.
- g. De-Merits Of Federal Form Government.
- h. Federal government is weaker when compared to the unitary government.
- i. Federal government is more expensive.
- j. Provincial tendencies are very common.
- k. lack of uniformity in Administration.
- l. Threat to national unity.
- m. Distribution powers between centre and states lead to conflict.
- n. Double Citizenship.
- o. Rigid constitution cannot be amended easily for the changing needs.
- p. The state governments sometimes place hindrances in the foreign policy.



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

### Parliamentary form of government

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

## Features of parliamentary form of government

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

## Merits of the parliamentary form of government

- ✓ **Harmony between Legislature and Executive:** The greatest advantage of the parliamentary system is that it ensures harmonious relationship and cooperation between the legislative and executive organs of the government. The executive is a part of the legislature and both are inter dependent at work. As a result, there is less scope for disputes and conflicts between the two organs.
- ✓ **Responsible Government:** In the parliamentary system establishes a responsible government. The ministers are responsible to the Parliament for all their acts of omission and commission. The Parliament exercises control over the ministers through various devices like question hour, discussions, adjournment motion, no confidence motion, etc.

- ✓ **Prevents Despotism:** Under this system, the executive authority is vested in a group of individuals (council of ministers) and not in a single person. This dispersal of authority checks the dictatorial tendencies of the executive. Moreover, the executive is responsible to the Parliament and can be removed by a no-confidence motion.
- ✓ **Wide Representation:** In a parliamentary system, it is possible to provide representation to all sections and regions in the government. The prime ministers while selecting his minister scan take this factor into consideration.

### Demerits of the parliamentary form of government

- ✓ **Unstable Government:** The parliamentary system does not provide a stable government. There is no guarantee that a government can survive its tenure. The ministers depend on the majority legislators for their continuity and survival in office. A no-confidence motion or political defection or evils of multiparty coalition can make the government unstable.
- ✓ **No Continuity of Policies:** The parliamentary system is not conducive for the formulation and implementation of long-term policies. This is due to the uncertainty of the tenure of the government. A change in the ruling party is usually followed by changes in the policies of the government.
- ✓ **Dictatorship of the Cabinet:** When the ruling party enjoys absolute majority in the Parliament, the cabinet becomes autocratic and exercises nearly unlimited powers.

Harold J Laski says that the parliamentary system gives the executive an opportunity for tyranny.

Ramsay Muir, the former British Prime Minister, also complained of the 'dictatorship of the cabinet'.

- ✓ **Against Separation of Powers:** In the parliamentary system, the legislature and the executive are together and inseparable. The cabinet acts as the leader of legislature as well as the executive. Hence, the whole system of government goes against the letter and spirit of the theory of separation of powers.

Raju Ramachandran, senior advocate at the Supreme Court of India.

- This debate is academic. A switchover to the presidential system is not possible under our present constitutional scheme because of the 'basic structure' doctrine propounded by the Supreme Court in 1973 which has been accepted by the political class without reservation, except for an abortive attempt during the Emergency by Indira Gandhi's government to have it overturned. The Constituent Assembly had made an informed choice after considering both the British model and the American model and after Dr. B.R. Ambedkar had drawn up a balance sheet of their merits and demerits. To alter the informed choice made by the Constituent Assembly would violate the 'basic structure' of the Constitution. I must clarify that I have been a critic of the 'basic structure' doctrine.

### **Abuse of power worries**

- A presidential system centralizes power in one individual unlike the parliamentary system, where the Prime Minister is the first among equals. The surrender to the authority of one individual, as in the presidential system, is dangerous for democracy. The over centralization of power in one individual is something we have to guard against. Those who argue in favour of a presidential system often state that the safeguards and checks are in place: that a powerful President can be stalled by a powerful legislature. But if the legislature is dominated by the same party to which the President belongs, a charismatic President or a "strong President" may prevent any move from the legislature. On the other hand, if the legislature is dominated by a party opposed to the President's party and decides to checkmate him, it could lead to a stalemate in governance because both the President and the legislature would have democratic legitimacy.
- A diverse country like India cannot function without consensus-building. This "winner takes it all" approach, which is a necessary consequence of the presidential system, is likely to lead to a situation where the views of an individual can ride roughshod over the interests of different segments.

### **What about the States?**

- The other argument, that it is easier to bring talent to governance in a presidential system, is specious. You can get 'outside' talent in a parliamentary system too. Right from C.D. Deshmukh, T.A. Pai, Manmohan Singh, M.G.K.

Menon and Raja Ramanna talent has been coming into the parliamentary system with the added safeguard of democratic accountability, because the 'outsiders' have to get elected after assuming office. On the other hand, bringing 'outside' talent in a presidential system without people being democratically elected would deter people from giving independent advice to the chief executive because they owe their appointment to him/her.

- Those who speak in favour of a presidential system have only the Centre in mind. They have not thought of the logical consequence, which is that we will have to move simultaneously to a "gubernatorial" form in the States. A switch at the Centre will also require a change in the States. Are we ready for that? Changing to a presidential system is the best way of ensuring a democracy that works.
- Our parliamentary system is a perversity only the British could have devised: to vote for a legislature in order to form the executive. It has created a unique breed of legislator, largely unqualified to legislate, who has sought election only in order to wield executive power. There is no genuine separation of powers: the legislature cannot truly hold the executive accountable since the government wields the majority in the House. The parliamentary system does not permit the existence of a legislature distinct from the executive, applying its collective mind freely to the nation's laws.
- For 25 years till 2014, our system has also produced coalition governments which have been obliged to focus more on politics than on policy or performance. It has forced governments to concentrate less on governing than on staying in office, and obliged them to cater to the lowest common denominator of their coalitions, since withdrawal of support can bring governments down. The parliamentary system has distorted the voting preferences of an electorate that knows which individuals it wants but not necessarily which parties or policies.

### **Failures in the system**

- India's many challenges require political arrangements that permit decisive action, whereas ours increasingly promote drift and indecision. We must have a system of government whose leaders can focus on governance rather than on staying in power.

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

### **Direct accountability**

- Indeed, the President would have to work with Parliament to get his budget through or to pass specific Bills. India's fragmented polity, with dozens of political parties in the fray, makes a U.S.-style two- party gridlock in Parliament impossible. An Indian presidency, instead of facing a monolithic opposition, would have the opportunity to build issue-based coalitions on different issues, mobilising different temporary alliances of different smaller parties from one policy to the next - the opposite of the dictatorial steamroller some fear a presidential system could produce.
- Any politician with aspirations to rule India as President will have to win the support of people beyond his or her home turf; he or she will have to reach out to different groups, interests, and minorities. And since the directly elected President will not have coalition partners to blame for his or her inaction, a presidential term will have to be justified in terms of results, and accountability will be direct and personal.
- Democracy, as I have long argued, is vital for India's survival: we are right to be proud of it. But few Indians are proud of the kind of politics our democracy has inflicted upon us. With the needs and challenges of one-sixth of humanity

before our leaders, we must have a democracy that delivers progress to our people. Changing to a presidential system is the best way of ensuring a democracy that works. It is time for a change.

**Upendra Baxi**, legal scholar and the former vice-chancellor of Delhi University

- I think the debate has a life cycle of its own. It has been brought up and discussed whenever there has been a super-majority government. From Jawaharlal Nehru to Indira Gandhi to the present, the presidential system has been debated extensively around two aspects: is it desirable, and second, is it feasible?
- To tackle the second aspect first, unless the Supreme Court changes its mind, any such amendment would violate the 'basic structure' of the Constitution as was decided with, and since, the Kesavnanda Bharthi case. There is no way to get around this unless the Supreme Court now takes a wholly different view.

### **Different models**

- On the desirability aspect, which presidential system are we talking about when we pit the American presidential system against the Westminster model? In the American system, the President appoints his officers; they have limited tenure and their offices are confirmed by the Senate (Upper House). Then, we have the Latin American model, where some Constitutions give Presidents a term often amounting to a life tenure like in Cuba. There are plenty of models to choose from and there are arguments against each. So, which system is being argued for when the votaries of change seek a shift to the presidential system?
- Our Rajya Sabha cannot be compared to the U.S. Senate where each state has its own Constitution and has the power to change it. The relationship between the states and the federal government is extraordinary; as is the status of their courts and the manner of appointment of judges. I do not think people have thought about it. Merely stating that a change to the presidential system is needed does not mean much. The Indian debate currently is not focussed on the kind of presidential system envisaged. What is the term we are seeking for the President? Should he/ she be re-elected? If so, for how many terms? Then, who decides the change?

- Parliament? All this requires a massive amendment to the 'basic structure' of the Constitution. The Supreme Court has spelt its view on the 'basic structure' of the Constitution.
- Giving an opinion is one thing. A judgment is a more carefully considered conclusion. Those who support the presidential system should do their homework when they argue against the parliamentary system. There is also the matter of separation of powers. In the U.S., the President, who is also the Supreme Commander, has the power to veto the Congress. Does India need this? The manner of removing the U.S. President through impeachment is a very complex process. There is also the possibility of aggregating more powers to the President.
- One could argue that the parliamentary system too runs a similar risk. I do not think it has been thought over. It is not on the table yet.

### **Reform the process**

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

### **Why the framers of the Indian Constitution adopted for the Parliamentary Form of Government**

1. Familiarity with the System
2. Preference to More Responsibility
3. Need to Avoid Legislative – Executive Conflicts
4. Nature of Indian Society, India is one of the most heterogeneous States and most complex plural societies in the world. Hence, the Constitution- makers adopted the parliamentary system as it offers greater scope for giving representation to various section, interests and regions in the government.



This promotes a national spirit among the people and builds audited India.

## Presidential Form of Government

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

### Features of Presidential Form of Government

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

### Difference between Parliamentary Form of Government and Presidential Form of Government

S.No	Presidential Form of Government	Parliamentary Form of Government
1	President is directly elected by the	Prime Minister is the leader of

	People	majority Party Central
2	President is Supreme	Legislature is supreme
3	Separation of Powers	Absence of Separation Powers Centralization
4	Independent branches	Independent branches with Overlapping functions
5	President - head of the State	President - head of the State
6	President - head of the Government	Prime Minister - head of the Government
	Separation of Powers	Centralization
	Independent branches	Independent branches with Overlapping functions
	Individual Leadership	Collective leadership
	President is not accountable to Congress	Collective and Individual Responsibility

“World Bank - World Development Report 1997 : The State In A Changing World”.

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

### **They are...**

- Establishing a foundation of law
- Maintaining macroeconomic stability
- Investing in basic social services and infrastructure
- Protecting the vulnerable
- Protecting the environment

### **The Concept of Governance from Government to Governance**

- Good governance is an indeterminate term used in the international development literature to describe how public institutions conduct public affairs and manage public resources. Governance is “the process of decision-making and the process by which decisions are implemented”.
- “Government” and “governance” are synonyms, both denoting the exercise of authority in an organization, institution or state. Government and governance became distinguished along the following dimensions:
  - What activities are encompassed in the act of governing?
  - What actors are involved in governance?
  - What processes have made this redefinition necessary?
  - What criteria are used to evaluate good governance?
  - What capacities should be developed to achieve it?
- Governance is the exercise of political, economic and administrative authority to manage a nation's affairs ...Governance embraces all of the methods - good and bad- that societies use to distribute power and manage public sources and problems (UNDP, 1997):
- Governance is the manner in which power is exercised in the management of a country's social and economic resources for development (ADB, 2000)
- The movement from government to governance is not merely a task of creating new institutions but also that of refurbishing old ones. The state has to be strengthened to play a new role. It is also for the civil society to accept that democracy is not going to polls every five years but being vigilant and monitoring institutional performance and holding them accountable throughout these years.

## Partnership with civil society

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

## Characteristics of good governance

### Participation

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

### Rule of Law

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

### Transparency

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

## **Responsiveness**

Institutions and processes try to serve all stakeholders.

## **Consensus orientation**

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

## **GOOD GOVERNMENT**

### **Equity**

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

### **Effectiveness and efficiency**

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

### **Accountability**

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

### **Strategic Vision**

- Leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.

### **How to evaluate the performance of a government?**

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

### **Socio Cultural factors**

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

### **Political factors**

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

### **Economic factors**

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

### **Environmental factors**

- Sustainable Development Goals
- National Action Plan for Climate change(NAPC)
- Green Budget
- Disaster management

### **Gross National Happiness (GNH):**

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

### **Bicameral Legislature**

A legislature that comprises two parts or chambers. The USA Congress is a bicameral legislature; its two chambers are the House of Representatives and the Senate. Compare with unicameral legislature.

### **Capitalism**

- An economic system in which the means of production and distribution are mainly in private ownership for private gain at the expense of the non-owners. Mechanisms include free markets and freedom of contract.

### **Checks and Balances**

- A principle of a system of government whereby each branch of the government can check the actions of the others. As originally conceived, this was true of the government of the USA.

### **Concurrent Powers**

- Powers held jointly by the national and state governments.

### **Confederal System**

- A league of independent states, each having essentially sovereign powers. The central government created by such a league has only limited powers over the

states.

## **Confederation**

- A voluntary association of states; usually limits central authority to foreign affairs and is less permanent than a federation. A political system where states or regional governments retain ultimate authority, except for powers expressly delegated to a central government.

## **Constitution**

- The fundamental law of a nation. Defines the power of the government; specifies offices and their authority.

## **Consent of the People**

- Governments and laws are legitimate implicitly from the consent of those governed.

## **Democratic Republic**

- A republic in which the representatives elected by the people make and enforce laws and policies.

## **Devolution.**

- Transfer of powers from the national or central government to state or local government. This happened in the United Kingdom in the late twentieth century.

## **Direct Democracy**

- A system of government where political decisions are made by the people directly, rather than by their elected representatives.

## **Dominant Culture**

- Values, customs, and language of the group(s) that control politics and government in a society.



## **Federal System**

- A system of government where power is divided between a central government and regional, or sub divisional, governments. Each of those levels has a domain where its policies are dominant. And each has political or constitutional guarantee of authority.

## **Federalism**

- A political system in which authority is shared between a central government and a state or regional government.

## **Federation**

- An association of states; usually more permanent than a confederation. A political system where states or regional governments retain ultimate authority, except for powers expressly delegated to a central government.

## **Legislature**

That part of government primarily responsible for making laws.

## **Legitimacy**

- Acceptance by the citizens of the right and power of a government or ruler to exercise authority.

## **Liberal Democracy**

- Democratic government that provides for the protection of individual human rights, in order to prevent a majority from oppressing a minority.

## **Liberalism**

- Advocacy of positive government action to improve the welfare of individuals, support for civil rights, and tolerance for political and social change.

## Limited Government

- A government whose powers are limited, particularly by institutional checks.

## Parliamentary System

- Representative democracy where political power is vested in an elected legislature. Used in most European countries.

## Presidential System

- Representative democracy where political power is vested in separately elected and appointed branches of national government. This system is used in the USA.

## Representative Democracy

- A form of government in which representatives are elected by the people to make and enforce laws and policies. Political decisions are made by the officials elected by the people. [Some such democracies retain a monarchy in a ceremonial role.]

## Republic

- A form of government in which sovereignty rests with the people (or a portion of the people), as opposed to a king or monarch or dictator. This form of Representative Democracy was created by the framers of the US constitution.

## Separation of Powers

- The division of governmental functions and powers among different branches of government, so that the various self-interests of each group would moderate those of the others.

## Theocracy. [From Greek theos = god and krataein = to rule.]

- Rule by a god, which in practice means rule by a priesthood. No separation of church and state. Compare with aristocracy.

## **Totalitarian**

- A regime of command by the government and obedience by the citizens. The regime controls all aspects of political and social life (as in George Orwell's 1984). In contrast with an authoritarian state, all social and economic institutions are under government control.

## **Unicameral Legislature**

- A legislature that comprises a single part or chamber. In the USA (early 21st century) only the state of Nebraska has a unicameral legislature. Compare with bicameral legislature.

## **Unitary System**

- A centralized governmental system where local or regional governments exercise only the powers that the central government gives them.

## **Universal Suffrage.**

- [From Latin suffragium = voting tablet, vote.] The right and privilege of all adults to vote for their representatives.