

The Office of the Prime Minister and the Presidency in Parliamentary, Presidential, and Semi-Presidential Systems: A Comparative Constitutional Study with Special Reference to Mauritius.

Professor Dr. D. Rajasekar¹, Narsinghen Hambyrajen²

¹ AMET Business School, AMET University, Chennai, India.

Email: rajasekar.d@ametuniv.ac.in

² Ex Senior Academic, University of Mauritius; Research Associate, C.E.R.C.L.E, University of Bordeaux; Junior Minister of Foreign Affairs, Regional Integration and International Trade.

Email: hnarsingh@yahoo.com

Abstract

The constitutional allocation of executive power is a key element of democracy, constitutionalism, and the rule of law. Modern-day constitutional democracies often apply either parliamentary, presidential, or semi-presidential systems of government. The abovementioned systems, however, rely on different institutional arrangements which allow for the equitable distribution of control over the executive power among the government's various branches. Although academic literature exists on this topic, the studies conducted query why lawmakers in different Westminster-inspired constitutional democracies create their own executive institutions in order to fit them in unique political and socio-cultural contexts. The article in question aims to fill in this research gap by either conducting a comparative doctrinal study to see how Mauritius, India, UK, Trinidad and Tobago, Barbados, France, and Romania use executive power in their constitution. The study utilizes a qualitative doctrinal and comparative constitutional research methodology where the main focus is on constitutional texts, judicial rulings, constitutional conventions, and important scholarly writings to discern the linkages among the Head of State, Head of Government, and Parliament in various constitutional frameworks. The study mainly concentrates on the transition of Mauritius from a constitutional monarchy into a parliamentary republic and President as a keeper of constitutional law in the Westminster-style executive structure. The research indicates that the success of the executive in implementing its legislative functions is not simply defined by the formal constitutional system but also by the interaction of constitutional conventions, judicial decisions, parliamentary accountability, and implications of constitutional conventions. According to the research, constitutional resilience is deepened where executive powers are constrained by institutional limitations, screen mechanisms, and democratic legitimacy. In addition, according to the study, the introduction of constitutional conventions, the explanation of presidential discretionary powers, as well as the building of bi-partisan mechanisms of selection of a head of the state may influence positively constitutional accountability in parliamentary democracies. By giving a theoretical explanation and applying practical methods, this article will help modern researchers in the field of constitutional studies.....

Keywords: Executive Authority; Constitutional Accountability; Comparative Constitutional Law; Parliamentary Government; Westminster Model; Prime Minister; President; Responsible Government; Separation of Powers; Constitutional Conventions; Reserve Powers; Rule of Law; Democratic Governance; Mauritius Constitution; Commonwealth Constitutional Systems.

INTRODUCTION

The allocation of executive power in the constitution is a significant feature of democracy, constitutional stability, and the rule of law. Each constitution must contain provisions for the establishment of institutional devices for the distribution of executive power while ensuring political accountability, administrative efficiency, and respect for constitutional limits. The organization of executive power is an important factor in the operation of democratic institutions, executive-legislative relations, and the upholding of constitutional values. Hence, in comparative constitutional law and democratic theory, constitutional design is regarded as one of the vital issues.

Constitutional democracies in the present day typically function according to one of three major chief executive patterns: the parliamentary, the presidential, or the semi-presidential model. Though these three models are based on distinct historical developments and constitutional ideas, they are meant to assure the compatibility of democratic legitimacy and efficient governance; the parliamentary model is based on the correspondence of executive power and legislative power, the presidential model – on the division of executive and legislative

powers, and the semi-presidential model on the existence of both the directly elected President and the Prime Minister responsible before Parliament.

The parliamentary system of Westminster has been created in the UK and has become one of the most significant constitutional concepts adopted in Commonwealth countries. The main element of the parliamentary system of Westminster is the division of the performing duties between the Head of State and the Prime Minister and Cabinet. The system is characterized by the fact that the Head of State has a ceremonial function while the actual power is in the hands of the ministers who are responsible for their actions to the elected parliament.

The history of executive power goes through centuries of constitutional progress. In the Middle Ages, the kings of England exercised supreme executive, legislative, and judicial power thanks to the royal prerogative doctrine. Through the key constitutional documents, like the Magna Carta (1215), the Petition of Right (1628), the Bill of Rights (1689), and the Act of Settlement (1701), the constitutional constraints arose over time. These changes in the constitutional law limited royal power and permitted the establishment of parliamentary sovereignty, independence of judiciary, and accountability of the cabinet. Having had the development of the executive power by the end of the 18th century, the executive power was transferred from the crown to ministers who enjoyed support in the parliament, thus leading to the establishment of the contemporary concept of the Prime Minister and the principle of responsibility.

After the end of colonial rule, the foundations of the Constitution as practiced in Britain were adopted in various parts of the Commonwealth. Very soon after independence the new states inherited many British constitutional features but modified them to suit their individual political environments. In some instances, constitutional monarchy was done away with in favor of parliamentary republics led by a President elected on indirect basis and performing functions such as those of a Governor General. As a result of these changes the Westminster model was adapted into different republican systems where the Prime Minister remained the main executive authority, but the President played the role of the constitutional entity as well as the emblem of national unity.

Of these laws, the one in Mauritius is one of the most unique adaptations of the Westminster style form of government. The shift to the republic in 1992 led to the substitution of the British monarch by an indirectly elected head of the state without doubt affecting the aspects of responsible parliamentary governance. The President of Mauritius does not hold the position typical for the executive presidents and acts mainly as the guarantor of the Constitution, democracy, and the national unity. The responsibility for the executive government remains with the Prime Minister and the Cabinet of Ministers even though the Constitution allows the President to have minimal reserved rights in order to maintain constitutional governance in times of crisis.

India, Trinidad and Tobago and Barbados all have similar institutions but have implemented different statutes dealing with presidential appointments, use of discretion by the executive, reserve powers and parliamentary accountability. On the other hand, semi-presidential countries like France and Romania grant much wider executive powers to elected presidents, creating dual sources of legitimacy and possible conflicts between them during political cohabitation. These differences in constitution laws form an important basis for constitutional comparisons and are essential for the debates about the accountability of executive power and democracy.

Statement of the Research Problem

Though the principles of Westminster constitutionalism have successfully taken root in many Commonwealth countries, there are still major distinctions with respect to the constitutional position of the Head of State and his or her constitutional obligations and discretionary powers. The constitutional documents typically refer to the exercises of power on the advice of the ministers, the exercise of power upon consultation and the exercise of power on the President's own discretion. However, the actual workings of these constitutional provisions rely on the constitutional conventions, judicial interpretations and the practices of politicians. Due to the lack of extensive investigations on this issue, the understanding of the relationship between executive authority and democratic accountability remains unclear. Although substantial research has been conducted about the parliamentary government in a general sense, very little has been published about how the different countries that have adopted this form of government have adjusted their executive institutions while still following the tenets of the responsible government. This is particularly glaring in the case of Mauritius, which occupies a somewhat unique position between the conventional Westminster constitutional monarchy and republican constitutionalism.

Review of Literature**Introduction**

Several scholars have studied closely the constitutional assignment of the executive power in comparative constitutional law, political science and public administration. The nature of the relationship between the Head of State and the Head of Government has changed from the time of monarchy to the time of constitutional modernization, which reflects different ideas of accountability of the executive, separation of powers and representative governance. The existing literature discusses institutional features of the presidential, parliamentary and semipresidential republics; however, only a few authors provide a comprehensive study of the executive power across the Westminster-style parliamentary republics. This paper explores main contribution of scholars to the subject of executive power, responsible government, constitutional conventions, reserve powers, judicial review and accountable democracy and indicates the gaps in previous studies filled by this research.

Theoretical Foundations of Executive Power

For a long time, several theories of constitutionalism, separation of powers and responsible government have been used to examine constitutional organization of executive authority. Dicey (1959) claimed that rule of law and parliamentary sovereignty are actually two foundations of British constitution that allow to limit arbitrary use of executive power through accountability of the executive government. Jurists Jennings (1959) point out that Cabinet government is simply the realization of the idea of responsible government, in terms of which government ministers are accountable to Parliament for the actions of the government as a whole. Walter Bagehot (2001) distinguished the "dignified" and "efficient" aspects of constitutional law, arguing that while Crown has more ceremonial roles under the constitution, Cabinet exercises executive authority headed by the Prime Minister. This analysis is one of the most significant explanations of the concept of executive dualism in the British constitutional scheme. Although such theoretical works explain the constitutional basis of parliamentary systems, they concentrate mainly on British experience and do not address the adaptation of Westminster principles in other countries with republican constitutions (like

Mauritius, Trinidad and Tobago, or Barbados)

Evolution of the Westminster Model

Many experts in constitutional law have studied the historical evolution of Westminster governance. According to the research conducted by Hennessy (2000) regarding the role of the Prime Minister since the eighteenth century, Sir Robert Walpole was the first person able to coordinate Cabinet members and the leader of Parliament. His research highlights the fact that executive power went from Crown to ministers who answer to Parliament. In turn, Pocock (1987) and Holdsworth (1923) investigated how the constitution changed in England from absolute monarchy into constitutional governance, showing how Magna Carta, the Bill of Rights (1689), and the Act of Settlement (1701) gradually limited royal privileges. These historical evaluations provide the basis for the modern parliamentary systems.

Nonetheless, although these works perform an in-depth historical analysis of the constitution development in the UK, there is little room left for comparing constitutional evolution in Commonwealth countries.

Comparative Constitutional Models of Executive Government

In his work published in 2012, Lijphart suggested one of the most detailed comparative classifications of democracies, consisting of the three types of democracies: parliamentary, presidential, and consensus, suggesting that parliamentary democracies provide more stability and accountability to the executive since the government is always answering to the elected parliament. Duverger (1980) introduced the concept of semi-presidentialism, which refers to the constitutional system with the President elected by the citizens and functioning together with the Prime-Minister being accountable to the Parliament. Elgie (2011) introduced the further classification of semi-presidentialism based on the powers of the executive. These comparative theories form the basis for understanding the executive power but do not explain the features of parliamentary republics based on the Westminster system of the government.

Constitutional Position of the Head of State

The constitutional status of the Head of State is widely discussed in academia. According to Bogdanor (1995), constitutional monarchs have little influence on politics, acting only as guardians of constitutional stability and national unity. Presidents in parliamentary republics perform the same constitutional functions with varying degrees of popularity due to the indirect election processes used in these systems. Alexis (2013), studying

constitutional changes in the Caribbean, pointed out an important example of constitutional monarchy transformation along the lines of the Westminster system, which occurred in Trinidad and Tobago and Barbados that replaced their monarchies with parliamentary presidencies. This suggests that reserved powers and constitutional neutrality play an essential role in functions of constitutional authorities. Putin et al. (2013) studied constitutional development in Mauritius, urging the necessity of having constitutional institutions balancing executive power and minority rights because of the country's multiethnic structure.

Constitutional Conventions and Reserve Powers

One of the distinctive features of the principle of constitutionalism of Westminster is the existence of constitutional conventions operating in conjunction with written legal rules. Marshall (1984) has claimed that constitutional conventions set limits on political conduct wherever legal rules do not apply and thus make responsible government work. Modern examination of reserve powers placed in the hands of Heads of State was conducted by Twomey (2018), who pointed to the fact that reserve powers are placed at the service of the extraordinary guarantees of the Constitution aimed at safeguarding democratic governance in difficult constitutional situations. Twomey discovered that through examining Commonwealth countries. The problem of the Australian constitutional crisis of 1975 which is thought to be one of the most vivid examples of practical implementation of the system of reserve powers has been analyzed using scholarly sources as an illustrative basis for lengthy debates held in the Commonwealth regarding presidential power and executive accountability. Nevertheless, the amount of comparative studies conducted in relation to the process of codification of reserve powers in parliamentary republics like Mauritius and Trinidad and Tobago remains limited.

Judicial Review and Executive Accountability

Judicial review has turned out to be an important method of ensuring compliance with the Constitution. Wade and Forsyth (2014) claimed that executive authority is subject to judicial oversight if constitutional limits are breached. In India, the Supreme Court broadened the scope of constitutional review with rulings like *Shamsher Singh vs. State of Punjab* (1974), *S.R. Bommai vs. Union of India* (1994), and *Rameshwar Prasad vs. Union of India* (2006). These rulings resounded the position of the President as a constitutional head of state who is supposed to act on behalf of the ministers and who is still bound by constitutional requirements. In a similar manner, the Supreme Court of Mauritius employed its power in the *Dayal* case, confirming that presidential acts could be judicially reviewed despite the fact that the President has immunity.

Though the literature in the field of comparative constitutional law recognizes the significance of judicial review in terms of preventing the executive from going too far, there exist differences in judicial practices across Commonwealth countries that are worth mentioning.

Executive Authority in Westminster-Derived Republics

Recent studies in the field of constitutional theory have pointed out that the Westminster model of constitutionalism has developed diversely among the Commonwealth republics. In fact, all of these nations including Mauritius, India, Barbados, Trinidad, and Tobago have kept responsible parliamentary government while reforming the presidential system. Comparative studies confirm the assumption that stability of the executive authority is based on achieving the balance between ministerial responsibility, presidential neutrality, judges' independence, and parliamentary accountability. Despite it, the majority of studies do not focus on the comparative analysis of Westminster-based constitutionalism—the majority of research is limited to one specific country.

Research Gap

Most research regarding executive government tends to address parliamentary, presidential, and semi-presidential systems as separate entities with little focus on producing comparative studies among parliamentary republics of the Westminster type. Most studies that deal with constitutions provide information on the position of the Prime Minister or President without taking into account the relationship between the constitutional text, constitutional conventions, and judicial review across different countries. Moreover, recent changes of constitutions in Mauritius, Barbados, Trinidad, and Tobago, and in the Commonwealth of Nations have not created much interest among scholars although these changes have an important role in understanding the evolution of parliamentary constitutionalism. Thus, it is still necessary to develop an effective integrated comparative approach explaining

how constitutional republics maintain Westminster principles while making necessary adjustments to their executive institutions according to changing democratic conditions.

Research Objectives

1. The main goal of this research is to investigate how power is allocated constitutionally in democracies with a Westminster-style framework using comparative constitutional analysis in countries like Mauritius, India, United Kingdom, Trinidad and Tobago, Barbados, France and Romania.

The specific objectives are:

To study how executive government emerged from its constitutional monarchy origins to today's parliamentary democracies.

To assess the constitutional connection that exists between the Head of State and the Head of Government in various executive systems.

To contrast the constitutional functions of both Presidents and Prime Ministers in chosen jurisdictions.

To determine the constitutional relevance of reserving powers, ministerial opinion, constitutional norms, and the ability to conduct judicial reviews.

To discover constitutional amendments that make democracy work more efficiently and use responsible government at the same time.

Significance of the Study

This research enhances the understanding of the comparative constitutional law by providing an integrated study of executive power in several Westminster-based democratic nations. The research contributes to the knowledge of constitutional executive power theory by mixing doctrinal legal analysis and comparative constitutional methodology. Also, it provides an important idea in debates on constitutional reforms, executive responsibility, and democratic governance in parliamentary democracies. In practical terms, there is a recommendation for implementing constitutional reforms in those jurisdictions, which aim at finding a balance between the effectiveness of a government and democratic accountability. The findings of this study are vital for constitutional law researchers, judges, politicians, and other people engaged in strengthening the constitutional governance of the nations while saving the political principles of parliamentary democracy.

Research Methodology

This research adopts a mix-method research technique by combining doctrinal research with quantitative empirical research. The relationship between executive power and the constitutional accountability of executives in the Westminster based constitutional democracies will be investigated. The doctrinal aspect includes the review of the constitutional provisions, court rulings, constitutional conventions, and literature regarding the topic. Empirically, the proposed framework was tested using statistics. In order to understand the functions performed by the executive, parliamentary accountability, judicial review, improvement of executive governance, constitutional accountability and democratic governance, the research employs descriptive, analytical and explanatory methods. Primary data has been gathered via structured questionnaire by means of purposive sampling among the scholars working in the field of constitutional law and legal practitioners, judges, legislators, and academics. Secondary data derived from sources such as constitutional texts, court decisions, reports of parliament, government publications and peer-reviewed literature. The study emphasizes four factors that form independent variables: Executive Authority, parliamentary accountability, judicial review and improvement of executive governance.

The survey made use of a five-point Likert scale ranging from 1 (strongly disagree) to 5 (strongly agree). The reliability and validity of the measuring instrument were established using Cronbach's alpha, Composite Reliability (CR), and Average Variance Extracted (AVE). The values of Cronbach's alpha and Composite Reliability greater than 0.70 and AVE values above 0.50 showed that the measurement model was reliable and valid.

Data that was collected went through IBM SPSS Statistics and AMOS. Descriptive statistics, Pearson correlation, and multiple regression analyses were done to find the results of the relationships between study variables, while Structural Equation Modelling (SEM) was used to find whether the proposed hypotheses were right and if the

conceptual framework was valid. Goodness-of-fit indices such as χ^2/df , GFI, AGFI, CFI, TLI, NFI, IFI, RMSEA, and SRMR were used to measure the adequacy of the model. Ethical principles were obeyed through the whole study in terms of voluntary participation, confidentiality, anonymity, and using data only for academic purposes.

Table 1: Correlation Coefficient among the Major Constitutional Factors

Major Constitutional Factors	Executive Authority (EA)	Parliamentary Accountability (PA)	Judicial Review (JR)
Executive Authority (EA)	1	0.71	0
Parliamentary Accountability (PA)	0.71	1	0.66
Judicial Review (JR)	0	0.66	1

Interpretation

In Table 1, various endogenous constitutional constructs are correlated through the Structural Equation Model. The relationship between Executive Authority and Parliamentary Accountability is particularly robust ($r = 0.710$), so that those constitutional systems that have a clear executive authority have a better parliamentary oversight. Also, Parliamentary Accountability and Judicial Review show a good correlation ($r = 0.660$), implying that these two constraints serve as mechanisms complementing each other in their efforts to ensure accountability in executive actions. The SEM did not reveal any direct correlation between Executive Authority and Judicial Review, and therefore there are no values that can be presented for this correlation.

Table 2: Variables in the Multiple Regression Analysis

Variables	Unstandardized Coefficients		Standardized Coefficients	t-value	P-value
	B	Std. Error	Beta		
Constant	-4.423	2.358	—	1.799	0.073
Executive Authority (EA)	0.062	0.022	0.174	2.873	0.004**
Parliamentary Accountability (PA)	0.297	0.031	0.429	9.487	<0.001**
Judicial Review (JR)	0.145	0.034	0.239	4.302	<0.001**
Improvement of Executive Governance (IEG)	0.249	0.038	0.36	6.516	<0.001**

Interpretation

The analysis of multiple regression shows that every one of the four independent variables is positively and significantly correlated with Constitutional Accountability. In this regard, Parliamentary Accountability ($\beta = 0.429$) is the most significant variable among the indicators, followed by Improvement of Executive Governance ($\beta = 0.360$), Judicial Review ($\beta = 0.239$), and Executive Authority ($\beta = 0.174$). The statistical analysis shows that all variables have p-values lower than 0.05, which backs the hypotheses. In summary, the present statistical research proves that the combination of effective parliamentary control, better executive governance, judicial

review, and clear executive authority improves constitutional accountability and reinforces democratic governance within the selected systems of constitutionalism.

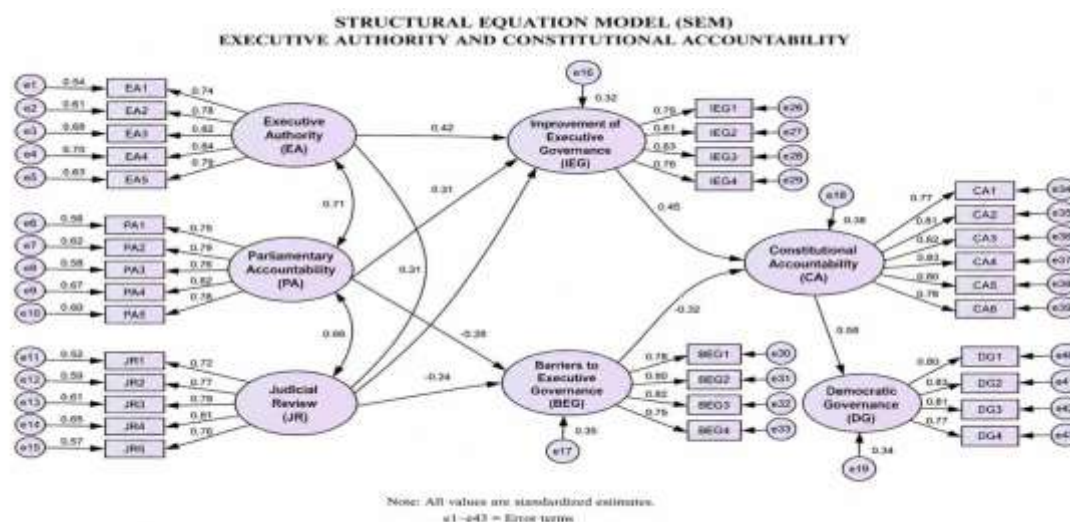


Table 3: Variables in the Structural Equation Model Analysis

Hypotheses	Variables	Standardized Coefficient (β)	Relationship
H1	Executive Authority (EA) → Improvement of Executive Governance (IEG)	0.42	Positive
H2	Parliamentary Accountability (PA) → Improvement of Executive Governance (IEG)	0.31	Positive
H3	Judicial Review (JR) → Improvement of Executive Governance (IEG)	0.31	Positive
H4	Parliamentary Accountability (PA) → Barriers to Executive Governance (BEG)	-0.28	Negative
H5	Judicial Review (JR) → Barriers to Executive Governance (BEG)	-0.24	Negative
H6	Improvement of Executive Governance (IEG) → Constitutional Accountability (CA)	0.45	Positive
H7	Barriers to Executive Governance (BEG) → Constitutional Accountability (CA)	-0.32	Negative
H8	Constitutional Accountability (CA) → Democratic Governance (DG)	0.58	Positive
C1	Executive Authority (EA) ↔ Parliamentary Accountability (PA)	0.71	Strong Positive Correlation
C2	Parliamentary Accountability (PA) ↔ Judicial Review (JR)	0.66	Moderate Positive Correlation

Interpretation

The SEM framework shows three main constitutional factors influencing executive governance namely Executive Authority, Parliamentary Accountability and Judicial Review. Of these three, Executive Authority is the most

significant factor for Improvement of Executive Governance ($\beta = 0.42$) which indicates that presence of clear constitutional powers along with the ministerial accountability leads to the improvement of executive governance. Along with the above-mentioned factor, Parliamentary Accountability ($\beta = 0.31$) and Judicial Review ($\beta = 0.31$) also influence positively the improvement of executive governance through providing legislative oversight and constitutional control over executive authority's actions, respectively. The results of the model also show that Parliamentary Accountability ($\beta = -0.28$) and Judicial Review ($\beta = -0.24$) relate negatively to Barriers to the Executive Governance. Such relationship indicates that with the more powerful legislative and judicial mechanisms, the constitutional vagueness, institutional conflicts and other difficulties in governance are less significant. At the same time, Improvement of the Executive Governance influences positively the Constitutional Accountability ($\beta = 0.45$), whereas Barriers to Executive Governance have negative impact on this aspect ($\beta = -0.32$). Finally, the findings related to the Constitutional Accountability are positive in regard to its influence on Democratic Governance ($\beta = 0.58$). The correlation analysis shows a strong positive correlation between executive power and parliamentary accountability with $r = 0.71$, just as parliamentary accountability and judicial review have a moderate positive correlation with $r = 0.66$. This indicates that the constitutional institutions play complementary roles that help ensure good executive governance and improve constitutional accountability in Westminster-based democracies.

Findings of the Study

The empirical evidence affirms the assertion that parliamentary accountability, executive power, judicial review, and executive governance are major constitutional determinants of constitutional accountability that serves as the key source of democratic governance. This means that constitutional accountability is achieved through the interaction of legislative oversight, judicial independence, executive responsibility, and effective governance. These findings uphold constitutional principles which form the basis of parliamentary democracies and supply empirical evidence for the comparative constitutional framework elaborated in this study, especially in relation to Mauritius and other constitutional systems based on Westminster practices.

Suggestions and Policy Implications

Findings of this study offer various significant implications to promote constitutional accountability and governance in democracies based on the British Model of democracy. The data indicates that parliamentary accountability is an important element influencing constitutional accountability, highlighting the need to increase the legislative accountability mechanisms, including parliamentary oversight, parliamentary committees, and ministers' responsibility. Additionally, the study shows the positive impact of effective governance on constitutional accountability and the necessity of ensuring better coordination among bodies of government. Moreover, positive impact of judicial review suggests that judicial independence should be preserved and enhanced. In addition, the data show that the clear demarcation of executive powers has a positive impact on constitutional accountability, thus requiring defining the executive power limits in the constitution. Lastly, the analysis of case studies shows that Commonwealth countries should regularly review their constitutional practice in order to respond to the changing nature of democracy. Finally, there is a need to promote greater awareness of constitutional issues among public officials, legislators and citizens. Civic education and institutional transparency would enhance the quality of constitutional governance and strengthen public confidence in democratic institutions.

Conclusion

The constitutional arrangement of executive power is an important aspect of democratic governance and constitutionalism. The present study analyzed the connections between executive authority, parliamentary accountability, judicial review, executive governance, and constitutional accountability through the comparative method of constitutional studies concerning Mauritius and some other democracies, which are based on the Westminster model. The data obtained in the study confirm that parliamentary accountability is the key predictor of constitutional accountability and in the second position is the effectiveness of executive governance, thirdly, judicial review, and fourthly, executive power use. The Structural Equation Model was used to confirm that the effective functioning of constitutional institutions can improve executive governance, decrease institutional

barriers for the effective implementation of democratic governance. The findings support the constitutional theory that democratic stability does not depend only upon the formal distribution of the executive powers but upon the proper functioning of legislation control, judiciary independence, constitutional conventions, and accountable government. The comparative approach proved that although there are significant distinctions between parliamentary, presidential, and semi-presidential modes of democracy, the concept of constitutional accountability is still extremely important for ensuring accountability of the executive branch of power. This study brings a fresh perspective to comparative constitutional law. It doesn't just stick to theory—it mixes legal analysis with real-world evidence and gives us a useful way to see how executive power and constitutional accountability play out together. The results offer real advice for anyone involved in constitutional reform—scholars, lawmakers, policy experts, and judges alike. Down the road, researchers can take this further by adding in more constitutional elements, exploring a wider range of countries, and looking at how things shift over a longer time. In the end, work like this helps us track the ongoing changes in executive power, accountability, and democracy in today's constitutional systems...

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