

WORKING OF
INSTITUTIONS

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- Explore the functions and roles of political parties in a democracy. Understand how they represent diverse interests and contribute to the political process.

WORKING OF INSTITUTIONS CBSE-IX POLITICAL SCIENCE

HOW IS A MAJOR POLICY DECISION TAKEN?

A Government Order

On August 13, 1990, the Government of India issued an Order. It was called an **Office Memorandum**. Like all government orders, it had a number and is known by that: O. M. No. 36012/31/90-Est (SCT), dated 13.8.1990. The Joint Secretary, an officer in the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensions, signed the order. The order was very quite short, barely one page. But the order was very important and became a source of controversy for several years. In this chapter, we shall see how various decisions are taken, executed and sorted out in case there is any controversy.



Office Memorandum: A communication issued by an appropriate authority stating the policy or decision of the government.

The above mentioned Office order announced a major policy decision:

It said that 27 per cent of the vacancies in Civil posts and services under the Government of India are reserved for the Socially and Economically Backward Classes (SEBC). SEBC included all those people who belong to castes that are considered backward by the government. The benefit of job reservation was till then available only to Scheduled Castes and Scheduled Tribes. Now, a new third category called SEBC was introduced. Only persons who belong to backward castes were eligible for this quota of 27 per cent jobs. Others could not compete for these jobs.

THE DECISION MAKERS

Who decided to issue this Memorandum? Clearly, such a big decision could not have been taken by the person who signed that document. The officer was merely executing the instructions given by the Minister of Personnel, Public Grievances and Pensions, of which the Department was a part. We can guess that such a major decision would have involved other major functionaries in our country. Following are the main functionaries which are involved in decision making:

1. President who is the head of the state and is the highest formal authority in the country.
2. Prime Minister who heads the government and actually exercises all governmental powers. He takes most of the decisions in the Cabinet meetings.
3. The Parliament which consisted of two Houses, Lok Sabha and Rajya Sabha.

This Office Memorandum was the culmination of a long chain of events. The Government of India had appointed the Second Backward Classes Commission in 1979. It was headed by B.P. Mandal. Hence, it was popularly called the Mandal Commission. It was asked to determine the criteria to identify the socially and educationally backward classes in India and recommend steps to be taken for their advancement. The Commission gave its Report in 1980 and made many recommendations. One of these was that 27 per cent of government jobs be reserved for the socially and economically

G.I., Dept. of Per. & Trg., O.M. No. 36012/31/90-Est. (SCT), dated 13.8.1990

SUBJECT: 27% Reservation for Socially and Educationally Backward Classes in Civil Posts/Services.

1. In a multiple undulating society like ours, early achievement of the objective of social justice as enshrined in the Constitution is a must. The Second Backward Classes Commission, called the MANDAL COMMISSION was established by then Government with this purpose in view, which submitted its report to the Government of India on 31st December, 1980.
2. Government have carefully considered the report and the recommendations of the Commission in the present context regarding the benefits to be extended to the socially and educationally backward classes as opined by the Commission and are of the clear view that at the outset certain weightage has to be provided to such classes in the services of the Union and their Public Undertakings. Accordingly orders are issued as follows:
 - (i) 27% of the vacancies in Civil posts and services under the Government of India shall be reserved for SEBC;
 - (ii) The aforesaid reservation shall apply to vacancies to be filled by direct.

G.I., Dept. of Per. and Trg., O.M. No. 36012/22/93-Est. (SCT) dated 8.9.1993

SUBJECT: Reservation for Other Backward Classes in Civil Posts and Services under the Government of India-Regarding.

The undersigned is directed to refer to this department's O.M. No. 36012/31/90-Est. (SCT), dated the 13th August, 1990 and 25th September, 1991, regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Government of India and to say that following the Supreme Court judgement in the Indira Sawhney and other v. Union of India and others case [Writ Petition (Civil) No. 930 of 1990], the Government of India appointed an Expert Committee to recommend the criteria for exclusion of the socially advanced persons/ sections from the benefits of reservations for Other Backward Classes in Civil services under the Government of India.

backward classes. The Report and recommendations were discussed in the Parliament during several sessions but nothing decisive came out. Then came the Lok Sabha election of 1989. In its **election manifesto**, the Janata Dal promised that if voted to power, it would implement the Mandal Commission report. Though the Janta Dal failed to get the required majority but it was able to form a coalition government. Its leader V. P. Singh became the Prime Minister. Several developments took place after that:

The President of India; Ramaswamy Venkataraman in his address to the Parliament announced the intention of the government to implement the recommendations of the Mandal Commission.

- (i) On 6 August, 1990, the Union Cabinet took a formal decision to implement the recommendations.
- (ii) On 7 August, Prime Minister V.P. Singh informed the Parliament about this decision through a statement in both the Houses of Parliament.
- (iii) The decision of the Cabinet was sent to the Department of Personnel and Training. The senior officers of the Department drafted an order in line with the Cabinet decision and took the minister's approval. An officer signed the order on behalf of the Union Government. This was

how O.M. No. 36012/ 31/90 was born on August 13, 1990. For the next few months, this was the most hotly debated issue in the newspapers, radio, TV and other means of mass communications.

It led to widespread protests and counter protests. The supporters of the Commission argued that:

This would help many - if not everyone from under-privileged and/or under-represented communities to grow and occupy top positions in the world's leading industries.

The supporters also felt that existence of inequalities among people of different castes in India necessitated job reservations.

Others felt that this was unfair as it would deny equality of opportunity to those who did not belong to backward communities. They would be denied jobs even though they could be more qualified. Some felt that this would perpetuate caste feelings among people and hamper national unity.

So the society was divided over the issue. To settle down the issue people approached the Supreme Court. They appealed to the courts to declare the order invalid and stop its implementation.

This case was known as the '*Indira Sawhney and others Vs Union of India case*'. Eleven judges of the Supreme Court heard arguments of both sides. By a majority, the Supreme Court judges in 1992 declared that this order of the Government of India was **valid**. At the same time, the Supreme Court asked the government to modify its original order. It said that well-to-do persons among the backward classes should be excluded from getting the benefit of reservation.

Accordingly, the Department of Personnel and Training issued another Office Memorandum on September 8, 1993. The dispute thus came to an end and this policy has been followed since then.

NEED FOR POLITICAL INSTITUTIONS

Political institutions are organizations which create, enforce, and apply laws; that mediate conflict; make (governmental) policy on the economy and social systems.

Examples of such political institutions include political parties, trade unions, and the (legal) courts. A democracy works well when these institutions perform functions assigned to them. The Constitution of any country lays down the basic rules or the powers and functions of each institutions.



The society was divided over the issue of reservation. Some wanted it should be implemented immediately whereas other were against this.

Political institutions are the axis of any type of government.

1. Political institutions are required to take various decisions.
2. Governing a country involves various activities like security to the citizens, providing facilities for education and health to all, collection of taxes, spending the money on development programmes etc. All these are carried by various institutions.
3. Institutions are required to solve the differences or disputes which arise on these decisions or in their implementation.

Following are some of the important institutions working in India:

1. The Prime Minister and the Cabinet are institutions that take all important policy decisions.
2. The Civil Servants, working together, are responsible for taking steps to implement the ministers' decisions.
3. Supreme Court is an institution where disputes between citizens and the government are finally settled.

PARLIAMENT

Parliament is an assembly of elected representatives which exercises the supreme political authority on behalf of the people.

At the state level this is called State Legislative Assembly. It exercises political authority on behalf of the people in many ways :

1. Laws: Parliament is the final authority for making laws in a democratic country. This task of law making or legislation is so crucial that these assemblies are called **legislatures**. Parliament has the authority to make new laws, change existing laws, or abolish existing laws and make new ones in their place.

2. Control Over Executive: Parliaments all over the world exercise some control over those who run the government. In some countries like India this control is direct and full. Those who run the government can take decisions only so long as they enjoy support of the Parliament.

3. Control over the Finances: Parliaments control all the money that governments have. In most of the democratic countries the public money can be spent only when the Parliament sanctions it. In India the Annual Budget or the money bills are passed by the Parliament.

4. Highest forum for discussions: Parliament is the highest forum of discussion and debate on public issues and national and international policies. Parliament can seek information about any matter.



Indian Parliament



Parliament: The Parliament may be understood as the law-making body in a system of Parliamentary democracy. It is the supreme sovereign legislative organ of the government.

Legislature: An assembly of people's representatives with the power to enact laws for a country. In addition to enacting laws, legislatures have authority to raise taxes and adopt the budget and other money bills.

UNION PARLIAMENT

A comparison between the Lok Sabha and the Rajya Sabha:

BASIS	LOK SABHA	RAJYA SABHA
Basic Qualifications for Membership	(1) He/She should be an Indian citizen. (2) He/She should be minimum 25 years of age. (3) He/She should not be a proclaimed offender. (4) He/She should have his/her name on the electoral list. (5) He/She should not be holding any office of profit.	He/She should be minimum 30 years of age. Rest of the qualifications are the same as required for a member of the Lok Sabha.
Tenure	5 years. It can be dissolved before the expiry of its term and the term can be extended.	1/3rd of its members retire every two years. A member stays in the House for 6 years. A Permanent House ; it cannot be dissolved.
Method of Election	Directly elected by adult suffrage from single member constituencies.	Indirectly elected by the elected members of the State Legislative Assemblies to represent the respective States and Union Territories.
Nominations of some members by the President	Two members of the Anglo-Indian community, if it has not been adequately represented.	12 members who have shown excellence in the fields of Literature, Science, Art and Social Service.
Maximum number of members	530 from States + 20 from Union Territories and 2 nominated by the President. (Total = 552)	238 elected + 12 nominated by the President. (Total 250)
Presiding Officer	SPEAKER: Elected by the members from amongst its members.	CHAIRMAN: Vice-President of India is ex-officio Chairman of the Rajya Sabha.
Powers and functions of each House of Parliament	(1) Money bills can originate only in the Lok Sabha (2) The Lok Sabha alone can vote a Ministry out of office by passing a no-confidence vote.	(1) It has exclusive power to declare a subject of State List as of national importance and request the Parliament to make a law on it. (2) Create a new All India Service in National Interest.
Powers/Functions common to Both Houses	(1) Both the Houses elect the President and the Vice-President. (2) Impeachment proceedings against the President, Vice-President and Judges of the Supreme Court and the High Courts can be initiated in either House. (3) Non-Money Bills can be introduced in either of the two Houses. (4) Both Houses exercise control over the Executive, though the Lok Sabha alone can vote a Ministry out of office.	

TWO HOUSES OF PARLIAMENT

Since the Parliament plays a central role in modern democracies, most large countries divide the role and powers of the Parliament in two parts. They are called Chambers or Houses. One House is usually directly elected by the people and exercises the real power on behalf of the people. The second House is usually elected indirectly and performs some special functions. The most common work for the second House is to look after the interests of various states, regions or federal units.

TWO HOUSES IN INDIA

In our country, the Parliament consists of two Houses.

1. RAJYA SABHA

It is also known as Council of States.

1. Composition/Strength: Article 80 of the Constitution lays down the maximum strength of Rajya Sabha as 250, out of which 12 members are nominated by the President and 238 are representatives of the States and of the two Union Territories. The present strength of Rajya Sabha, however, is 245, out of which 233 are representatives of the States and Union Territories of Delhi and Puducherry and 12 are nominated by the President. The members nominated by the President are persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service.

The representatives of the States and of the Union Territories in the Rajya Sabha are elected by the method of indirect election.

Presiding Officers - Chairman and Deputy Chairman. The Presiding Officers of Rajya Sabha have the responsibility to conduct the proceedings of the House. The Vice-President of India is *ex-officio* Chairman of Rajya Sabha. Rajya Sabha also chooses from amongst its members, a Deputy Chairman.

RELATION BETWEEN THE TWO HOUSES

The Council of Ministers is collectively responsible to Lok Sabha which means Rajya Sabha cannot make or unmake the Government. It can, however, exercise control over the Government and this function becomes quite prominent, particularly when the Government does not enjoy majority in Rajya Sabha.

To resolve a deadlock between the two Houses, in case of an ordinary legislation, the Constitution provides for the joint sitting of both Houses. Issues in joint sitting are decided by a majority of the total number of members of both Houses present and voting. The joint sitting is held in the Central Hall of Parliament House presided over by the Speaker, Lok Sabha. However, in the case of a Money Bill, there is no provision in the Constitution for a joint sitting of both Houses as Lok Sabha clearly enjoys pre-eminence over Rajya Sabha in financial matters. Ministers may belong to either House of Parliament. The Constitution does not make any distinction between the Houses in this regard. Every Minister has the right to speak and take part in the proceedings of either House but he is entitled to vote only in the House of which he is a member.

Other important matters in respect of which both Houses enjoy equal powers are election and impeachment of the President, election of the Vice-President, approving the Proclamation of Emergency,

the proclamation regarding failure of constitutional machinery in States and financial emergency. In respect of receiving reports and papers from various statutory authorities, etc., both Houses have equal powers.

It is thus clear that except in the case of collective responsibility of the Council of Ministers and certain financial matters, which fall in the domain of Lok Sabha only, both Houses enjoy equal powers.

A Day in Lok Sabha

7 December, 2004, was an ordinary day in the life of the Fourteenth Lok Sabha. Let us take a look at what happened in the course of that day. Identify the role and powers of the parliament on the basis of the proceedings for the day as given below. You can also enact this day in your classroom.



11:00 Various ministries gave written answers to about 250 questions that were asked by members. These included:

- What is the government's policy on talking to militant groups in Kashmir?
- What are the figures of atrocities against Scheduled Tribes, including those inflicted by the police?
- What is the government doing about overpricing of medicines by big companies?



12:00 A large number of official documents were presented and were available for discussion. These included :

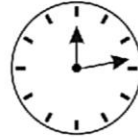
- Recruitment rules for the Indo-Tibetan Border Police Force
- Annual Report of the Indian Institute of Technology, Kharagpur
- Report and accounts of Rashtriya Ispat Nigam Limited, Visakhapatnam



12:02 The Minister of Development of North Eastern Region made a statement regarding Revitalisation of the North Eastern Council.

The Minister of State for Railways presented a statement showing the grant needed by the

Railways in addition to that sanctioned in the Railway Budget. The Minister of Human Resource Development introduced the National Commission for Minority Educational Institutions Bill, 2004. He also gave a statement explaining why the government had to bring an ordinance for this.



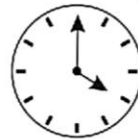
12:14 Several members highlighted some issues, including:

- The vindictiveness of the Central Bureau of Investigation (CBI) in registering cases against some leaders in the Tehelka case.
- Need to include Rajasthani as an official language in the Constitution.
- Need to renew the insurance policies of farmers and agricultural workers of Andhra Pradesh.



2:26 Two bills proposed by the government were considered and passed. These were:

- The Securities Laws (Amendment) Bill
- The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill



4:00 Finally, there was a long discussion regarding the foreign policy of the government and the need to continue an independent foreign policy in the context of the situation in Iraq.



7:17 Discussion concluded. House adjourned for next day.

Rajya Sabha in Financial Matter

A Money Bill can be introduced only in Lok Sabha. After it is passed by that House, it is transmitted to Rajya Sabha for its concurrence or recommendation. The power of Rajya Sabha in respect of such a Bill is limited. Rajya Sabha has to return such a Bill to Lok Sabha within a period of **fourteen** days from its receipt. If it is not returned to Lok Sabha within that time, the Bill is deemed to have been passed by both Houses. Again, Rajya Sabha cannot amend a Money Bill; it can only recommend amendments and Lok Sabha may either accept or reject all or any of the recommendations made by Rajya Sabha.

2. LOK SABHA

Lok Sabha is composed of representative of the people chosen by direct election on the basis of adult suffrage. The maximum strength of the House envisaged by the Constitution is 552. The strength of the 15th Lok Sabha is 545 members. Two members of the Anglo-Indian Community are nominated by the President, if, in his opinion, that community is not adequately represented in the House.

Presiding Officers: Lok Sabha elects one of its own members as its Presiding Officer and he is called the **Speaker**. He is assisted by the Deputy Speaker who is also elected by Lok Sabha. The conduct of business in Lok Sabha is the responsibility of the Speaker.

POLITICAL AND PERMANENT EXECUTIVE

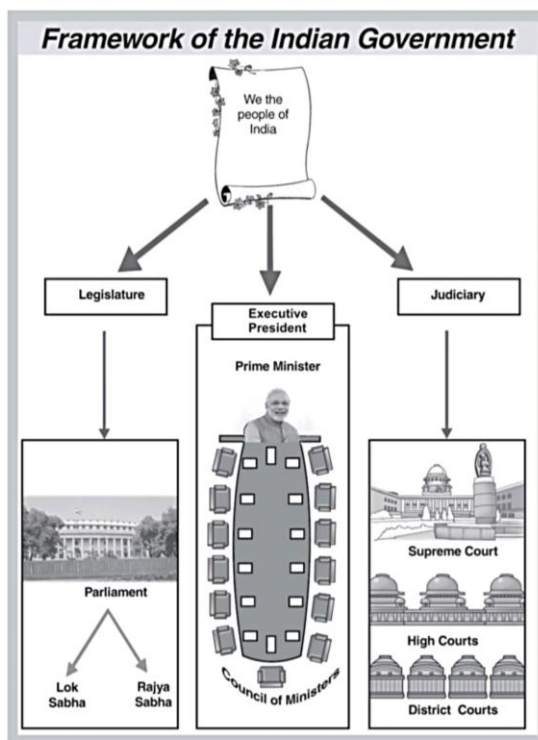
Executives are the functionaries who take day-to-day decisions but do not exercise supreme power on behalf of the people. They are called executive because they are in charge of the 'execution' of the policies of the government. Thus, when we talk about 'the government' we usually mean the executive.

In a democratic country, two categories make up the executive.

1. Political Executives: Political Executives are elected by the people for a specified period of time normally for 5 years. All the MPs and MLAs come under this category.

2. Permanent Executives: Permanent Executives are appointed on the long term basis. All the Civil Services comes under this. Persons working in civil services are called Civil servants. They remain in office even when the ruling party changes.

These officers work under political executive and assist them in carrying out the day-to-day administration.



Executive: A body of persons having authority to initiate major policies, make decisions, and implement them on the basis of the Constitution and laws of the country.

WHO ARE MORE POWERFUL AND WHY?

The Civil Servant is usually more educated and has more expert knowledge of the subject. The advisors working in the Finance Ministry know more about economics than the Finance Minister. Sometimes the ministers may know very little about the technical matters that come under their ministry especially in the subjects like Defence, Industry, Health, Science and Technology, Mining, etc. If this is so why should the minister have the final say on these matters?

The reason is very simple. In a democracy the will of the people is supreme. The minister is elected by the people and thus empowered to exercise the will of the people on their behalf. He/She is finally answerable to the people for all the consequences of her decision. That is why the minister takes all the final decisions. The minister decides the overall framework and objectives in which decisions on policy should be made. The minister is not and is not expected to be an expert in the matters of his/her ministry. The minister takes the advice of experts on all technical matters. But very often experts hold different opinions or place before his/her more than one option. Depending on what the overall objective is, the minister decides.

Actually this happens in any large organisation. Those who understand the overall picture take the most important decisions, not the experts.

The experts can tell the route, but someone with a larger view decides the destination. In a democracy elected ministers perform this role. The experts can tell the route, but someone with a larger view decides the destination. In a democracy elected ministers perform this role.

THE PRIME MINISTER AND THE COUNCIL OF MINISTERS

The Prime Minister is appointed by the President. However, this is only the formal power of the President. In reality, the Prime Minister is the leader of the majority party or **coalition** parties in the Lok Sabha. He is elected as such by the party/ parties M.P.s, and the President has to invite him to form the government. Actually, political parties put up their Prime Ministerial candidate in the general election. Practically, the entire strength of 67 crore electorate is thus psychologically involved in the election of the Prime Ministerial candidate.



Coalition Government: A government formed by an alliance of two or more political parties, usually when no single party enjoys the majority support of the members in a legislature.

POWERS, FUNCTIONS AND POSITION OF THE PRIME MINISTER

We may study the powers, functions and position of the Prime Minister under the following broad heads:

(a) Prime Minister and his relations with the President:

- (i) The Prime Minister is the line of communication between the Cabinet and the President. He conveys Cabinet's decisions to the President and keeps him informed of all national or foreign matters of the government.

- (ii) The Prime Minister advises the President to summon and prorogue the Parliament and dissolve the Lok Sabha.
- (iii) The Prime Minister advises the President in appointing or removing the high officials.

(b) Prime Minister and his relationship with the Council of Ministers:

The Council of Ministers is headed by the Prime Minister. There are three categories of ministers in it.

1. Cabinet Ministers: Cabinet Ministers are usually top-level leaders of the ruling party or parties who are incharge of the major ministries. Usually the Cabinet Ministers meet to take decisions in the name of the Council of Ministers. Cabinet is thus the inner ring of the Council of Ministers. It comprises about 20 to 30 ministers.

2. Ministers of State with independent charge: There are the ministers who are usually incharge of smaller ministries. They participate in the Cabinet meetings only when specially invited.

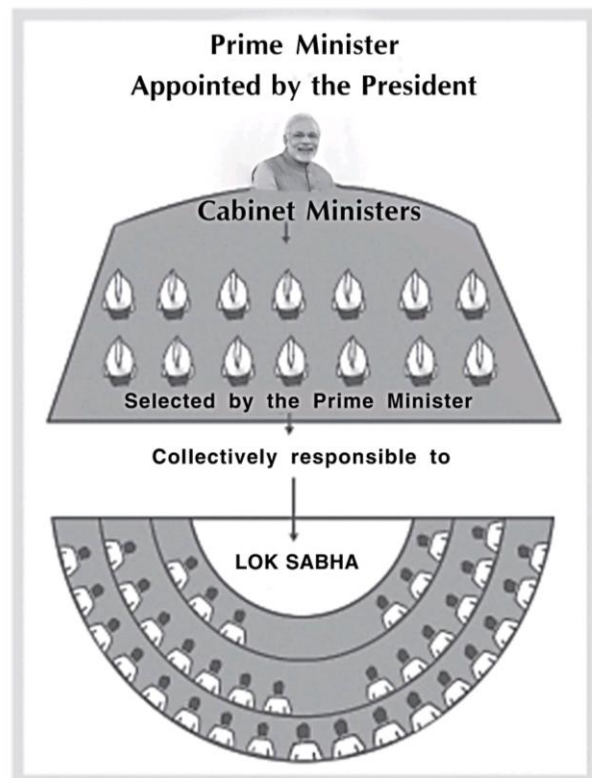
3. Minister of State: They assist Cabinet Ministers and Ministers of State.

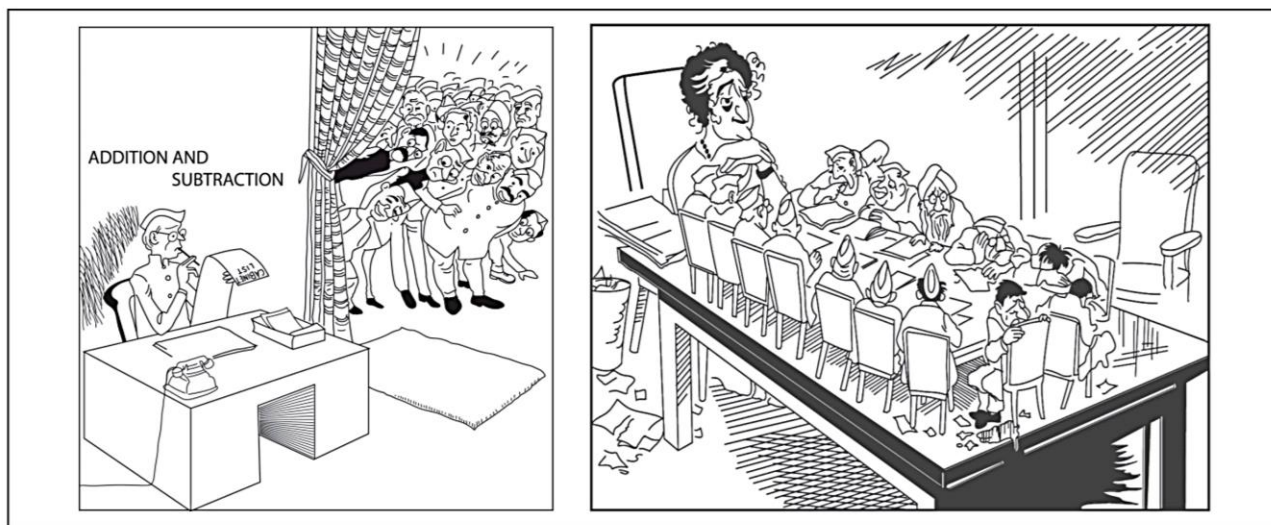
It is essential for the members of the Council of Ministers to be members of either House of the Parliament. Any member of the Council of Ministers including the Prime Minister who is not a member of Parliament, has to acquire its membership within six months of his appointment.

The ministers are individually responsible for their ministries and departments. This responsibility is enforced through the Prime Minister. The Council of Ministers is collectively responsible and accountable to the Lok Sabha. It remains in power so long as it enjoys the support of the majority in the Lok Sabha. If the Lok Sabha passes a No-Confidence motion, the entire Council of Ministers has to go. The Council of Ministers owes collective responsibility for all the decisions taken by it. If the Lok Sabha rejects the policy of the government on a particular issue, it is not only the Minister responsible for that subject, but also the whole Council of Ministers must accept the responsibility and resign.

In relation to the Cabinet or the Council of Ministers, the Prime Minister possesses the following powers:

- He forms the Council of Ministers and determines its size, the categories of ministers and their portfolios. The Prime Minister's decision is final in such matters.
- The Prime Minister can remove a minister from the Cabinet or the Council of Ministers by asking him/her to resign. He can reallocate portfolios.
- The Prime Minister calls the meetings of the Council of Ministers, presides over them and decides the agenda.
- The Prime Minister coordinates the policies and the working of the different departments of the government to ensure that all departments work according to the set policies and decisions of the Cabinet.





(d) Prime Minister and his role in Foreign Affairs:

There is a minister of foreign affairs, yet the Prime Minister has a significant role in these matters, as noted below:

The Prime Minister represents India in international conferences. He goes to the U.N.O., the Commonwealth, the SAARC, the Non-Aligned Nations, Meetings and puts forward India's point of view before the world leaders. He may visit any country to improve India's relations, or to solve outstanding issues. He is the chief architect of India's foreign policy. Usually, the Foreign Minister accompanies the Prime Minister in all the parleys or conferences.

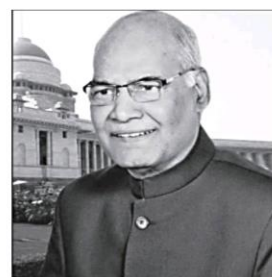
(e) Prime Minister as the leader of the Nation :

The Prime Minister is the acknowledged leader of the nation as a whole. The whole nation looks to him for leadership.

Actually, at the time of general elections, it is for or against the Prime-ministerial candidate that the entire electorate in the country votes, though he/she is contesting from a particular constituency. Thus, we can say that in practical sense, the election of the Prime Minister is the direct choice of the voters. In other words, if the people want to choose a particular candidate as their Prime Minister, they vote for the candidate of the Prime Minister's party in their constituency.

The President of India

In India, we have the President but not the Presidential form of Government. The President of India is the Chief Executive. He is the Constitutional head of the Republic of India. The executive powers of the Union Government are exercised by him either directly or through officers subordinate to him. The President of India is the Head of the State. He is also the first citizen of India.



Mr. Ram Nath Kovind is the President in office since 25th July 2017.

Qualifications

In order to qualify as a candidate for the Presidential election, a person (a) must be a citizen of India, (b) must have completed 35 years of age, (c) must be qualified for election as member of the Lok Sabha. (d) must not hold any office of profit under the Centre or a State Government.

Election	: Electoral college—A Joint body of MPs and MLAs
Removal	: Impeachment
Tenure	: 5 years
Salary	: ₹1,50,000 per month
Election Dispute	: The Supreme Court

Term of Office

The President holds office for a term of five years. He is eligible for re-election for one, two or more terms.

Vacancy

The President may resign from his office before the expiry of his term. For this purpose, he has to send his written resignation to the Vice-President, who will cause it to be communicated to the Speaker of the Lok Sabha.

Before his term expires, a successor must be elected to the office of the President. In case of death, resignation or removal by impeachment, this vacancy must be filled up as soon as possible and in no case later than six months from the date of the occurrence of such a vacancy. During the vacancy period, the Vice-President of India officiates till a new incumbent takes oath.

Impeachment

The Parliament can remove the President through **impeachment** for violation of the Constitution, treason or bribery.



Impeachment: A procedure through which the President, Vice-President or the Chief Justice of India can be removed.

PRESIDENTIAL ELECTION

The President is elected indirectly. Ordinary citizens play no part in this election. As his authority extends over the Centre and the States, he is elected by the Electoral College.

Electoral College

The joint body of elected M.P.s and M.L.A.s which elects the President, is known as the **Electoral College**. It is a temporary body which is dissolved immediately after the election of the President is over.

POWERS OF THE PRESIDENT

President's powers can be studied under five broad heads, i.e.,

(a) **Executive** (b) **Legislative** (c) **Judicial** (d) **Emergency Powers**

Of course, he has also some **Discretionary Powers** as well.

(a) Executive Powers:

The Constitution lays down that "the executive powers of the Union shall be vested in the President". His executive powers include the following:

- (i) **Administrative Head:** He is the head of the State. The administration of the country runs in his name. All orders are issued in his name. All officials are his subordinates. He is the head of the Union administration.
- (ii) **Appoints and dismisses Prime Minister and the Council of Ministers:** He appoints the Prime Minister and on his advice, he appoints other ministers in the Council of Ministers. He administers the oath of office to them. The Prime Minister and the Ministers submit their resignation to him, if required.
- (iii) **Appoints and dismisses high officials:** The President appoints and removes dignitaries like the Attorney General of India, the Comptroller and Auditor General of India, the Judges of the Supreme Court and the High Courts, the State Governors, Ambassadors and High Commissioners. He also appoints Chairman and members of the Union Public Service Commission, Finance Commission and the Election Commissioners of India.
- (iv) **Military Powers:** The President is the Supreme Commander of the Armed Forces of India. In this capacity he appoints the Chiefs of the Staff of the Army, Navy and the Air Force and other defence services.

(b) Legislative Powers:

The President is an integral part of the Parliament. He possesses the following legislative powers:

- (i) **To summon and prorogue the Parliament:** He summons both Houses of the Parliament to session. He directs a joint session of both Houses to be held. He can also prorogue the Parliament.
- (ii) **To dissolve the Lok Sabha:** The President has the power to dissolve the Lok Sabha on the advice of the Prime Minister before the expiry of its full term. When the Lok Sabha completes its full term of five years, the President announces the dissolution of Lok Sabha on his own.
- (iii) **Nomination of M.P.s:** The President nominates 12 M.P.s. to the Rajya Sabha from amongst outstanding contributors to literature, science, social service or art. He may also nominate two M.P.s of the Anglo-Indian community to the Lok Sabha, if this community is not adequately represented.
- (iv) **Prior sanction before introducing certain Bills:** The President grants prior sanction for the introduction of certain Bills, such as a Money Bill, a Bill for the creation of a new State or a Bill for alteration in the territories of States.
- (v) **Assent to Legislation:** President's assent on a Bill is necessary to become a law. He may refuse to give his assent, or send it back for reconsideration, if it is not a Money Bill. If this Bill is again passed by the Parliament, with or without amendments, the President must give his assent to it.

Introduction of Money Bill: A Money Bill can be introduced in the Lok Sabha only with the prior recommendation of the President. He must ensure introduction of the Budget.

- (vi) **To Issue Ordinances:** The President can promulgate an Ordinance, under two conditions, i.e., (a) When the Parliament is not in session, and (b) when the President is satisfied that immediate necessary legislative action is required. However, the Ordinance has to be placed before the Parliament within six weeks from its re-assembly. If approved by the Parliament, it becomes a law, otherwise it automatically ceases after the expiry of six weeks. The President may also withdraw the Ordinance at any time.

THE POSITION OF THE PRESIDENT

Under the Parliamentary system, the President is a constitutional or nominal head of the State. He represents the Indian nation, but he does not rule it.

Limitations on the President

There are two main limitations on the President. They are:

- (i) There is the Prime Minister and the Council of Ministers to aid and advise the President in the exercise of his powers, discussed above. The powers of the President are in fact exercised by the real executive, i.e., the Prime Minister and the Council of Ministers.
- (ii) All proclamation of emergencies made by the President under Articles – 352, 356 and 360 have to be laid before the Parliament for approval within one month. If a proclamation of emergency is not approved, it becomes null and void and ceases to operate.

President's Discretionary Powers:

From the above, we should not conclude that the President is just a figure-head or a golden zero for only ceremonial purposes. He has a very important role to play in the actual working of the Parliamentary system in our country. The oath of office which the President takes in the name of God on assuming his office puts upon him a definite obligation to be the guardian of the Constitution and law. He is oath bound to render service for the well being of the people of India.

With no single party getting a clear majority, coalition of parties stake their claim to form the government. The President has to use his individual judgement and invite such a leader to head the government as Prime Minister, who can provide a stable government to the country. In this era of coalition politics, the President has a distinctive role to play.



Judiciary: An institution empowered to administer justice, and provide a mechanism for the resolution of legal disputes. All the courts in the country are collectively referred to as judiciary.

JUDICIARY

All the courts in the country are collectively referred to as **judiciary**. It is an institution empowered to administer justice and provide a mechanism for the resolution of legal disputes.

It is the third important organ of the government. Its function is to administer justice in a civil society, interpret the laws and protect the natural and legal rights of the people. It also safeguards the Constitution of the country.

SUPREME COURT—THE APEX COURT IN INDIA

We have a single unified judiciary in India. The Supreme Court is the apex court. All other courts in India e.g., all the High Courts in the 28 States, the courts at the District and at the sub-divisional levels



The Supreme Court of India

are under the Supreme Court. All these courts form a part of the single integrated judicial system in the country.

All these courts enforce and interpret the same laws as made by the Parliament, the State Legislatures and as contained in the Constitution. The Constitution lays down that the interpretation of the ordinary laws and the laws of the Constitution as made by the Supreme Court shall be binding on all courts within the territory of India.

COMPOSITION OF THE SUPREME COURT

The Number of Regular Judges

The Supreme Court consists of 30 Judges and one Chief Justice (Revised in 2008). These are regular Judges and their number is fixed.

Term of Office and Removal

A Judge of the Supreme Court, including the Chief Justice, remains in office until he attains the age of sixty-five years. A Judge may resign by writing in his own hand to the President. He may also be removed from his office by the President through impeachment on the grounds of "proved misbehaviour or incapacity".

JURISDICTION, POWERS AND FUNCTIONS OF THE SUPREME COURT

Powers and functions of the Supreme Court are reflected in its jurisdiction, which is of five types:

- (a) Original Jurisdiction
- (b) Appellate Jurisdiction
- (c) Advisory Powers
- (d) Guardianship of the Constitution
- (e) Guardian of Fundamental Rights

(a) Original Jurisdiction:

Original jurisdiction means the authority of the Supreme Court to hear a case in the first instance directly, which extends to the following cases:

- (i) between the Government of India and one or more states.
- (ii) between the Government of India and one or more states on one side and one or more states on the other.
- (iii) between two or more states.

(b) Appellate Jurisdiction:

The Supreme Court is the highest court of appeal. It has a very vast appellate jurisdiction. It can hear cases of appeal from ordinary courts, industrial courts, election tribunals and other quasi-judicial bodies, except the Court Martial.

(c) Supreme Court as Guardian of the Constitution:

The written Constitution of the country is the fundamental law of the land. It is the supreme

law, above all men, matters and legislation. The Supreme Court given the power to interpret the Constitution, declare the law and enforce the principle of checks and balances, prevalent in the Constitution.

(d) Supreme Court as Guardian of Fundamental Rights:

The Supreme Court is the guardian of the Fundamental Rights. A citizen, whose fundamental right has been violated by any individual, government or institution, may move the Supreme Court for the protection of his fundamental right. A writ is a legal instrument to enforce obedience to the orders of a court. The Constitution empowers the Supreme Court (and High Courts) to issue the following writs or orders:

- (a) Writ of Habeas Corpus
- (b) Writ of Mandamus
- (c) Writ of Prohibition
- (d) Writ of Certiorari
- (e) Writ of Quo-Warranto

INDEPENDENCE OF JUDICIARY

Meaning

By Independence of Judiciary we mean its independence from the control of the Executive and the Legislature. This also means a fair, impartial, fearless and honest judiciary. It should be above favour or frown in giving its judgement and in doing its duty as a guardian of the Constitution and the rights of the people.

1. Appointment of Judges: The Judges of the Supreme Court and High Courts are appointed by the President of India in consultation with other Judges.

2. Security of Tenure: A Judge can remain in office till he has attained the age of 65 years (in case of Supreme Court), and 62 years (in case of the High Court). He can be removed by the President on the grounds of "proved misbehaviour or incapacity". But the resolution for his **impeachment** should be passed by both the Houses.

3. Salaries, etc., are charged on the Consolidated Fund of India: The salaries are charged on the Consolidated Fund of India and cannot, therefore, be voted upon by the Parliament.

PUBLIC INTEREST LITIGATION

Public interest litigation means litigation for the protection of the public interest. It is litigation introduced in a court of law, not by the aggrieved party but by the court itself or by any other private party. Prior to 1980s, only the aggrieved party could personally knock the doors of justice. As a result, many illiterate and poor were deprived from getting justice. But with the PIL any citizen of India or any consumer groups or social action groups can approach the apex court of the country seeking legal remedies in all cases where the interests of general public or a section of public are at stake. Further, public interest cases could be filed without investment of heavy court fees as required in private civil litigation.

ASSIGNMENT - I

Q.1. Who is the head of the government and actually exercises all governmental powers?

Options:

- (a) President (b) Prime Minister
(c) Chief Justice of the Supreme Court (d) Chief Election Commission

Q.2. In which year was the Second Backward Class Commission appointed?

Options:

- (a) 1989 (b) 1979
(c) 1999 (d) 1969

Q.3. What is the assembly of elected representatives called at the state level?

Options:

- (a) Parliament (b) Legislative Assembly
(c) Cabinet (d) None of these

Q.4. What happens if there is a difference of opinion between Lok Sabha and Rajya Sabha over an ordinary bill?

Options:

- (a) The President decides the matter
(b) The will of Rajya Sabha prevails
(c) There is a joint sitting of the two Houses
(d) The bill is cancelled

Q.5. The President of India is a part of the Parliament, although he/she is not a _____ .

Q.6. What is the full form of SEBC?

Q.7. Who is the Supreme Commander of the defence forces of India?

Q.8. Mention the institutions which take major decisions and its implementation in a country.

Q.9. Which institution can make changes to an existing law of the country.

Q.10. Can the houses of Parliament be dissolved or are they permanent?

Q.11. Who are Cabinet Ministers?

Q.12. Who are the major functionaries in India?

Q.13. Describe the need for political institutions in India.

Q.14. How is the Lok Sabha more powerful than the Rajya Sabha?

Q.15. What is the significance of Parliament in a democracy?

ASSIGNMENT - II

Q.1. Who is the Real Executive of the Union of India?

Options:

- (a) The Prime Minister (b) The President
(c) The Union Cabinet (d) The Vice President

Q.2. The Council of Ministers at the centre is responsible to..... .

Options:

- (a) The Prime Minister (b) The President
(c) The Rajya Sabha (d) The Lok Sabha

Q.3. Who can hear appeals against the decisions of the High Court?

Options:

- (a) District court (b) Union court
(c) Supreme Court (d) The Prime Minister

Q.4. What is the power of the Supreme Court to judge the constitutional validity of a law passed by the Parliament or an action of the Executive called?

Options:

- (a) Judicial Revision (b) Judicial Review
(c) Judicial Consent (d) Judicial Permission

Q.5. In a democratic country like India there are two types of executives. They are _____ .

Q.6. An institution where disputes between citizens and the government of India are finally settled, is _____ .

Q.7. What is the Presidential form of government? Give an example of one country.

Q.8. Who has the power to interpret the Constitution of the country?

Q.9. How can a judge be removed?

Q.10. What is judicial review?

Q.11. What is the difference between the powers of the President of the USA and the President of India?

Q.12. What does the 'Independence of Judiciary' mean?

Q.13. When and how does the President exercise his discretionary powers?

Q.14. What are the functions and powers of the Prime Minister?

Q.15. How can you say that the judiciary in India is the most powerful?

OBJECTIVE TYPE QUESTIONS (Self Practice)

A. Multiple Choice Questions:

1. Who is the head of the state in India?
 (a) Prime Minister (b) President
 (c) Governor (d) Chief Justice of India
2. Who is the head of the government?
 (a) Prime Minister (b) President
 (c) Governor (d) Chief Justice of India
3. The Mandal Commission Report was associated with
 (a) Reservation of seats for SCs and STs in government jobs.
 (b) Reservation of Constituencies
 (c) Reforms in the election process
 (d) Reforms in the formation of government.
4. 'Democratic governments insist on institutions'. Choose the appropriate answer.
 A. Institutions make it difficult to rush through a bad decision.
 B. They provide an opportunity for a wider set of people to be consulted in any decision.
 (a) A is true but B is false.
 (b) A is false but B is true.
 (c) Both A and B are true.
 (d) Both A and B are false.
5. What is Parliament?
 (a) A national assembly of elected representatives.
 (b) A state assembly.
 (c) Government of India.
 (d) Organ of government which provides justice.
6. Which is the final authority for making laws in India?
 (a) The Cabinet (b) The Parliament
 (c) The Lok Sabha (d) The Rajya Sabha
7. Which is the highest forum of discussion and debate?
 (a) Lok Sabha (b) Rajya Sabha
 (c) Parliament (d) Cabinet
8. Which House of the Parliament is elected indirectly?
 (a) The Lok Sabha (b) The Rajya Sabha
 (c) The State Legislative (d) None of the above

9. Which of the following is also known as the council of states?
 - (a) Lok Sabha
 - (b) Rajya Sabha
 - (c) State Legislative Assembly
 - (d) State Legislative Council
10. Which of the following is true with reference to the President of India?
 - A. The President is part of the Parliament.
 - B. He/She is a member of either House.
 - (a) A is true but B is false.
 - (b) A is false but B is true.
 - (c) Both A and B are true
 - (d) Both A and B are false.
11. What happens if both the Lok Sabha and Rajya Sabha have different opinion on an ordinary law?
 - (a) The Prime Minister has the veto power.
 - (b) The President has the veto power.
 - (c) The will of the Lok Sabha prevails.
 - (d) The President calls for a joint session of both the houses.
12. Which of the following enjoys more power in case of money bill?
 - (a) Lok Sabha
 - (b) Rajya Sabha
 - (c) State Legislative Assemblies
 - (d) The Cabinet
13. For how many days the Rajya Sabha can delay a money bill?
 - (a) 10 Days
 - (b) 12 Days
 - (c) 14 Days
 - (d) 16 Days
14. Choose the right word.
 The functionaries who take day to day decisions.
 - (a) Executive
 - (b) Institutions
 - (c) Government officials
 - (d) Parliament
15. Political leaders comes under
 - (a) Permanent executive
 - (b) Political executive
 - (c) Temporary executive
 - (d) Long term executive
16. Read the statements and choose the correct answer.
 - A. A minister is more powerful than a civil servant because he is elected by the people.
 - B. A civil servant is more powerful than a minister as he is more educated than the minister.
 - (a) A is true but B is false.
 - (b) A is false but B is true
 - (c) Both A and B are true
 - (d) Both A and are false.
17. Who appoints the Prime Minister?
 - (a) The President
 - (b) The Council of Ministers
 - (c) The Cabinet
 - (d) Chief Justice of India

18. Can Prime Minister appoint a person as a minister if he/she is not a member of House?
- A. Yes but such a person has to get elected to one of the House of the Parliament with six months of appointment as minister.
B. No, Prime Minister can appoint only those members who are member of either House of the Parliament.
- (a) A is true but B is false. (b) A is false but B is true.
(c) Both A and B are true (d) Both A and B are false.
19. It is a body which includes all the ministers:
- (a) Council of Ministers (b) Cabinet
(c) Government of India (d) Joint Parliamentary Committee
20. They are usually top-level leaders of the ruling party:
- (a) Council of Ministers (b) Cabinet
(c) Civil Servants (d) None of the above
21. Who chairs Cabinet meetings?
- (a) President (b) Prime Minister
(c) Speaker (d) Deputy Speaker
22. A government formed by an alliance of two or more political parties:
- (a) Coalition government (b) Mixed government
(c) National government (d) Alliance government
23. Who appoints Chief Justice of India?
- (a) President (b) Prime Minister
(c) Speaker (d) Deputy Speaker
24. Who is the supreme commander of the defence forces of India?
- (a) President (b) Prime Minister
(c) Speaker (d) Deputy Speaker
25. Which is the highest court of appeal?
- (a) The Supreme Court of India (b) High Court
(c) District Court (d) Parliament

B. Fill in the blanks:

- is the final authority for making laws in any democratic country.
- of the Indian Parliament exercises more powers in money matter.
- appoints the leader of the majority party or coalition on Prime Minister.

C. Match the columns:

Column A	Column B
(i) Council of States	(a) Parliament
(ii) House of the People	(b) Rajya Sabha
(iii) Final authority to make laws	(c) Lok Sabha

(A) (i) (c), (ii) (a), (iii) (c)

(B) (i) (b), (ii) (c), (iii) (a)

(C) (i) (a), (ii) (c), (iii) (a)

(D) (i) (b), (ii) (a), (iii) (c)

D. Assertion and Reason Based Question:

Two statements are given-one labelled Assertion (A) and the other labelled Reason (R). Select the correct answer to these questions from the codes, (i), (ii), (iii) and (iv) as given below:

- (i) Both A and R are true and R is correct explanation of the assertion.
- (ii) Both A and R are true but R is not the correct explanation of the assertion.
- (iii) A is true but R is false.
- (iv) A is false but R is true.

Assertion: Institutions are essential part of the democracies.

Reason: They provide an opportunity for a wider set of people of be consulted in any decision.

Options:

(i) ☐

(ii) ☐

(iii) ☐

(iv) ☐

E. Read the extract carefully and answer the following:

While the Prime Minister is the head of the government, the President is the head of the State. In our political system the head of the State exercises only nominal powers. The President of India is like the Queen of Britain whose functions are to a large extent ceremonial. The President supervises the overall functioning of all the political institutions in the country so that they operate in harmony to achieve the objectives of the State.

- (i) Why it is said that the President has only nominal powers?
- (ii) Mention any one discretionary power of the President.

F. Think and answer:

1. If you are elected as the President of India, which of the following decision can you take on your own?
 - (a) Select the person you like as Prime Minister.
 - (b) Dismiss a Prime Minister who has a majority in Lok Sabha.
 - (c) Ask for reconsideration of a bill passed by both the Houses.
 - (d) Nominate the leaders of your choice to the Council of Ministers.
2. Who among the following is a part of the political executive?
 - (a) District Collector
 - (b) Secretary of the Ministry of Home Affairs
 - (c) Home Minister
 - (d) Director General of Police.

3. Which of the following statements about the judiciary is false?
 - (a) Every law passed by the Parliament needs approval of the Supreme Court.
 - (b) Judiciary can strike down a law if it goes against the spirit of the Constitution.
 - (c) Judiciary is independent of the Executive.
 - (d) Any citizen can approach the courts if his/her rights are violated.
4. Which of the following institutions can make changes to an existing law of the country?
 - (a) The Supreme Court
 - (b) The President
 - (c) The Prime Minister
 - (d) The Parliament
5. Of all the institutions that we have studied in this chapter, name the one that exercises the powers on each of the following matters.
 - (a) Decision on allocation of money for developing infrastructure like roads, irrigation etc. and different welfare activities for the citizens.
 - (b) Consider the recommendation of a Committee on a law to regulate the stock exchange.
 - (c) Decides on a legal dispute between two state governments.
 - (d) Implements the decision to provide relief for the victims of an earthquake.
6. Match the ministry with the news that the ministry may have released:

1. A new policy is being made to increase the jute exports from the country.	(a) Ministry of Defence
2. Telephone services will be made more accessible to rural areas.	(b) Ministry of Health
3. The price of rice and wheat sold under the Public Distribution System will go down.	(c) Ministry of Agriculture, Food and Public Distribution
4. A pulse polio campaign will be launched.	(d) Ministry of Commerce and Industry
5. The allowances of the soldiers posted on high altitudes will be increased.	(e) Ministry of Communications and Information Technology

7. Why is the Prime Minister in India not directly elected by the people? Choose the most appropriate answer and give reasons for your choice.
 - (a) In a Parliamentary democracy only the leader of the majority party in the Lok Sabha can become the Prime Minister.
 - (b) The Lok Sabha can remove the Prime Minister and the Council of Ministers even before the expiry of their term.
 - (c) Since the Prime Minister is appointed by the President there is no need for it.
 - (d) Direct election of the Prime Minister will involve lot of expenditure on elections.

BOARD QUESTIONS

1. What is 'Collective Responsibility'? Describe its significance. [CBSE 2011,2015]
2. What is public interest litigation? What is its importance? [CBSE 2013]
3. Explain the composition of the Council of Ministers. [CBSE 2011,2012,2013,2015]
4. Which House of the Parliament is more powerful in India and why? Give reasons. [CBSE 2011,2012]
5. Analyse the reaction of the people after the implementations of the Mandal Commission Report. [CBSE 2014]
6. What was Mandal Commission? Why was it appointed? State its major recommendations. [CBSE 2012]
7. "The Cabinet is assisted by many senior civil servants". What are they called as? [CBSE 2014]
8. What is meant by coalition government? [CBSE 2014]
9. Describe the Presidential system of government with the help of suitable example. [CBSE 2014]
10. In our political system the head of the state exercises only nominal powers. Evaluate the statement and mention any three situations in which President only uses his discretion. [CBSE 2014]
11. How is the President of India elected? Describe any three situations where the President can use his/her discretion. [CBSE 2012]
12. Why is the Indian judiciary considered one of the most powerful in the world? Give any three reasons. [CBSE 2014]
13. Compare the power, tenure and working of both Houses of the Indian Parliament. [CBSE 2015]
14. Name the institutions that take all important policy decisions. [CBSE 2016]
15. In whose name are all the international treaties and arguments made? [CBSE 2016]
16. How can the Judge of the Supreme Court be removed? [CBSE 2016]