

**Notes**

10

UNION EXECUTIVE

India is a democratic republic with a parliamentary form of government. The government at the Central level is called 'Union Government' and at the State level it is known as 'State Government'. The Union Government has three organs – the Executive, the Legislature and the Judiciary. The President, the Prime Minister and his Council of Ministers collectively constitute the Union Executive.

In this lesson you will read how the Union Executive is constituted and what functions does it perform.



Objectives

After studying this lesson, you will be able to

- distinguish between the nominal and real executive in a parliamentary democracy;
- recall that India is a republic with an elected head of state;
- describe the qualifications and method of election of the President of India.
- explain the executive, legislative, financial and judicial powers of the President;
- explain the position of the President;
- describe the role of the Vice-President in the Indian Political System;
- describe how the Prime Minister is appointed and how his/her Council of Ministers is constituted;
- explain the powers and functions of the Prime Minister and his/her Council of Ministers;
- analyse the meaning and implications of the individual and collective responsibility.

10.1 The President

We have already read that India is a sovereign democratic republic. The President of India who is head of State, is indirectly elected.



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Qualifications: The qualifications for the office of President are:

- (i) should be a citizen of India;
- (ii) should have completed the age of 35 years;
- (iii) should be qualified to be elected as a member of Lok Sabha; and
- (iv) should not hold any office of profit i.e. the candidate should not be a government servant. However the office of the President, the Vice-President, the Governor or the Minister of the Union or the State is not considered as an office of profit for this purpose;

The President cannot at the same time be a member of Parliament or of a State Legislature. If a member of Parliament or State Legislature is elected as President his/her seat will be deemed to have been vacated on the date, he/she assumes office as President of India.

10.1.1 Election Procedure

The President is elected by an Electoral College consisting of the elected members of both Houses of Parliament i.e. Lok Sabha and Rajya Sabha and of the State Legislative Assemblies (Vidhan Sabhas). Nominated members of Parliament and members of State Legislative Councils are not members of the Electoral College. The election is held by means of single transferable vote system of proportional representation. The voting is done by secret ballot.

The framers of the Constitution were keen to obtain parity between the votes of the elected members of Parliament on one side and elected members of Legislative Assemblies of all the States on the other. They devised a system to determine the value of vote of each member of Parliament and Legislative Assembly, so as to ensure equality.

The value of vote of each member of Legislative Assembly of a state is determined by the formula as given below:-

$$= \frac{\text{Total population of the State}}{\text{Number of elected members of State Legislative Assembly}} \div 1000$$

In simple words the total population of the State is divided by the number of elected members of the State Legislative Assembly, and the quotient is divided by 1000.

Example: Let us suppose that the population of Punjab is 1,35,51,060 and the number of members of State Vidhan Sabha is 104. The votes which each Legislature is entitled to cast will be:-

$$\frac{1,35,51,000}{104} \div 1000$$

$$= 130.29$$

$$= 130 \text{ [As the remainder .29 is less than 50\%, it is ignored]}$$

The value of each vote of a Member of Parliament is determined by adding all the votes of members of the State Legislative Assemblies including the Legislative Assemblies

of Union Territory of Delhi and Pondichery divided by total member of elected members of Lok Sabha and Rajya Sabha.

$$= \frac{\text{Total number of votes of Member of all the State Legislative Assemblies}}{\text{Total number of elected Members of both Houses of Parliament}}$$

Example : The votes of all the State Legislative Assemblies are added. Let us suppose that the total number of votes of all the Legislators is 5,44,971 and the total number of elected members of Parliament is 776. Then the number of votes of each member of Parliament will be

$$= \frac{5,44,971}{776} = 702.28$$

$$= 702$$

At both the stages if the remainder is less than 50% of the divides, it is ignored. But when the remainder is 50% or more, one vote is added to the quotient.

Single Transferable Vote System: The election of the President is held through single transferable vote system of proportional representation. Under this system names of all the candidates are listed on the ballot paper and the elector gives them numbers according to his/her preference. Every voter may mark on the ballot paper as many preferences as there are candidates. Thus the elector shall place the figure 1 opposite the name of the candidate whom he/she chooses for first preference and may mark as many preferences as he/she wishes by putting the figures 2,3,4 and so on against the names of other candidates. The ballot becomes invalid if first preference is marked against more than one candidate or if the first preference is not marked at all.

Counting of Votes and Declaration of Result

Members of State Legislative Assemblies cast their votes in States Capitals, while Members of Parliament cast their votes in Delhi in the States Capitals. Counting of votes is done at New Delhi. First preference votes of all the candidates are sorted out and counted. To be declared elected a candidate must get more than 50% of the total valid votes polled. This is known as Quota. The Quota is determined by totalling the total number of votes polled divided by the number of candidates to be elected plus one. In this case, since only the President is to be elected, so division is done by 1+1. One (01) is added to the quotient to make it more than 50%.

$$\text{Quota} =$$

At the first count only first preference votes are counted. If any of the candidates reaches the quota, he/she is declared elected. In case no candidate reaches the quota, then the 2nd preference votes of the candidate getting the least number of first preference votes are transferred to other candidates. Thus the candidate getting the least number of votes is eliminated. If after counting, a candidate reaches quota, he/she is declared elected as the President. In case no candidate reaches quota, even at this stage, then the votes of next candidate getting the least number of votes are transferred to the others. It continues till any one candidate gets the quota of votes.



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MODULE - 3

Structure of Government



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Political Science

Let us understand it with the following example. Supposing the total number of valid votes is 20,000 and there are four candidates A, B, C and D. The quota in this case will be

$$\frac{20,000}{1+1} + 1 = 10001.$$

Let us assume that first preference votes cast in favour of all the four candidates are as follows:-

$$A = 9000$$

$$B = 2000$$

$$C = 4000$$

$$D = 5000$$

As no candidate has reached the quota i.e. 10001, candidate 'B' getting the least number of votes gets eliminated and his votes transferred to the other candidates.

Supposing as a result of transfer of votes 'A' gets 1100, 'C' gets 500 and 'D' 400. Now the position would be as follows:

$$A = 9000 + 1100 = 10,100$$

$$B = 6000 + 400 = 6400$$

$$C = 4000 + 500 = 4500$$

Since 'A' reaches quota he is declared elected as the President.

Before entering upon the office the President has to take an oath of office in the presence of the Chief Justice of India.



Intext Questions 10.1

Choose the correct answer from the alternatives given below by putting a tick (✓) against it:

1. The minimum age for the office of the President of India is:
 - a) 21 years
 - b) 25 years
 - c) 30 years
 - d) 35 years
2. The Presidential candidate must have the qualifications required for a member of:
 - (a) Lok Sabha
 - (b) Rajya Sabha
 - (c) Vidhan Parishad
 - (d) Zila Parishad

3. Members of which of the following House are not members of the electoral College:
- Rajya Sabha
 - Vidhan Sabha
 - Vidhan Parishad
 - Lok Sabha



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10.2 The President: Tenure and Removal

The President is elected for a term of five years and is eligible for re-election, though a convention has developed that no President seeks election for the third term. However, the first President Dr. Rajendra Prasad was elected for two full terms. He/she may resign before the expiry of his term, or the office of President may fall vacant due to his/her death. His term of office commences from the date he takes the oath of office.

10.2.1 Privileges and Immunities

The President of India enjoys certain privileges and immunities which include the following:

- The President is not answerable to any court of law for the exercise of his functions.
- The President can neither be arrested nor any criminal proceedings be instituted against him in any court of law during his tenure.
- The President cannot be asked to be present in any court of law during his tenure.
- A prior notice of two months time is to be served before instituting a civil case against him.

10.2.2 Removal of the President

The President can only be removed from office through a process called impeachment. The Constitution lays down a detailed procedure for the impeachment of the President. He can only be impeached 'for violation of the Constitution'. The following procedure is intentionally kept very difficult so that no President should be removed on flimsy ground.

The resolution to impeach the President can be moved in either House of Parliament. Such a resolution can be moved only after a notice has been given by at least one-fourth of the total number of members of the House. Such a resolution charging the President for violation of the Constitution must be passed by a majority of not less than two-third of the total membership of that House before it goes to the other House for investigation.

The charges levelled against the President are investigated by the second House. President has the right to be heard or defended when the charges against him are being investigated. The President may defend himself in person or through his counsel. If the charges are accepted by a two-third majority of the total membership of the second House, the impeachment succeeds. The President thus stands removed from the office from the date on which the resolution is passed.

This procedure of impeachment is even more difficult than the one adopted in America where only simple majority is required in the House of Representatives to initiate the proceedings.



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IMPEACHMENT: An impeachment is a quasi-judicial procedure leading to the removal of a high public official, say, the President as in India, on the grounds of the violation of the Constitution.

10.2.3 Vacancy in the Office of the President

Whenever the office of the President falls vacant either due to death or resignation or impeachment, the Vice-President officiates for a period not more than six months. The Constitution has made it obligatory that in such cases (of vacancy in the office of President) election for a new President must be held within six months. The newly elected President then holds office for his full term of five years. Thus, when President Fakhruddin Ali Ahmad died in 1977, Vice-President B. D. Jatti officiated and the new President (Sanjeeva Reddy) was elected within six months.

In case the President's office falls vacant and the Vice-President is not available (or Vice-President acting as President dies or resigns in less than six months), the Chief Justice of India is required to officiate till the new President is elected. This provision was made in 1969 by the Parliament to enable Chief Justice Hidayatullah to officiate when President Zakir Hussain had died, and Vice-President V. V. Giri resigned.

If a President is temporarily unable to discharge his duties, due to illness or otherwise, the Vice-President may discharge the functions of the President without officiating as the President.



Intext Questions 10.2

Tick (✓) the correct answer from the alternatives given below:

1. The President of India is elected for a term of:
 - (a) Three years
 - (b) Four years
 - (c) Five years
 - (d) Six years.
2. The proposal of Impeachment of President can be moved in:
 - (a) Lok Sabha
 - (b) Rajya Sabha
 - (c) Vidhan Sabha
 - (d) Either House of Parliament.
3. Who acts as President when neither the President nor the Vice-President is available?
 - (a) The Prime Minister
 - (b) The Chief Justice of India
 - (c) The Chief Election Commissioner
 - (d) The Speaker of Lok Sabha



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10.3 Powers of The President

The Constitution has vested the President with vast powers. Broadly the powers of the President can be classified as Executive, Legislative, Financial and Judicial Powers. His emergency powers are already dealt with in Lesson No. 9.

10.3.1 Executive Powers

The President is head of State and executive powers of the Union have been vested in him. The President is empowered to exercise these powers either directly or through officers subordinate to him which means through the Prime Minister and Council of Ministers also. His executive powers are given below:-

The President appoints the Prime Minister and he appoints other ministers on the advice of the Prime Minister. He allocates portfolios among the ministers on the advice of the Prime Minister. He may remove any Minister on the advice of the Prime Minister.

The President appoints the Chief Justice and other judges of the Supreme Court and High Courts. However, in all judicial appointments, the Chief Justice of India is consulted. Besides the President may also consult such other judges of the Supreme Court as the President may be deemed necessary. While appointing Chief Justice and justices of High Courts the President has to consult the State Governor also. In the appointment of High Court judges, the President also consults the Chief Justice of the State. But now in accordance with the 1993 decision of the Supreme Court as re-interpreted in 1999 (see Lesson 12), the President is bound by the recommendations of a panel of senior most judges of the Supreme Court in matters of all judicial appointments. This panel headed by the Chief Justice is known as the collegium of the Supreme Court. The President appoints the Attorney General, the Comptroller and Auditor General of India, the Chief Election Commissioner and other Election Commissioners, the Chairman and Members of Union Public Service Commission (U.P.S.C.). He/she also appoints the Governors of States and Lt. Governors of Union Territories. All such appointments are made on the advice of the Union Cabinet headed by the Prime Minister.

The President is the Supreme Commander of the armed forces. As such, the President makes appointments of Chiefs of Army, Navy, and Air Force. The President can declare war and make peace. In his/her capacity as head of state, the President conducts the country's foreign affairs. The President appoints India's ambassadors and high commissioners in other countries; and the President receives foreign ambassadors and high commissioners. All diplomatic work is conducted in his/her name (by the foreign office and Indian envoys abroad), and all international treaties are negotiated and concluded in his/her name.

All laws enacted by the Union Parliament are enforced by him/her. All officials appointed by him/her (such as Governors and Ambassadors) may be removed or recalled by him/her, on the advice of the Union Council of Ministers.

All the functions are performed by the President on the advice of the Prime Minister. All decisions of the Union Government are communicated to him/her by the Prime Minister. The President can ask the Prime Minister only once to have a recommendation of the executive reconsidered by the Cabinet. The President can also refer a minister's decision to the Cabinet for its consideration. The President cannot seek a second reconsideration.



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10.3.2 Legislative Powers

The President being an integral part of Parliament enjoys many legislative powers. These powers are given below:

The President summons, and prorogues the Houses of Parliament. He may summon the Parliament at least twice a year, and the gap between two sessions cannot be more than six months. The President has the power to dissolve the Lok Sabha even before the expiry of its term on the recommendation of the Prime Minister. In normal course he/she dissolves Lok Sabha after five years. The President nominates twelve members to Rajya Sabha from amongst persons having special knowledge in the field of literature, science, art and social service. The President may also nominate two members of Anglo-Indian community to the Lok Sabha in case that community is not adequately represented in the House. The President can call a joint sitting of the two Houses of Parliament in case of a disagreement between Lok Sabha and Rajya Sabha on a non-money bill. So far thrice such joint sittings have been summoned (see Lesson no. 11). The President has the right to address and send messages to Parliament. The President addresses both Houses of Parliament jointly at the first session after every general election as well as commencement of the first session every year. These addresses contain policies of the government of the day.

Every bill passed by Parliament is sent to the President for his/her assent. The President may give his/her assent, or return it once for the reconsideration of the Parliament. If passed again the President has to give her assent. Without his/her assent no bill can become a law. The President may promulgate an ordinance when the Parliament is not in session. The ordinance so issued has the force of law. The ordinance so promulgated should be laid before both Houses of Parliament when they reassemble. If it is neither rejected by the Parliament nor withdrawn by the President, it automatically lapses six weeks after the commencement of the next session of Parliament. Generally a bill is moved by the Government to enact a law in place of the ordinance.

10.3.3 Financial Powers

All money bills are introduced in the Lok Sabha only with the prior approval of the President. The President has the control over Contingency Fund of India. It enables her to advance money for the purpose of meeting unforeseen expenses. Annual budget and railway budget are introduced in the Lok Sabha on the recommendation of the President. If the Government in the middle of the financial year feels that more money is required than estimated in the annual budget, it can present supplementary demands. Money bills are never returned for reconsiderations. The President appoints the Finance Commission after every five years. It makes recommendations to the President on some specific financial matters, especially the distribution of Central taxes between the Union and the States. The President also receives the reports of the Comptroller and Auditor-General of India, and has it laid in the Parliament.

Contingency Fund of India: It is a fund kept by the Union Government to meet any unforeseen expenditure for which money is immediately needed. The President has full control over this Fund. The President permits withdrawals from this Fund.



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10.3.4 Judicial Powers

You have seen above that the President appoints Chief Justice and other judges of the Supreme Court. The President also appoints Chief Justices and other judges of the High Courts. The President appoints law officers of the Union Government including the Attorney-General of India.

The President, as head of state, can pardon a criminal or reduce the punishment or suspend, commute or remit the sentence of a criminal convicted by the Supreme Court or High Courts for an offence against the federal laws. The President can pardon a person convicted by a Court Martial. His/her power of pardon includes granting of pardon even to a person awarded death sentence. But, the President performs this function on the advice of Law Ministry.

The President enjoys certain immunities. He is above the law and no criminal proceedings can be initiated against him/her (see section 10.2.1 above).

10.4 Position of the President

The office of the President is of high dignity and eminence, not of real powers. The powers formally vested in him/her are actually exercised not by his/her, but by the Union Council of Ministers, in his/her name. If the President tries to act against the wishes of the ministers, the President may create a constitutional crisis. The President may even face impeachment and may have to quit. Thus, the President has no alternative but to act in accordance with the advice of the Prime Minister, who after all is head of the real executive. The Prime Minister is in regular touch with the President.

The Council of Ministers is responsible to Lok Sabha, and can be removed on its adverse vote only. In practice the ministers do not hold office during the pleasure of the President.

The Constitution, 42nd Amendment Act has made it obligatory for the President to act only on the advice of the Council of Ministers. The President cannot act independently.

His/her powers are formal. It is the Council of Ministers headed by the Prime Minister which is the real executive. In accordance with the 44th Amendment Act of the Constitution, the President can send back a bill passed by the Parliament for reconsideration only once. If the bill is again passed by the Parliament, the President has to give his assent to the bill. In the Constituent Assembly, Dr. B.R. Ambedkar had rightly said, "The President occupies the same position as the King in the British Constitution". But in reality the President of India is not a mere rubber stamp. The Constitution lays down that the President has to preserve, protect and defend the Constitution. The President can ask a newly appointed Prime Minister to seek a vote of confidence in the Lok Sabha within a stipulated period of time. All the administration of the country is carried on in her name. The President can ask for any information from any minister. All the decisions of the Cabinet are communicated to the President. The President is furnished with all the information relating to administration. It is in this context that the utility of the office of the President comes to be fully realised when the President gives suggestions, encourages and even warns the government. It is in this context, the President emerges as an advisor, a friend and even a critic.

By way of conclusion, we may describe the position of the President in the words of Dr. B.R. Ambedkar. According to him/her, the President is the Head of State but not the executive. The President represents the nation but does not rule over the nation. The President is the symbol of nation. His/her place in the administration is that of a ceremonial head.

10.5 The Vice-President

The Constitution of India provides for the office of the Vice-President. The Vice-President of India is elected indirectly by an electoral college consisting of members of both Houses of Parliament, on the basis of proportional representation by means of single transferable vote system. The voting is held by secret ballot. The Vice-President cannot be a member of either Houses of Parliament, or of a State Legislature. The Vice-President has to possess the following qualifications:

He/she has to be a citizen of India, who should not be less than 35 years of age, should not hold any office of profit and should be eligible to be elected as a member of the Rajya Sabha.

The Vice-President is elected for a term of five years. He/she may resign from the office of the Vice-President even before the expiry of five years by writing to the President. The Vice President can be removed before five years if a resolution to this effect is passed by a majority of members of Rajya Sabha and agreed to by the Lok Sabha.

10.5.1 Functions of the Vice-President

The Vice-President is the ex-officio Chairman of Rajya Sabha which means that whosoever is the Vice-President, he/she presides over the Rajya Sabha and performs normal duties of a presiding officer. These include maintenance of order in the House, allowing members to speak and ask questions, and putting bills and motions to vote. Since the Vice-President is not a member of the Rajya Sabha, he/she cannot vote in the House. But, in case of a tie (equality of votes in favour and against a bill), the Vice President exercises his/her casting vote so that a decision can be reached.

If ever a vacancy arises in the office of President, due to death, resignation or impeachment, the Vice-President officiates as the President for not more than six months (see above). During that period, he enjoys all powers of the President, and does not preside over the House when he officiates as President.

In case the President is temporarily unable to discharge his/her functions, the Vice-President may be called upon to discharge his/her functions, without becoming officiating President.

**Intext Questions 10.3**

1. Who is the Supreme Commander of India's armed forces?
2. On whose recommendations the members of the Council of Ministers are appointed?
3. What is the procedure of removal of the President known as?
4. How many members of the Rajya Sabha are nominated by the President?
5. Who are the electors of the Vice-President of India?
6. Mention one judicial power of the President?
7. What type of bills are invariably introduced in the Lok Sabha with the prior approval of the President?



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10.6 Prime Minister and The Council of Ministers

The executive powers of the President are exercised by the Council of Ministers. The Constitution provides that “there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions”. Here the word “shall” indicates that the President cannot function without the Council of Ministers. The President is the constitutional head of State, but the real Head of the government is the Prime Minister.

10.6.1 Appointment of the Prime Minister

The Prime Minister is appointed by the President but the President does not have freedom in the selection of the Prime Minister. Normally the President has to invite leader of the majority party to form the government. In case no single party is in clear majority, the President invites the person who is likely to command support of two or more parties which make up majority in the Lok Sabha. Once appointed, the Prime Minister holds office so long as he/she enjoys the support of the majority of members of Lok Sabha. The Prime Minister is normally leader of the majority party in Lok Sabha. However, there have been cases when a member of Rajya Sabha was made the Prime Minister. This happened when Mrs. Indira Gandhi was first appointed, Prime Minister in 1966, or when I. K. Gujral became Prime Minister in 1997 or when Rajya Sabha member Dr. Manmohan Singh became the Prime Minister in 2004. In 1996 H.D. Deve Gowda was not a member of any House. He later entered the Rajya Sabha.

Members of the Council of Ministers are appointed by the President on the advice of the Prime Minister. While selecting the ministers, the Prime Minister the PM keeps in mind that due representation to different regions of the country, to various religious and caste groups. In a coalition government, the members of coalition parties have to be given due representation in the Council of Ministers. The Prime Minister decides portfolios of the Ministers, and can alter these at his will.

In order to be a Minister, a person has to be a member of either of the two Houses of Parliament. Even a person who is not a member of any of the two Houses can become a Minister for a period of six months. Within six months the Minister has to get himself/herself elected to either House of Parliament, failing which he/she ceases to be a Minister. All the Ministers are collectively as well as individually responsible to the Lok Sabha.

The Council of Ministers consists of two category of ministers. These are: Cabinet Ministers and Ministers of State. The Cabinet Ministers are usually senior members of the party/coalition of parties. The Ministers of State come next to Cabinet Ministers. Some of the Ministers of State have independent charge of a department while other Ministers of State only assist the Cabinet Ministers. Sometimes even deputy ministers are also appointed to assist the ministers.

Ministers other than Cabinet Ministers normally do not attend the meetings of the Cabinet. The Prime Minister presides over the meetings of the Cabinet. All policy matters are decided by the Cabinet. The Prime Minister has the authority to reshuffle the portfolios of the Ministers or even ask for their resignation. In case of resignation or death of the Prime Minister the entire Council of Ministers also goes out of office. This is because the Council of Ministers is created by the Prime Minister, who also heads it. The entire Council of Ministers is responsible to the Lok Sabha (see below 10.8)



10.6.2 Powers and Functions of the Prime Minister

The Prime Minister is the most important and powerful functionary of the Union Government. The President is head of the government and leader of Lok Sabha. The President is principal advisor to the President, and the country's visible face and spokesperson in the international affairs. His/her role is unparalleled and the President gives direction to the governance of the country.

The Prime Minister being the head of the Council of Ministers, selects the Ministers to be sworn in by the President. The Ministers in fact are chosen by the Prime Minister and remain Ministers as long as they enjoy the confidence of the Prime Minister. The Prime Minister distributes portfolios among Ministers. The President can change the portfolios as and when he desires. The Prime Minister can drop a Minister or ask for his/her resignation.

The Prime Minister presides over the meetings of the Cabinet and conducts its proceedings. As head of the Cabinet, he/she largely influences the decisions of the Cabinet. The Prime Minister co-ordinates the working of various ministers. The President resolves disagreement if any amongst different Ministers. Prime Minister is the link between the President and the Cabinet. The decisions of the Cabinet are conveyed to the President by the Prime Minister. It is he who keeps the President informed of all the policies and decisions of the Government. No Minister can meet the President without the permission of the Prime Minister. All important appointments are made by the President on the advice of the Prime Minister. It is on the advice of the Prime Minister that the President summons and prorogues the session of the Parliament and even dissolves the Lok Sabha.

The Prime Minister is the "principal spokesman" and defender of the policies of the Government in the Parliament. When any Minister is unable to defend his/her actions properly, the Prime Minister comes to the help of that Minister both inside and outside the Parliament. The Prime Minister is the leader of the nation. The nation looks to his/her for guidance. At the time of general elections, it is the Prime Minister who seeks mandate of the people. The Prime Minister plays an important role in the formulation of domestic and foreign policies. The President represents the country in the world arena, by participating in the international meetings such as NAM, SAARC and United Nations. All international agreements and treaties with other countries are concluded with the consent of the Prime Minister. The President is the Chief spokesperson of the policies of the country.

The Prime Minister has a special status both in the Government and in the Parliament. This makes him/her the most powerful functionary. His/her position and powers depend upon his/her personality. A person of the stature of Jawaharlal Nehru or Indira Gandhi, is always more effective than a person who lacks vision or depends on support from outside his party. The Prime Minister is not only leader of the Parliament but also leader of the nation. The Prime Minister has to secure the willing cooperation of all important members of his/her own party. In a minority government, the Prime Minister has to depend on outside help that might act as hindrance in his effective role.

10.7 The Council of Ministers and The Cabinet

The terms Council of Ministers and 'The Cabinet' are often used as inter-changeable terms. In reality, they are not. Prior to 44th Amendment of the Constitution, the word 'Cabinet' was not mentioned in the Constitution. Let us distinguish between the Council of



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Ministers and the Cabinet. The main points of difference are: The Council of Ministers consists of all category of Ministers i.e., Cabinet Ministers and Ministers of State. The Cabinet on the other hand consists of Senior Ministers only. Its number varies from 15 to 30 while the entire Council of Ministers can consist of even more than 70. The Council of Ministers as a whole rarely meets. The Cabinet on the other hand meets as frequently as possible. It is the Cabinet that determines the policies and programmes of the Government and not the Council of Ministers. Thus, 'Cabinet is an inner body within the Council of Ministers'. It acts in the name of the Council of Ministers and exercises all powers on its behalf.

10.7.1 Powers and Functions of the Cabinet

It has enormous powers and manifold responsibilities. All the executive powers of the President are exercised by the Cabinet headed by the Prime Minister.

The Cabinet determines and formulates the internal and external policies of the country. It takes all major decisions regarding defence and security of the country. It has also to formulate policies so as to provide better living conditions for the people. Cabinet has control over national finance. The Cabinet is responsible for whole of the expenditure of the government as well for raising necessary revenues. It is the Cabinet that prepares the text of President's address to the Parliament. The Cabinet is also responsible for the issuance of Ordinances by the President when the Parliament is not in session. The sessions of the Parliament are convened by the President on the advice of the Cabinet conveyed through the Prime Minister. The Cabinet prepares the agenda of the sessions of the Parliament.



Intext Questions 10.4

1. The head of the government in India is the _____ of India. (President / Prime Minister / Chief Justice).
2. The portfolios of the Ministers are distributed and reshuffled by the _____. (Prime Minister / President/Vice-President)
3. The meetings of the Cabinet are presided over by the _____ (Speaker of Lok Sabha / Prime Minister /President).
4. The Executive Powers of the President are exercised by the _____. (Council of Ministers/Prime Minister's office/Cabinet Secretary).
5. The Lok Sabha can be dissolved by the President on the written request of the _____ (Cabinet/Rajya Sabha/Supreme Court).
6. The President's address to the Parliament is prepared by the _____. (Vice President/Union Cabinet/Prime Minister's office).
7. The Council of Ministers is responsible to the _____. (Lok Sabha/ Rajya Sabha/Parliament).

10.8 Responsibility of The Ministers

We have already read that there is a Council of Ministers, with the Prime Minister as its head to aid and advise the President. Constitutionally the Ministers hold office during the

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pleasure of the President. But, in fact, they are responsible to, and removable by the Lok Sabha. Actually the Constitution has itself declared that the Council of Ministers shall be responsible to the Lok Sabha (not to both the Houses). Ministerial responsibility is the essential feature of parliamentary form of government. The principle of ministerial responsibility has two dimensions: collective responsibility and individual responsibility.

10.8.1 Collective Responsibility

Our Constitution clearly says that “The Council of Ministers shall be collectively responsible to ‘House of the People’.” It actually means that the Ministers are responsible to the Lok Sabha not as individuals alone, but collectively also. Collective responsibility has two implications. Firstly, it means that every member of the Council of ministers accepts responsibility for each and every decision of the Cabinet. Members of the Council of Ministers swim and sink together. When a decision has been taken by the Cabinet, every Minister has to stand by it without any hesitation. If a Minister does not agree with the Cabinet decision, the only alternative left to him/her is to resign from the Council of Ministers. The essence of collective responsibility means that, ‘the Minister must vote with the government, speak in defence of it if the Prime Minister insists, and he/she cannot afterwards reject criticism of his act, either in Parliament or in the constituencies, on the ground that he/she did not agree with the decision.’ Secondly, vote of no-confidence against the Prime Minister is a vote against the whole Council of Ministers. Similarly, adverse vote in the Lok Sabha on any government bill or budget implies lack of confidence in the entire Council of Ministers, not only the mover of the bill.

10.8.2 Individual Responsibility

Though the Ministers are collectively responsible to the Lok Sabha, they are also individually responsible to the Lok Sabha. Individual responsibility is enforced when an action taken by a Minister without the concurrence of the Cabinet, or the Prime Minister, is criticised and not approved by the Parliament. Similarly if personal conduct of a Minister is questionable and unbecoming he may have to resign without affecting the fate of the Government. If a Minister becomes a liability or embarrassment to the Prime Minister, he may be asked to quit.

NO-CONFIDENCE MOTION :- It is a motion moved by a member of legislature expressing no-confidence of the House in the Council of Ministers. If adopted by the legislature, the Council of Ministers has to resign.



What You Have Learnt

India has adopted parliamentary form of government where the President is the constitutional head of state. The Council of Ministers headed by the Prime Minister is the real executive.

The President of India is indirectly elected by an Electoral College consisting of elected members of both Houses of Parliament and the elected members of State Legislative Assemblies (Vidhan Sabhas) by means of single transferable vote system of proportional representation. The President is elected through a complicated system which ensures equal voice (value of votes) of the national Parliament on the one side and all the State Legislative Assemblies on the other.

The President is elected for a term of five years. The President is eligible for reelection.



Notes

The President may resign before the expiry of his/her term or can be removed from office by impeachment.

The President enjoys vast powers. His/her powers can be classified into Legislative, Executive, Financial and Judicial. But his/her powers are exercised by the Council of Ministers headed by the Prime Minister. The President enjoys numerous privileges and immunities, and exerts influence in the field of administration. The President possesses the right to be informed, to be consulted and to warn. The President is a guide and advisor of the Council of Ministers. The Prime Minister is the real head of the Government. The President is appointed by the President. The Prime Minister has to appoint the leader of the majority party in Lok Sabha or leader of a group of parties as the Prime Minister.

The Council of Ministers headed by the Prime Minister aids and advises the President in the exercise of his functions. The Council of Ministers consists of two levels of Ministers—Cabinet Ministers and Ministers of State. The President appoints the Ministers on the advice of the Prime Minister.

The Prime Minister is the leader of the nation. He/she is responsible for administration of the country. He/she presides over the meetings of the Cabinet. The Council of Ministers works under his/her. The President represents the nation at all national and international forums. The Prime Minister is the link between the President and the Council of Ministers. He/she supervises and co-ordinates the working of different Ministries. He/she remains in office as long as he/she enjoys the support of the majority of members in the Lok Sabha. All important appointments are made by the President on the recommendation of the Prime Minister.

The Council of Ministers consists of all category of Ministers, while the Cabinet is a smaller group consisting of senior Ministers. The Council of Ministers as a whole rarely meets. It is the Cabinet which determines the policies and programmes of the Government. All the Ministers are collectively as well as individually responsible to the Lok Sabha. The Council of Ministers can be removed from office by Lok Sabha if a vote of no-confidence is adopted by it.

The Cabinet formulates the external and internal policies of the government. It coordinates the working of various departments. It has full control over the national finance. A money bill can only be introduced in the Lok Sabha by a Minister.



Terminal Exercises

1. Explain the method of election of the President.
2. Describe the qualifications for the office of the President of India. What is his and how can he be removed from office.
3. Describe the legislative powers of the President of India.
4. Explain the executive powers of the President.
5. Examine the powers and role of the President of India.
6. Describe functions of the Vice-President of India.
7. How is the Prime Minister of India appointed? Explain.
8. Explain the powers, functions and role of the Prime Minister of India.

MODULE - 3

Structure of Government



Notes

Political Science

9. Distinguish between the Council of Ministers and the Cabinet.
10. Describe the collective and individual responsibility of the Ministers.



Answers to Intext Questions

10.1

1. 35 years
2. Lok Sabha
3. Vidhan Parishad

10.2

1. Five years
2. Either House of the Parliament
3. The Chief Justice of India

10.3

1. The President
2. The Prime Minister
3. Impeachment
4. Twelve
5. Member of Parliament
6. Power to pardon the criminals
7. Money Bill

10.4

1. Prime Minister
2. Prime Minister
3. Prime Minister
4. Council of Ministers
5. Cabinet
6. Union Cabinet
7. Lok Sabha

Hints for Terminal Exercises

1. Refer to Section 10.1.1
2. Refer to Section 10.1
3. Refer to Section 10.3.2
4. Refer to Section 10.3.1
5. Refer to Sections 10.3 and 10.4
6. Refer to Section 10.5
7. Refer to Section 10.6.1
8. Refer to Section 10.6.2
9. Refer to Section 10.7.1
10. Refer to Section 10.8