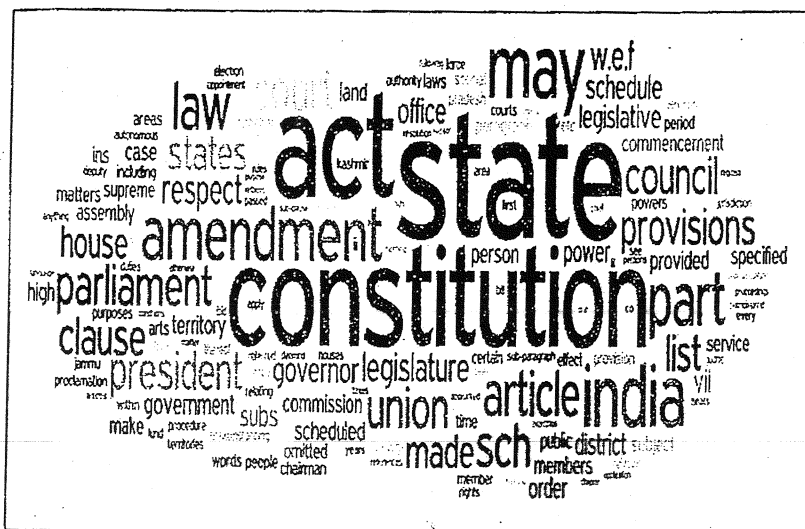


Working Of Institutions



"Democracy is not about people electing their rulers. The rulers have to follow some rules & procedures. They have to work with & within institution. The main objective is to understand how these institution together carry on the work of government."

16.1 How is a major policy decision taken ?

(a) 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 this 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 is another name for 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. Such a big decision could not have been taken by the person who signed that document. The officer was merely implementing the instructions given by the Minister of Personnel, Public Grievances and Pensions, of which the Department was a part.

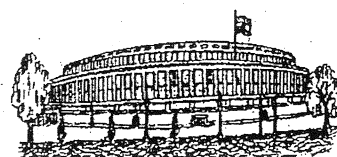


Fig.1
Indian Parliament

(b) Who are the decision makers ?

- ★ (i) Any decision regarding the implementation of various policies in democracy is not taken by the persons who sign it.
- (ii) There is a system in which any decision in a democracy includes other major functionaries also.
- (iii) The major decisions in a democracy involves all organs of the government – Executive, Legislature & Judiciary
- (iv) President is the head of the state & is the highest formal authority in the country. Prime Minister is the head of the government & exercises all government powers. He takes most of the decisions in the Cabinet meeting. Parliament consists of two Houses, Lok Sabha & Rajya Sabha. The Prime Minister must have the support of a majority of lok sabha members.



In democracies, an assembly of elected representatives exercises supreme political authority on behalf of the people. Such an assembly of elected representatives is called Parliament.

16.2 Need for the political institutions

Governing a country involves various activities. The most important work of the government is the welfare of the people. The government formulates & implements several welfare schemes. Some persons have to take decisions on how to go about these activities, others have to implement these decisions. If disputes arise on these decisions or in their implementation there should be some one to determine what is wrong & what is right. So to attend all these tasks, several arrangements are made in all modern democracies. Such arrangements are called institutions. Working with institution is not easy. Institutions involve rules & regulations. This can bind the hands of the leaders. Institutions involve meetings, committees & routines. This often leads to delays & complications. Therefore dealing with institutions can be frustrating. But some of the delays & complications introduced by institutions are very useful. They provide an opportunity for a wider set of people to be consulted in any decisions. Institutions make it difficult to have a good decision taken very quickly. But they also make it equally difficult to rush through a bad decision. That is why democratic governments insist on institutions. The constitution of any country lays down basic rules on the powers and functions of each institution :

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

16.3 The Parliament

The **Parliament of India**, also popularly known as **Sansad** is the supreme legislative body in India. The Parliament comprises the President of India and the two Houses—**Lok Sabha** (House of the People) and **Rajya Sabha** (Council of States). The President has the power to summon and prorogue either House of Parliament or to dissolve Lok Sabha.

CHECK YOUR LEARNING 16.1

1. What is the point in having so much debate and discussion in the Parliament when we know that the view of the ruling party is going to prevail?
2. The race to become a minister is not new.

Here is a cartoon depicting ministerial aspirants waiting to get a berth in Nehru's Cabinet after the 1962 elections. Why do you think political leaders are so keen to become ministers?



(a) The role of the parliament

Indian Parliament was created in 1947.

- (i) Indian Parliament is an expression of the faith that people of India have in principles of democracy.
- (ii) The principles of democracy are participation by people in the decision-making process & government by consent.



Our Parliament completes 60 years on May 13, 2012. The first meeting of Lok Sabha was held on May 13, 1952. Since then, it has kept the Foundation of Indian Democracy alive.

- (iii) The Parliament in our system has immense powers as it is the representative of the people.
- (iv) The Lok Sabha is usually elected once every five years.
- (v) Country is divided into numerous constituencies, each electing one person to the Parliament.
- (vi) Once elected, these candidates become Members of Parliament or MPs. These MPs together make up the Parliament.
- (b) **Why do we need a parliament?**

making law
money matter

In all democracies, an assembly of elected representatives exercises supreme political authority on behalf of the people. In India such a national assembly of elected representatives is called Parliament.

At state level this is called Legislature or Legislative Assembly.

- (i) Parliament is the final authority for making laws in any country. This task of law making or legislation is so crucial that these assemblies are called legislatures. Parliaments all over the world can make new laws, change existing laws & make new ones in their place.
- (ii) Parliament control all the money that government have. In most countries the public money can be spent only when the parliament sanctions it.
- (iii) Parliaments all over the world exercise some control over those who run the government. In some countries like India this control is direct & full. Those who run the government can take decisions only so long as they enjoy support of the parliament.
- (iv) Parliament is the highest forum of discussion & debate on public issues & national policy in any country. Parliament can seek information about any matter.

CHECK YOUR ANSWERS 16.1

1. The ruling party, after a debate and discussion, learns about the weak points in its views. It can modify them in the light of what it learns. If no debate is held it will not come to know the views of the opposition or of the people, and take arbitrary decision.
2. Political leaders are keen to become ministers because of the power, prestige and financial gains they get. Minister have many privileges, power is desired by many. If your intentions are honourable, you can serve the nation in many ways. If not, you can misuse them for personal gain.

16.4 Two houses of the parliament

(a) Lok Sabha

Lok Sabha is also known as the "House of the People" or the lower house. All of its members are directly elected by citizens of India on the basis of universal adult franchise, except two who are appointed by the President of India. Every citizen of India who is over 18 years of age, irrespective of gender, caste, religion or race, who is otherwise not disqualified, is eligible to vote for the lok-sabha.

One of the most important functions of the Lok Sabha is to select the executive. The executive is a group of persons who work together to implement the laws made by the Parliament.

- (i) Prime Minister is the leader of the ruling party in Lok Sabha.
- (ii) Prime Minister selects ministers from the MPs who belong to his party who take charge of different areas of government functioning.

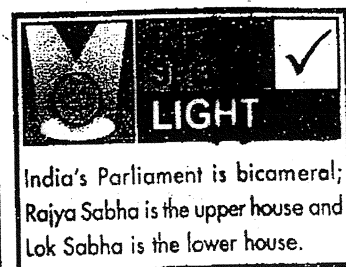
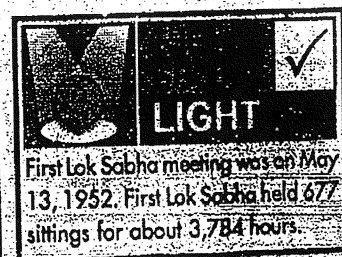


Fig. : 2

Image depicting the role of reserved classes in voting



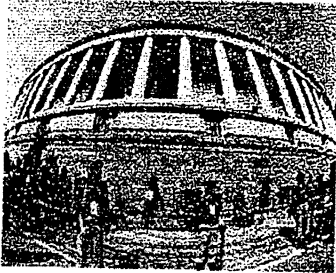


Fig. : 3
Lok Sabha

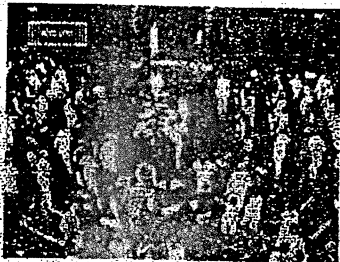


Fig. : 4
Rajya Sabha

(b) Rajya Sabha

The Rajya Sabha is also known as "Council of States" or the upper house. Rajya Sabha is a permanent body and is not subject to dissolution. However, one third of the members retire every second year, and are replaced by newly elected members. Each member is elected for a term of six years.^[9] Its members are indirectly elected by members of legislative bodies of the States.

16.5 Lok Sabha exercises supreme power

Our constitution does give the Rajya Sabha some special powers over the states. But on most matters the Lok Sabha exercises supreme power :

- (i) Any ordinary law needs to be passed by both the Houses. But if there is a difference between the two houses, the final decision is taken in a joint session in which members of both the Houses sit together. Because of the larger number of members, the view of Lok Sabha is likely to prevail in such a meeting.
- (ii) Lok Sabha exercises more powers in money matters. Once the Lok Sabha passes the budget of the government or any other money related law, the Rajya Sabha cannot reject it. The Rajya Sabha can only delay it by 14 days or suggest changes in it. The Lok Sabha may or may not accept these changes.
- (iii) Most importantly, the Lok Sabha controls the Council of Ministers. Only a person who enjoys the support of the majority of the members in the Lok Sabha is appointed the Prime Minister. If the majority of the Lok Sabha members say they have 'no confidence' in the Council of Ministers, all ministers including the Prime Minister, have to quit. The Rajya Sabha does not have this power.

16.6 Political executive

All the functionaries at different levels of government collectively known as the executive. They are called executive because they are in charge of the execution.

Political & Permanent Executive :

- (i) Executives who are elected by the people for a specific period is called the political executive.
- (ii) Political leaders who take the big decisions fall in this category.
- (iii) In the second category, people are appointed on long term basis. This is called the Permanent executives or civil servants.
- (iv) They remain in office even when the ruling party changes.

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

16.7 Who is more powerful ?

In a democracy the will of the people is supreme. Though the civil servant is usually more educated & has more expert knowledge of the subject, but as the minister is elected by the will of the people on their behalf. They are finally answerable to the people for all the consequences of their decisions. That is why minister takes all the final decisions.

(a) **Prime Minister & Council of Ministers**

Prime Minister is the most important political institution in the country. The President appoints the leader of the majority party or the coalition of parties that commands a majority in the Lok Sabha, as Prime Minister. The Prime Minister does not have a fixed tenure. He continues in power so long as he remains the leader of the majority party or coalition. President appoints other ministers on the advice of the Prime Minister. The ministers are usually from the party or the coalition that has majority in Lok Sabha. Sometimes, a person who is not a member of Parliament can also become a minister. But he has to be elected to one of the houses of the Parliament within six months of appointment as minister.

(b) **Council of ministers**

Council of Ministers usually has 60 to 80 ministers of different ranks

- (i) Cabinet minister are usually top-level leaders of the ruling party, who are in charge of the major ministries. Cabinet minister is thus the inner ring of the Council of Ministers. It comprises about 20 ministers.
- (ii) Ministers of state with independent charge are usually small ministries. They participate only when specially invited.
- (iii) Ministers of state are required to assist Cabinet Ministers.

(c) **Powers of the Prime Minister**

- (i) The Prime Minister has wide range of powers.
- (ii) He chairs Cabinet meetings.
- (iii) He coordinates the work of different departments.
- (iv) He exercises general supervision of different ministers.
- (v) When Prime Minister quits the entire ministry quits.

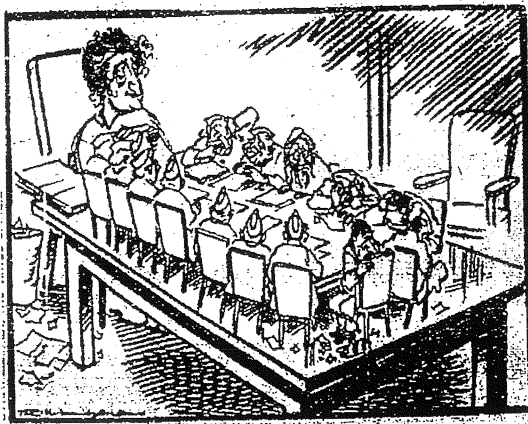
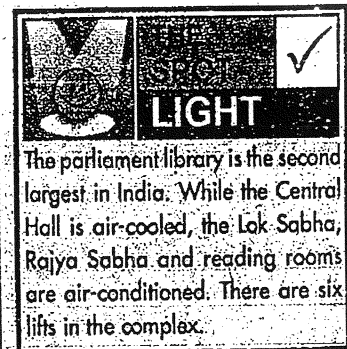
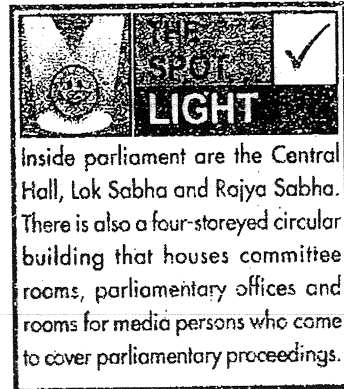


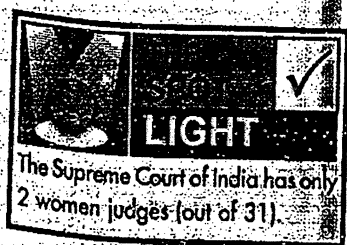
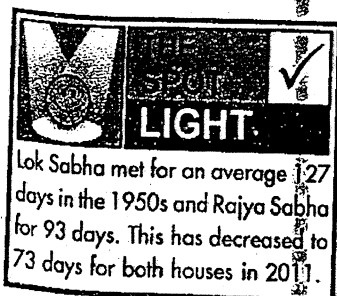
Fig. : 5

Prime Minister holding a meeting with party members

d) **Coalition government**

In recent years the rise of coalition politics has imposed certain constraints on the power of the Prime Minister. The Prime Minister of a coalition government cannot take decisions as he likes. He has to accommodate different group and factions in his party as well as among alliance partners. He also has to heed to the views and positions of the coalition partners and other parties, on whose support the survival of the government depends.





16.8 President of India

India also includes the Head of State (the President of India in India's case) as a component of Parliament. The President of India is elected, from a group of nominees, by the elected members of the Parliament of India (Lok Sabha and Rajya Sabha) as well as of the state legislatures (Vidhan Sabhas), and serves for a term of five years.

Powers of the president

- (i) All government activities take place in the name of the President.
- (ii) All laws & major policy decisions of the government are issued in the name of the President.
- (iii) All major appointments are made in the name of the President. These include appointment of the Chief Justice of India, the Judges of the Supreme court & the High court of the states, the Governor of the states, the Election Commissioners, ambassadors to other countries etc.
- (iv) All international treaties & agreements are made in the name of the President.
- (v) The President is the Supreme Commander of the defence forces of India. **The President exercises all these powers only on the advice of the Council of Ministers.** A bill passed by the Parliament becomes a law only after the President gives assent to it. If the President wants, he /she can delay this for sometime & send the bill back to the Parliament for reconsideration. But if the Parliament passes the bill again, he/she has to sign it.
- (vi) When a party or coalition of parties secures a clear majority in the Lok Sabha, the President exercises her discretion. The President appoints a leader who in her opinion can master majority support in the Lok Sabha.

16.9 The judiciary

All the courts at different levels in a country put together are called the Judiciary.

- (i) The Indian Judiciary consists of a Supreme Court for the entire nation.
- (ii) High Courts in states
- (iii) District courts & the courts at local level

(a) The Supreme court controls the judicial administration in the country.

- (i) Its decisions are binding on all other courts of the country. Cases solved in the Supreme Court
 - Between citizens of the country
 - Between citizens & government
 - Between two or more state governments
 - Between government at Union & State level

- (ii) It is the highest court of appeal in civil & criminal cases
- (iii) It can hear appeals against the decisions of the High Court.

India has independent judiciary, it is not under the control of legislature or the executive. That is the reason why we say India has an integrated judiciary. The judges do not act on the direction of the government or according to the wishes of the party in power.

The Presidential System

Presidents all over the world are not always nominal executives like the President of India. In many countries of the world, the President is both the head of the state and the head of the government. The President of the United States of America is the most well known example of this kind of President. The US President is directly elected by the people. He personally chooses and appoints all Ministers. The law making is still done by the legislature (called the Congress in the US), but the president can veto any law. Most importantly, the president does not need the support of the majority of members in the Congress and neither is he answerable to them. He has a fixed tenure of four years and completes it even if his party does not have a majority in the Congress.

This model is followed in most of the countries of Latin America and many of the ex-Soviet Union countries. Given the centrality of the President, this system of government is called the Presidential form of government. In countries like ours that follow the British model, the parliament is supreme. Therefore our system is called the parliamentary system of government.

(b) Appointments

The judges of Supreme court & High court are appointed by the President on the advice of the Prime Minister in consultation with the Chief Justice of Supreme court. The Chief Justice of India is appointed by the President of India. It is nearly impossible to remove him or her from that position.


A judge can be removed only by the process of impeachment passed separately by both the houses of the parliament.

The Supreme court & High court have the power to interpret the constitution of the country. They can declare invalid any law of legislature or the actions of the executive, whether at the Union level or at the state level.


If they find such a law or action is against the constitution. They can determine the constitutional validity of any legislature or action of the executive in the country, when it is challenged before them. This is known as Judicial Review.

Any one can approach the courts if public interest is hurt by the actions of the government. This is called Public Interest Litigation.

The courts intervene to prevent the misuse of the government's power to make decisions. They check malpractices on the part of public officers. That is why the judiciary enjoys a high level of confidence among the people.



**THE
SPOT
LIGHT**



Only 5.8 percent of the total number of judges in India's 24 courts are women.

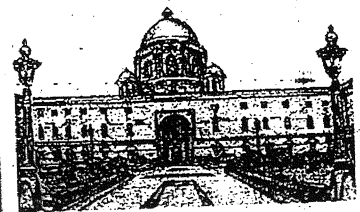




Fig. : 6
Rastriya Bhawan



**THE
SPOT
LIGHT**



In the history of the Supreme Court we've only had 5 women judges (including the 2 sitting judges). The first one was Ms. Fathima Beevi in 1989. She was also the first Muslim woman to be appointed to any higher judiciary.

EXERCISE # 1

FORMATIVE ASSESSMENT

Multiple choice questions

1. When was the Second Backward Classes commission appointed ?
(1) 1989 (2) 1979
(3) 1999 (4) 2001
2. Who is the presiding officer of the Lok Sabha ?
(1) Speaker (2) Vice-President
(3) President (4) Prime Minister
3. Two features of Indian Judicial System are
(1) Independent judiciary
(2) Integrated judiciary
(3) Dependent judiciary
(4) Both (1) & (2)
4. Which of the following statements is true regarding President of India ?
(1) Head of the Government
(2) Head of the State
(3) Head of the Parliament
(4) None of these
5. What is the minimum age required to contest Lok Sabha elections ?
(1) 35 years (2) 18 years
(3) 20 years (4) 25 years
6. The minimum number of members in Rajya Sabha can be
(1) 250 (2) 225
(3) 275 (4) 550
7. The President of India is elected by
(1) Direct election by citizens who are 18 years or above
(2) Indirect election by the electoral college
(3) Prime minister and the council of ministers
(4) None of the above
8. Which body acts as the guardian of fundamental rights ?
(1) District court (2) Supreme court
(3) Election commission (4) Legislature
9. What are the two types of executive in India ?
(1) Political executive
(2) Permanent executive
(3) Judicial executive
(4) Both (1) & (2)
10. For how long can the Rajya Sabha delay a money bill ?
(1) 15 days (2) 1 month
(3) 3 months (4) 14 days
11. The Judges of Supreme Court are appointed by
(1) President (2) Prime minister
(3) Chief justice (4) Law minister
12. About how many ministers are there in the cabinet?
(1) 80 (2) 60 (3) 20 (4) 10
13. What is the position of the President ?
(1) Nominal head of the state
(2) Real head of the state
(3) Hereditary head of the state
(4) None of these
14. The Council of Ministers at the centre is responsible to
(1) The President (2) The Prime Minister
(3) The Rajya Sabha (4) The Lok Sabha
15. What is the tenure of the members of Rajya Sabha?
(1) 3 years
(2) 4 years
(3) 5 years
(4) 6 years
16. Who among the following is a part of the political executive ?
(1) Civil Servants
(2) Political leaders who take big decisions
(3) Both (1) and (2)
(4) None of these
17. Which organ of the government has the power to interpret the constitution ?
(1) Supreme Court
(2) District Court
(3) High Court
(4) Both (1) and (2)
18. Who holds the most important and powerful position in the government ?
(1) President
(2) Vice-President
(3) Prime Minister
(4) Speaker

19. What is the tenure of office of the Prime Minister?

- (1) 5 years
- (2) 6 years
- (3) As long as he want
- (4) He does not have a fixed tenure

20. In which year the Government of India issued the Office Memorandum ?

- (1) 6 August 1990 (2) 7 August 1980
- (3) 17 July 1980 (4) 13 August 1990

True or false

- 1. Lok Sabha exercises more powers on money matters.
- 2. The legislative body implements the law.
- 3. The minimum age required to contest Lok Sabha election is 25 years.
- 4. Every act passed by the parliament needs approval of the supreme court.
- 5. The Rajya Sabha represents the interest of the States and Union Territories.
- 6. Cases relating to property, taxes, contracts are included in civil cases.
- 7. Supreme Court is the highest court at the state level.
- 8. The maximum number of members of Rajya Sabha can be 250.

Fill in the blanks

- 1. _____ is the head of the government.
- 2. The cabinet as a term is assisted by _____.
- 3. Lok Sabha controls the _____ of India.
- 4. Political executives are elected by the _____ and permanent executives are appointed by the _____.
- 5. Supreme court is an institution where disputes between _____ and the _____ are finally settled.
- 6. _____ is the final authority for making laws in any country.
- 7. _____ is an organ of government which implements the laws passed by the legislature.
- 8. A body of ministers collectively responsible to the Lok Sabha are known as _____.

Match the column

1.	Column-I	Column-II
(1)	Executive	(a) Divides legal dispute between two state governments.
(2)	Judiciary	(b) Implement the decision.
(3)	Vice-President	(c) Real execture of the Indian Union.
(4)	Prime Minister	(d) Presiding officer of Rajya Sabha.
(5)	Political executive	(e) Implements laws.
(6)	Permanent executive	(f) Creates laws.

EXERCISE # 1 ANSWER KEY FORMATIVE ASSESSMENT

Multiple choice questions

Q. No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Ans.	2	1	4	2	4	1	2	2	4	4	1	3	1	4	4	3	1	3	1	4

True or false

1. True 2. True 3. True 4. False 5. True 6. True 7. False 8. True

Fill in the blanks

- 1. Prime Minister 2. Civil servants of cabinet secretariat 3. President
- 4. People and president 5. Citizens and governments 6. Parliament
- 7. Executive 8. Council of ministers

Match the column

1. (1) → b ; (2) → a ; (3) → d ; (4) → c ; (5) → f ; (6) → e

EXERCISE # 2**SUMMATIVE ASSESSMENT****Short answer type questions**

1. Why are political institutions important ? Give any 3 points.
2. Who appoints the Prime Ministers and the Council of Ministers and on what basis ?
3. Discuss the power & functions of the Parliament.
4. What is the procedure for the removal of the judges ?
5. What are the functions of the Supreme Court ?
6. How has the Indian constitution ensured the Independence of the judiciary ?
7. What features of the Indian Judiciary make it most powerful in the world ?
8. Why do we need a parliament ? Explain in points.
9. How can you say that the President occupies the position of a nominal head of the state ?
10. Describe the way in which Lok Sabha is more powerful than Rajya Sabha.

Long answer type questions

1. Write about some of the activities involved in working of government of a country.
2. Give the differences between the Lok Sabha and the Rajya Sabha.
3. Explain the differences between the Political & Permanent Executive.
4. Discuss the emergency powers of the President of India.
5. Describe the powers and functions of the Prime Minister of India.
6. Which of the two houses of the Parliament exercise Supreme power ? In what ways is one house more powerful than the other ?

NCERT QUESTIONS WITH ANSWERS

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.

Ans. (c) Ask for reconsideration of a bill passed by both the Houses

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

Ans. (c) Home Minister

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 her rights are violated

Ans. Every law passed by the Parliament needs approval of the Supreme Court.

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 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) Considers 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.

Ans. Cabinet

5. 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) 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 election.

Ans. In a Parliamentary democracy only the leader of the majority party in the Lok Sabha can become the Prime Minister.

Important Notes