CIVICS

Chapter 4: Working of Institutions

Working of Institutions

Need for Political Institutions

In a democratic country like India, major decisions are taken by the Parliament which is a body of elected representatives in the country. All bills become laws when they are passed by the Parliament with a majority vote. In this chapter, a Government Order regarding the reservation of seats for people belonging to scheduled castes and scheduled tribes is taken as an example to understand how a major policy decision is taken by the Government.

- In 1979, the Government of India had appointed a committee under B. P. Mandal to determine criteria to identify the socially and economic backward classes in the country. It was also entrusted with the task to suggest ways and means to improve their socioeconomic condition.
- One of the recommendations of the Mandal Commission was to reserve 27% of seats for the people of socioeconomic backward classes (SEBC) in government institutions and government jobs.
- When the Janta Dal formed the Government at the Centre in 1989, its leader V. P. Singh became the Prime Minister. The President of India announced the intention of the Government to implement the recommendations of the Mandal Commission.
- In 1990, the Central cabinet decided to implement the recommendations of the Mandal Commission. This was communicated to both houses by the then Prime Minister of India.
- The decision of the Cabinet was sent to the Department of Personnel and Training. An Order to this effect Was drafted by the department with the approval of the minister. This Order was signed by an officer on behalf of the Central Government.
- This issue was feverously debated in newspapers and magazines, and on
- TV and radio. Protests against this Order were organised all over the country. While some people argued that this Order denied equality of opportunity to the people and hampered the unity of the nation, others argued that this Order gave a fair chance to people belonging to SEBC who have been completely subjugated by the people of upper castes and classes.

- Cases against this Order were also filed in the Supreme Court. The latter after examining various clauses and the present scenario declared that the Order of the Government of India is valid. However, the Supreme Court asked the Government to modify its previous Order and exclude the rich section of the backward classes from the benefits of reservations.

- Hence, another memorandum was drafted by the Department of Personnel and Training, and the policy of reservation was implemented.

- We thus find that in a democracy, important decisions are taken by the Prime Minister and his cabinet ministers. The civil servants ensure the implementation of important policy decisions. Citizens may file cases directly in the Supreme Court against the Government's decision. The decision of the Supreme Court is considered final.

Protest against caste-based reservations

Houses of Parliament

In India, at the Centre, there are two houses of Parliament—the Lok Sabha and the Rajya Sabha. The following table shows the differences between both houses.

Lok Sabha	Rajya Sabha
Its members are elected by the people of India.	Its members are elected by the elected members of the Lok Sabha and the Legislative Assemblies of the states.
Its members are elected for a period of five years.	Its members are elected for a period of six years.
Its maximum strength cannot be more than 552 members.	Its maximum strength cannot be more than 250 members.
Lok Sabha can be dissolved before completing its term of five years.	Rajya Sabha cannot be dissolved. One-third of its members retire after every two years.
It is also called the Lower House.	It is also called the Upper House.
It is a powerful house as it can frame or change the existing laws.	It is comparatively less powerful. No money bills can originate in the Rajya Sabha.

The Lok Sabha exercises supreme power in the country in the following ways:

- Any ordinary bills need to be passed by members of both houses. In a joint session of both houses, generally the will of the members of the Lok Sabha prevails.
- The Lok Sabha has more powers than the Rajya Sabha in monetary matters. The Rajya Sabha cannot reject money bills.
- The Lok Sabha controls the Council of Ministers. If a motion of no confidence is passed in the Parliament against any minister, then all ministers (including the Prime Minister) have to resign from their posts.

Executive

The members of the Parliament who are part of the Government and who take important decisions on behalf of the people including the Prime Minister and his Council of Ministers form the executive wing of the Government. They are called the 'Executive' as they execute the policies of the Government. Those people who are elected by the people are called the **Political Executive** (the PM and his cabinet), while the people who are appointed and remain in office even when the ruling party changes are known as **Permanent Executive** (civil servants). Because the members of the Political Executive are directly elected by the people, they exercise more powers than the Permanent Executive.

Functions of the Parliament

The Parliament consists of the elected representatives of the people. At the state level, it is known as the Legislative Assembly. The main functions of the Parliament are

- The Parliament not only makes laws for the country but also amends the existing laws. It can also revoke the existing laws.
- It exercises control over the Government. Ministers can take decisions as long as they enjoy the support of the Members of Parliament.
- The Government needs the approval of the Parliament before using public money.
- The Members of Parliament discuss and debate various policies of the Government. They can ask questions from the ministers and seek information from them.

Prime Minister and his Council of Ministers

- The Prime Minister is the leader of the party which gets a majority in the Lok Sabha elections. He chooses the members of his council. The Council of Ministers are appointed by the President on the advice of the Prime Minister.
- The Council of Ministers includes the cabinet ministers such as the ministers of home, defense and finance. These cabinet ministers form the inner ring of the Council of Ministers and take important decisions. Each cabinet minister has to support another cabinet minister in his/her work.
- The Council of Ministers also includes Ministers of State with independent charge. They attend Cabinet meetings only when they are invited.
- Ministers of State assist the Cabinet Ministers.
- Every ministry has secretaries who are civil servants. They also coordinate the working of various ministries.
- Powers of the Prime Minister are
  - He presides over the meetings of the cabinet ministers and coordinates the workings of various departments.
  - He supervises the work of various ministries, and his decisions are final.
  - He appoints the ministers. He can also transfer or dismiss his ministers. When the Prime Minister quits, the entire ministry has to quit.

- Thus, the Prime Minister is the most powerful person in the country. However, when a coalition government is formed, he is not able to take any decision at his will because he has to consult various coalition parties before taking any decision.

Cabinet – Inner ring of the Council of Ministers

The President

The President is the head of the state. His functions are ceremonial. The President is elected by the Members of Parliament and the members of the State Legislative Assemblies. Because he is not directly elected by the people of India, he is only a nominal executive. The powers of the President are

- All major policy decisions are issued by the Government in the name of the President.
- All ministers are appointed by the President on the advice of the Prime Minister. He also appoints the Chief Justice of India, judges of the Supreme Court, Election Commissioners, Ambassadors and Governors of the states. He however can appoint them only on the advice of the Prime Minister.
- All international treaties and agreements are made by the Prime Minister in the name of the President.
- No bill becomes an Act until and unless it is signed by the President. The President may send the bill back to the Parliament for reconsideration. However, when it is sent to him for the second time, he has to pass it.

- When no party gets a majority in the Lok Sabha elections, the President can appoint the leader of largest party as the Prime Minister and ask him to prove the required majority in the Lok Sabha.

The Judiciary

In India, the judiciary consists of the Supreme Court, High Courts, District Courts and the courts at the lower level. India has an integral judiciary as the Supreme Court controls judicial administration of the country. Its decisions are considered final. The Supreme Court can decide disputes which involve

- Citizens of the country
- Citizens on one side and Government on the other side
- Two or more State Governments
- Union Government on one hand and State Governments on the other hand

People who are not satisfied with the decision of the High Court can file cases in the Supreme Court.

The Supreme Court of India in New Delhi

Independence of the Judiciary

In India, the judiciary is independent from the control of the executive and legislature in the following ways:

- The judges of the Supreme Court and the High Courts are appointed by the President on the advice of the Prime Minister and in consultation with the Chief Justice of the Supreme Court. Once appointed, the judges cannot be removed from their office.
- Judges can be removed from their office by the process of impeachment which needs to be passed by two-thirds majority of the members of both houses. Hence, the process of their removal is extremely difficult.
- The salaries of the judges cannot be reduced by the Government.

Powers of the Judiciary

The powers of the judiciary are

- The Supreme Court along with the High Courts has the power to interpret the Constitution of the country.
- Any law passed by the Executive, or the Legislature can be declared null and void by the Supreme Court if it is against the spirit of the Constitution. This is known as the power of judicial review.
- The judiciary protects the fundamental rights of the people.
- Anyone can file a case in the court if the general interests of the people are hurt by any government order. This is known as public interest litigation (PIL).
- The courts can always put a check on the malpractices of the people.

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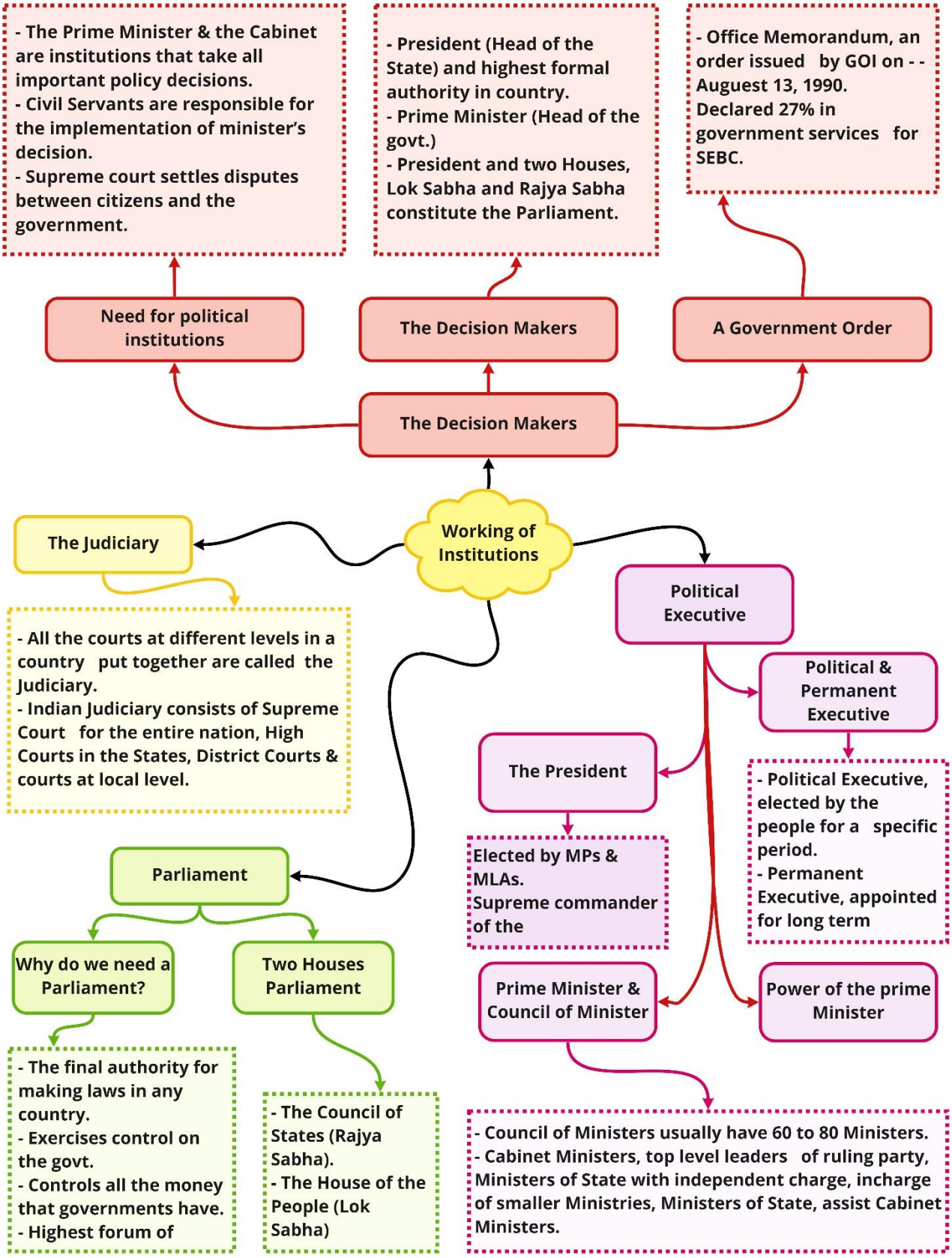

Important Questions

Multiple Choice questions-

Question 1. Who is guardian of Fundamental Rights?

(a) President

(b) Parliament

(c) Council of Ministers

(d) Judiciary

Question 2. Who among the following is part of the political executive?

(a) District Collector

(b) Secretary of the ministry of Home Affairs

(c) Home Minister

(d) Director General of Police

Question 3. Which of the following statements about the judicary 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 court if his rights are violated.

Question 4. What is the tenure of Lok Sabha?

(a) Four years

(b) Five years

(c) Six years

(d) None of these

Question 5. How many members can President nominate for Lok Sabha?

(a) 2 members

(b) 12 members

(c) 14 members

(d) None of these

Question 6. How many members of Rajya Sabha are nominated by President?

(a) 2 members

(b) 12 members

(c) 14 members

(d) None of these

Question 7. Whose accent is required for a passed bill to become law?

(a) Prime Minister

(b) President

(c) Vice-President

(d) None of these

Question 8. Who appoints Prime Minister?

(a) President

(b) Ministers

(c) Chief Justice of Supreme Court

(d) None of these

Question 9. Who acts as President if office of the President fall vacant?

(a) Prime Minister

(b) Chief Justice

(c) Vice President

(d) None of these

Question 10. Who has the power to issue ordinance in India?

(a) President

(b) Vice President

(c) Chairman of Rajya Sabha

(d) None of these

Question 11. Who appoints Chief Justice of Supreme Court?

(a) Prime Minister

(b) President

(c) Vice President

(d) None of these

Question 12. Who is interpreter of constitution?

(a) Parliament

(b) President

(c) Supreme Court

(d) None of these

Question 13. How many houses are there in Indian Parliament?

(a) One

(b) Two

(c) Three

(d) Four

Question 14. What is the term tenure of Lok Sabha?

(a) Three years

(b) Four years

(c) Five years

(d) Six years

Question 15. Which is the permanent house of the Indian Parliament?

(a) Rajya Sabha

(b) Lok Sabha

(c) Both

(d) None of these

Very Short:

1. What percentage of civil posts and services under the Government of India have been reserved for the Socially and Educationally Backward Classes (SEBC)?

2. With what name was the Second Backward Classes Commission known as?

3. Which Office Order was supposed to affect thousands of jobs every year?

4. When was the Mandal Commission constituted?

5. Write the sentence each about the role played by the following people with reference to Office Memorandum No 36012/31/90.

    1. Joint Secretary

    2. B. P. Mandal

    3. V.P. Singh

    4. Indira Sawhney

6. How does a democracy work?

7. What is the function of the Department of Personnel and Training?
8. What does the Cabinet do?
9. What does the Supreme Court do?
10. What is the job of the Parliament in India?

Short Questions:

1. What are the powers and functions of the Prime, Minister of India?
2. Write a note on the Vice-President of India.
3. Write a short note on the Council of Ministers.
4. How is the Speaker of the Lok Sabha elected? Mention some of his functions.
5. What do you know about the state legislature?
6. What is meant by Financial Emergency?
7. Write a few lines on the emergency arising out of the failure of constitutional machinery in States.

Long Questions:

1. Describe the functions of the government briefly.
2. Discuss some of the major functions of the Parliament in a democracy.
3. In what respects does the Lok Sabha appear more powerful than the Rajya Sabha?
4. What do you mean by 'Political Executive"? Briefly state functions/powers.
5. Why is the Prime Minister the most important political office in the country?

Answer Key:

MCQ:

1. (d) Judiciary
2. (c) Home Minister
3. (a) Every law passed by the Parliament needs approval of the Supreme Court
4. (b) Five years
5. (a) 2 members
6. (b) 12 members
7. (a) President
8. (a) President

9. (c) Vice President

10.(a) President

11.(b) President

12.(c) Supreme Court

13.(b) Two

14.(c) Five years

15.(a) Rajya Sabha

Very Short Answer:

1. 27% the vacancies.
2. Mandal Commission.
3. OM No. 36012/31/90-Est (SCT) dated 13.8.1990.
4. 1978.
5. 1. Joint Secretary: The officer who signed OM No. 36012/31/90.

   2. BP Mandal: The person who had headed the Second Backward Classes Commission.

   3. V. P. Singh: The Prime Minister when OM 36012/31/90 was issued.

   4. Indira Sawhney: One who filed a case against the Union of India in the Supreme Court relating to the Mandal Commission recommendations.
6. A democracy works through certain political institutions.
7. The Department of Personnel and Training decides about how and on what terms should the government employees be recruited.
8. The Cabinet meeting decides the major decisions about the country.
9. The Supreme Court is an institution where disputes about any policy or its implementation are resolved.
10. The Parliament makes laws for the country.

Short Answer:

Ans: 1. The Prime Minister is the head of the central government. All the powers vested in the President are actually exercised by the Council of Ministers under the leadership of the Prime Minister.

As a matter of fact, the most powerful office in. the central government is that of the Prime Minister.

Powers and Functions of the Prime Minister-

- He selects the members of the Council of Ministers.
- He allocates portfolios among the ministers.
- He can drop any minister.
- He presides over the meetings of the Council of Ministers.
- He decides about the policies of the government.
- He coordinates the v/ork of different ministers.
- He is also the chairman of the planning commission.
- The entire government is associated with the name of the Prime Minister.

Ans: 2. The Vice-President performs the duties and the. functions of a President in his absence or illness. If the President resigns or dies in office, the Vice-President officiates till a new President is elected.

The Vice-President is also the ex-officio chairman of the Rajya Sabha. The Vice-President in our country is elected for 5 years by an electoral college.

A candidate for the office of the Vice-President must be a citizen of India and must be of 35 years of age or above as well as he must be eligible to be a member of the Rajya Sabha.

Ans: 3. The Council of Ministers in our country is headed by the Prime Minister. In the council, there are three categories of ministers:

- The cabinet ministers,
- The ministers of state,
- deputy ministers. It is essential for the members of the Council of Ministers to be members of either house of the parliaments.

If a minister is not a member of the Parliament, he 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 remains in power as long as it enjoys the support of the majority in the Lok Sabha.

Ans: 4. The Speaker is elected by the members of Lok'Sabha among themselves. The Speaker presides over the sessions and conducts its business. The Speaker may be a member of any political party. However once elected, he has to conduct, the business of the house impartially. It is the Speaker who keeps the house in order. Though he does not vote during the voting in the house, yet he can use his casting vote in case of a tie.

Ans: 5. India is a federal country. Each of its states has a legislature. Some of the state legislatures have two houses while the maximum number of the states have only one house, the lower one. The upper house in a state legislature is known as Vidhan Parishad while the lower house is known as the Vidhan Sabha. According to the provisions of our constitution, no

legislative assembly is allowed to have more than 500 or less than 60 members.

The members of the Vidhan Sabha are elected by the people. A citizen of India of 25 years or more is able to be elected as its member.' The Legislative Assembly is generally elected for 5 years. However, it may be dissolved before its term. Just like the Parliament, in a state .legislature, the lower house that is the Legislative Assembly is more powerful than the Legislative Council.

Ans: 6. Financial Emergency is a situation in which the President of India feels that the financial Stability or the credit of India is threatened. And to cope with this situation he declares financial emergency. In financial emergency, the President can reduce the salaries of all government officials including the Judges of the Supreme Court and High Courts.

Ans: 7. When the President of our country is satisfied on the basis of the report of the governor of a state or even from other sources that the government in the state cannot be carried out in accordance with the provisions of the Constitution. In such a situation, he can declare emergency in that state. In this situation, the President can take over the entire work of the executive and dissolve or suspend the State Assembly. The governor rules in the name of the President. The budget is passed by the Parliament.

Long Answer:

Ans: 1. Administration involves a lot of governmental activities. For example, the government is responsible for ensuring the security of the citizens and providing facilities for education and health to all. It collects taxes and spends money thus raised on army, police and development programmes. It formulates several welfare schemes and elements, them.

Some persons have to take decisions on how to go about these activities. Some have to implement these decisions. If disputes arise on these decisions or in their implementation, there should be someone to determine what is right and what is wrong.

It is important that everyone should know who is responsible for doing what. It is also important that these activities are not influenced too much by the personal likes and dislikes of someone who happens Lobe doing that. So, to attend all these tasks several arrangements are made in aHrnbdem democracies. Such arrangements are called institutions. A democracy works throùgh political institutions. It works well when these institutions do what, people expect of them, do it efficiently and are answerable to the people.

Ans: 2. Legislature existš in every democracy. It exercises political authority on behalf of the people in many ways :

(a) The parliament is the final authority for making the laws in any country. This task of lawmaking or legislation is so crucial that these assemblies are called legislatures. Parliaments all over the world can make new laws, change the existing laws, or abolish the existing laws and make new ones in their place, In most countries, the parliaments can also amend the Constitution in some situations.

(b) The parliaments all over the world can criticise and 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 do so only as long as the parliament wants them to.

(c) Parliaments control public finances. In most countries, any money raised from the people can be spent only when the parliament sanctions it.

(d) The parliaments are the highest forum of discussion and debate about public issues and national policy in any country. Parliament can. seek information about any matter related to government.

(e) Parliament chooses the real chief executive called also the Prime Minister, and it can also force him to resign if he loses its confidence.

It is because of these functions and powers that the Parliament is described as supreme.

Ans: 3. Our Constitution clearly gives more powers to the directly elected house, the Lok Sabha as compared to the Rajya Sabha. This is clear from the following. 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 by a joint session in which members of both the houses meet together. Because of the larger number of members, the view of the Lok Sabha is likely to prevail in such a meeting.

(i) Lok Sabha exercises more powers in financial matters. Once the Lok Sabha passes the budget of the government or any other finance-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.

(ii) Most importantly, the Lok Sabha controls the government. The government continues in power only as long as it enjoys the support of the majority of the members in the Lok Sabha. If the majority of the Lok Sabha members say they have 'no confidence' in the Council of Ministers, all of them including the Prime Minister have to quit. This the Rajya Sabha cannot do.

Ans: 4. At different levels of any government, we find functionaries who take day-to-day decisions but do not exercise supreme power on behalf of the people. All those functionaries are collectively known as the executive. They are called executives because they are in charge of the 'execution' of the policies of the government. Thus, when we refer to 'the government' we usually mean the executive. The executive in a democratic country consists of two parts.

Those who are elected by the people for a specific period are called the political executives. These are political leaders who take the big decisions. Those who are appointed on a long-term basis are called the permanent executive or civil services. Those working in evil services are called civil servants. These are officers who work under political executives and assist them in carrying out the day-to-day administration.

In both the parliamentary and presidential systems, tire political executive does a lot more than

we think it does; The role of the executive is not limited to implementing laws made by the parliament, it also includes: The political executive actively participates in lawmaking. It is the cabinet that proposes a draft legislation that is passed by the parliament as the National Commission on Backward Glasses Act 1993.

In fact, it is mandatory that all legislation; that has to do with financial; matters should be proposed by the government, The executive frames policies and rules that are as important as the law itself. Let us recall that O.M. No. 36012/30/90 was an executive order, net a law. Subsequent decisions about who could benefit from these reservations were e also made by the executive.

Ans: 5. In a parliamentary system like ours, the head of the government is different from the head of the state. Both of them are part of the executive. But the head of the government exercises most of the real powers. This position is called the Prime Minister in most countries with parliamentary system. In our country too the Prime Minister is the head to the government. That is why the Prime Minister is the most important political office in the country.

In a parliamentary system, the head of the state appoints the head of the government. In our country7 the President appoints the Prime Minister. But this is only a formal description. What it means in real life is that the President appoints leader of the majority party or the coalition of parties that command majority in the Lok Sabha as the Prime Minister.

As the head of the government, the Prime Minister has wide-ranging powers. He chairs cabinet meetings. He coordinates the work of different departments. His decisions are final in case disagreements arise between departments; He exercises general supervision of different ministries. All ministers work under his leadership. The Prime Minister distributes and redistributes work to the ministers. Tie also has the power to dismiss ministers. When he quits, the entire ministry quits.

The extent of power that Prime Minister really wields varies a lot. It depends upon, the personality of the holder of the office, his or her authority in the ruling party and the image and following among the people. Jawaharlal Nehru, the first Prime Minister of India, exercised enormous authority because he was the supreme leader to the ruling Congress party at that time. He also had great influence on the public. But this was not true of all other Prime Ministers.