**Introduction**

In a democracy, the rulers have to follow some rules and procedures. They have to work with and within institutions. In this process, they come across three institutions that play a key role in major decisions. These institutions are legislature, executive and judiciary. In this chapter, we will understand how all the institutions together carry on the work of the government.

**Process Of Taking A Major Policy Decision**

A major policy decision is taken through a government order. To know the process of taking a major policy decision, it is important to know about government order and its issuing.

**A Government Order**

On August 13, 1990, the Government of India issued an order which was called an **Office Memorandum**. The order says that other than SC and ST, the 27% job reservation benefit will be given to a new third category called Socially and Educationally Backward Classes (SEBC). Only persons who belong to backward classes were eligible for this quota. It had a specific number. It was signed by the Joint Secretary, who is an officer in the Department of Personal and Training in the Ministry of Personal, Public Grievances and Pensions.

Decision Announced by an Order The order announced a major policy decision. According to the order, 27% of the vacancies in civil posts and services of government were reserved for SEBC (Socially and Educationally Backward Classes). Earlier benefit of job reservation was available to Scheduled Castes (SCs) and Scheduled Tribes (STs). Now the third category SEBC was also eligible for quota of 27%.

Controversy Over the Order The issuing order led to the country wide protest. Some of the protests were violent- As a result, the issue became the most debated in the media with different views and opinions. The people reacted strongly because this decision affected thousands of job opportunities.

Appeal to Stop Implementation of Order Some person and associations filed a number of cases in courts against the order. They appealed to declare the order invalid and stop its implementation. This case came to be known as the Indira Sawhney and Others vs Union of India Case.

Supreme Court’s Declaration Over the Order By a majority, the Supreme Court in 1992, declared the order valid. It also asked the government to identify its original order.

Modifications in Order and End of Dispute The order was modified and declared that well-to-do persons of backward classes should be excluded from the benefit of reservation.  
On 8th September, 1993 another memorandum was issued by the Department of Personal Training. Since then, the dispute ended and the same policy was followed.

**Main Events before the Passing of Government Order**

The main events before the passing of Government Order for OBC reservation were as follows

* The Government of India had appointed the Second Backward Classes Commission in 1979. It was neaded by BP Mandal. Hence, it was popularly called the Mandal Commission.
* The Commission gave its Report in 1980 and made many recommendations. One of these was that 27% of government jobs be reserved for the socially and economically backward classes. For several years, many parliamentarians and parties kept
* Then came the Lok Sabha election of 1989. in its election manifesto, the Janata Dal promised that if voted to power, it would implement the Mandal Commission report.
* The Janata Dal did form the government after this election.
* It’s leader VP Singh became the Prime Minister and he implemented it.

**The Decision Makers**

Who decided to issue the Memorandum? Such a major decision would have involved other major functionaries in India, which involves the following points:

* President He is the head of the state and is the highest formal authority in the country.
* Prime Minister He is the head of the government and actually exercises all governmental powers. He takes most of the decisions in the Cabinet meetings.
* Parliament It consists of the President and two houses—Lok Sabha and Rajya Sabha. The Lok Sabha or the Lower House is composed of the elected representatives of the people. The Rajya Sabha or Upper House represents the interests of the States and Union Territories. The Prime Minister must have the support of a majority of Lok Sabha members.

When the Office Memorandum was passed in India, it was a hot debate issue. Some felt that this was unfair as it would deny equality of opportunity to those who did not belong to backward communities. At the same time, others felt that this would give a fair opportunity to those communities which so far had not adequately been represented in government employment. This dispute was finally resolved by the Supreme Court of India by hearing all the cases. This case was known as the ‘**Indira Sawhney and Others Vs Union of India case**’. The Supreme Court judges in 1992 declared that this order of the Government of India was valid. Thus, the dispute came to an end, and this policy has been followed since then.

In our country, all the major decision are taken by the council of ministers in the cabinet meetings headed by the Prime Minister. After that, the decisions are discussed in Parliament (Lok Sabha and Rajya Sabha) and after the approval of Parliament (approval by the majority of members of Lok Sabha and Rajya Sabha), It is sent to President for final approval. Once the decision is approved by the President, it is ready to be implemented and issued by the concerned government authority (officer) as government order.

**How to Oppose Government Decisions**

If Some people or associations are not satisfied by government orders and there is a dispute regarding government order, then they can file the cases in the Supreme Court or in High Court.

For example, some persons and associations filed a case in the Supreme Court against the Government of India decision of 27% of reservation for socially and educationally backward classes in civil posts and services. This case was known as ‘Indira Sawhney and Other vs Union of India Case’.

**Need for Political Institutions**

The arrangements made in the democracies to take decisions implemented the decision to see what is wrong and what is right in case of disputes regarding the decision are sailed Political Institutions.

So without the functions of (the tasks assigned to the political institution, the democracy cannot work. Institutions involve rules and regulations, which can bind the hands of the leaders. By having meetings arid making committees institution consult a wider set of people for any decision, Institution makes it difficult to have a good decision taken very quickly, but at the same time, they make it equally difficult to rush through a bad decision.

Several arrangements are made in modern democracies, which are called **Institutions**. Democracy works well when these institutions perform functions assigned to them.

1. Institutions involve meetings, committees and routines. This often leads to delays and complications.
2. Some of the delays and complications introduced by institutions are very useful as they provide an opportunity for a wider set of people to be consulted.
3. 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.

**Parliament**Decisions are not directly taken in Parliament, but parliamentary discussions on the report influence and shape the decision of the government. These discussions bring pressure on the government to act. If Parliament is not in favour of the decision, then the Government cannot go ahead and cannot implement the decision.

Parliament is a set of people elected regularly by the people of the country, directly (through direct elections) or Indirectly (through indirect election).

All the by the government, before implementation, are put in the Parliament for discussion. Decisions can be implemented only after the approval by the Parliament.

**Need of Parliament**

An assembly of elected representatives is called **Parliament,** which exercises supreme political authority on behalf of the people. At the state level, this is called the Legislature **or Legislative Assembly**. The name may vary in different countries, but such an assembly exists in every democracy.

Parliament exercises political authority on behalf of the people in many ways, as listed below:

We need Parliament due to the following reasons.

* Parliament is the final authority for making new laws and changing existing laws in our country.
* In India, the control of Parliament over the government is direct and full. Those who run the government can take decisions only as long as they enjoy the support of the Parliament
* Parliament controls all the money that the government has. In most countries, public money can be spent only when Parliament sanctions it.
* Parliament is the highest forum of discussion and debate on public issues and national policy in my country. Parliament can seek information about any matter.

**Two Houses of Parliament**

The Parliament plays a central role in modern democracies. Large countries have divided the role and powers of Parliament into two parts. They are called Chambers or Houses.

Usually, One house is directly elected by the people and exercises the real power on behalf of the people. The second house is usually elected indirectly, its main work is to look after the Interests of Various States, regions or federal units. Indian Parliament consists of two houses or chambers.

In India, Parliament consists of 2 houses. The two houses are known as:

1. The **Council of States (Rajya Sabha)**
2. The **House of the People (Lok Sabha)**

Lok Sabha (House of the People) or Lower Chamber It is Usually directly elected by the people and exercises the real power on behalf of the people.

Rajya Sabha (Council of States) or Upper Chamber It is indirectly elected and performs special functions such as interest of various states, regions or federal units.

The Indian Constitution does give the Rajya Sabha some special powers over the states. But on most matters, the Lok Sabha exercises supreme power. Here are some points that illustrate this:

1. 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 houses sit together. The view of the Lok Sabha is likely to prevail in such a meeting since there are a lot many members of the Lok Sabha.
2. Lok Sabha exercises more powers in money matters.
3. Lok Sabha controls the Council of Ministers.

The President of India is a part of the parliament of, although she is not a member of either house. Due to this reason, all laws made in the houses come into force only after they receive the assent of the President.

**Special Powers of Lok Sabha** **Over Rajya Sabha**

Our Constitution gives some special powers to Rajya Sabha but on most of the matters, the Lok Sabha exercises supreme power.

**These are**

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, where the view of Lok Sabha is likely to prevail because of its larger number of members.

Lok Sabha exercises more powers in money matters. Once the Lok- Sabha passes the budget of the government or any other money-related law or Money Bill, foe Rajya Sabha cannot reject it.

The Rajya Sabha can only delay it by 14 days or suggest to change it. But, foe Lok Sabha may or may not accept these changes.

Most importantly, foe Lok Sabha controls foe Council of Ministers. Only a person Who enjoys the support of foe majority of foe members in foe Lok Sabha is appointed foe Prime Minister. If the majority of foe LokSabha members say that they have ‘no confidence’ in foe Council of Ministers, all ministers including foe Prime Minister have to quit. But, foe Rajya Sabha does not have this power.

**Executive**At different levels of any government, functionaries take day-to-day decisions but do not exercise supreme power on behalf of the people. All these functionaries are collectively known as the **executive**. This executive is in charge of the ‘execution’ of the policies of the government. Thus, when we talk about the government, we usually mean the executive.

The functionaries (the people and organisation) who take day-to-day decisions but do not exercise supreme power on behalf of the people are known as executive. They are called executive because they are in charge of the execution of the policies of the government. By executive we usually mean the government.

**Political and Permanent Executive**

In a democratic country, two categories make up the executive. They are Political executive and Permanent executive.

Political Executive They are elected by the people for a specific period. They take major decisions. Political leaders fall in these categories.

Permanent Executive They are appointed on a long-term basis. They are also known as civil servants. They remain in office even when the ruling party changes. They work under the political executive and assist them for carrying out daily administration.

1. One that is elected by the people for a specific period is called the **political executive**. Political leaders who take big decisions fall into this category.
2. People who are appointed on a long-term basis are called **permanent executives or civil services**. People working in civil services are called **civil servants**. They remain in office even when the ruling party changes. These officers work under the political executive and assist them in carrying out the day-to-day administration.

**Powers of Permanent and Political Executive**

The political executive has more power than the permanent executive. This is because the political executive is elected by the people and in a democracy will of people is supreme. The political executive exercise the will of the people on their behalf. They are **Answer**able to the people for all consequences of their decisions.

Permanent executive are more educated and-have expertise on the subject of ministry. For instance, advisor of the finance ministry know more about economics than the finance minister.

But still decision of the finance minister will be the final. Political executive call take advice of the permanent executive arid then decide the overall framework and objectives of the policy to be implemented.

**Why Is the Minister More Powerful than the Civil Servant?**

In a democracy, the will of the people is supreme. The minister is an elected representative of the people and thus empowered to exercise the will of the people on their behalf. The minister is finally **Answer**able to the people for all the consequences of his/her decision. That is why the minister takes all the final decisions. The minister is not and is not expected to be an expert in the matters of her ministry. The minister takes the advice of experts on all technical matters and then takes the decision.

**Prime Minister**

The Prime Minister is the head of the government and actually exercises all the government powers. He is the most important political institution in the country.

**Appointment of Prime Minister**

There is no direct election to the post of the Prime Minister. The President appoints the leader of the majority party or the coalition of parties that commands a majority in the Lok Sabha as a Prime Minister. In case, no single party gets a majority, the President appoints the person most likely to secure majority support.

Collective Responsibility For any decision or action of the Cabinet, the Council of Ministers is collectively responsible. If any of the Cabinet decisions is not approved by the Parliament, the entire Council of Ministers has to resign.

**Tenure of Prime Minister**

The Prime Minister does not have a fixed tenure.

He continues in power as long as he remains the leader of the Majority or coalition party.

**Powers of the Prime Minister**

The Prime Minister has wide-ranging powers.

**These are**

* On the advice of the Prime Minister, the President appoints other ministers.
* The Prime Minister is free to choose ministers, as long as they are members of Parliament.
* He chairs and takes most of the decisions in the Cabinet meetings.
* He coordinates the work of different departments and his decisions are final in case disagreements arise between departments.
* He exercises general supervision of different ministries and all ministers work under his leadership.
* He distributes and redistributes work to the ministers.
* He also has the power to dismiss ministers. When Prime Minister quits, the entire ministry quits.

**Council of Ministers**

It is the official name for the body that includes all the ministers. It usually has 60 to 80 ministers of different ranks. The Council of Ministers has collective responsibility.

**The Council of Ministers comprise**

Cabinet Ministers are usually top-level leaders of the ruling party or parties who are in charge of the major ministries. They meet to take decisions in the name of the Council of Ministers. The cabinet is the inner ring of the Council of Ministers. It comprises about 20 ministers.

Ministers of State with independent charge are usually in charge of smaller ministries. They participate in the Cabinet meetings only when specially invited.

Ministers of State are attached to and required to assist Cabinet Ministers.

**Appointment of Council of Ministers**

After the appointment of the Prime Minister, the President appoints the Council of Minister on the advice of Prime Minister. They are usually from the party or coalition that has the majority in Lok Sabha. Some times, a person who is not a member of Parliament can also become a minister. But such a person has to get elected to one of the Houses of Parliament within 6 months of his appointment.

**Cabinet Form of Government**

Since it is not practical for all ministers to meet regularly and discuss everything, the decisions are taken in Cabinet meetings. That is why parliamentary democracy in most countries is often known as the Cabinet form of government.

The secretaries provide the necessary background information to the ministers to take decisions. The Cabinet as a team is assisted by the Cabinet Secretariat. This includes many senior civil servants who try to coordinate the working of different ministries.

**The President**

The President is the head of the state. In our political system, the head of the state exercises only nominal powers. Thus, the President is like the Queen of Britain, whose functions are to a large extent ceremonial.

The President supervises the overall functioning of all the political institutions in the country, so that they operate in harmony to achieve the objectives of the state.

**Appointment of the President**

The President of India is elected indirectly, by an electoral college, in accordance with the system of proportional representation by means of the single transferable vote.

**The electoral college consists of**

* the elected Members of both Houses of Parliament (MPs).
* the elected Members of the Legislative Assemblies of the states (MLAs),
* the elected Members of the Legislative Assemblies (MLAs) of Union Territories of Delhi and Puducherry.

A candidate standing for President’s post has to get a majority of votes to win the election. This ensures that the President can be seen to represent the entire nation. The President can never claim the kind of direct popular mandate that the Prime Minister can. This ensures that he remains only a nominal executive.

**The Presidential System**

Presidents all over the world are not always nominal executives like the President of India. The US President is directly elected by the people. He personally chooses and appoints all ministers.

The lawmaking is still done by the Legislature (called the Congress in the US), but the President can veto any law. Most importantly the US President does not need the support of the majority of members in the Congress and neither is. he **Answer**able to them. The President has a fixed tenure of 4 years and completes it even if his party does not have a majority in 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.

**Powers of the President**

The President enjoys the following powers

All governmental activities take place in the name of the President. All laws and major policy decisions of die government are issued in her name.

All major appointments are made in the name of the President. These include the appointment of the Chief Justice of India, the Judges of the Supreme Court and the High Courts of the states, the Governors of the states, the Election Commissioners, Ambassadors to other countries, etc.

Electoral College A specially constituted elected body’to elect the President and Vice-President of India.

All international treaties and agreements are made in the name of the President. The President is the supreme commander of the defence forces of India. The President has emergency powers i.e. powers to deal with an unexpected and critical situation, e.g. power to declare emergency or President’s rule and issuing an ordinance.

**Power to Appoint Prime Minister**

President appoints Prime Minister. The leader of the party or coalition of parties who secures a clear majority in the Lok Sabha elections is appointed as Prime Minister. When no party or coalition gets a majority in the Lok Sabha, the President exercises her discretion and\*appoints a leader who in her opinion can muster majority support in the Lok Sabha.

**Limitation on the Power of the President**

Inspite of these powers, there is a limitation on the powers of the President. He can exercise all these powers only on the advice of the Council of Ministers. The President can ask the Council of Ministers to reconsider its advice. But if the same advice is given again, the President is bound to act according to it. Similarly, a bill passed by the Parliament becomes a law only after the President gives assent to it. If the President wants, she can delay this for some time and send the bill back to the Parliament for reconsideration. But if the Parliament passes the bill again, the President has to sign it.

**The Judiciary**

Judiciary refers to an institution empowered to administer justice and provide a mechanism for the resolution of legal disputes. All the courts at different levels in a country put together are called the judiciary.

The Indian judiciary consists of a Supreme Court for the entire nation, High Courts and Subordinate Courts in the states, District Courts and the courts at the local level and Lok Adalats. India has an integrated or unified judiciary. It means that the Supreme Court controls the judicial administration in the country. Its decisions are binding on all other courts of the country.

**Independence of Judiciary**

It means that judiciary is not under the control of the legislature or the executive. The judges do not act on the direction of the government or according to the wishes of the political party in power. That’s why all modem democracies including India have courts that are independent of the legislature and the executive.

**Appointment of Judges of Supreme Court and High Courts**

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. The senior judges of the Supreme Court select the new judges of the Supreme Court and the High Courts. There is, very little scope of interference by the political executive. The senior most judge of the Supreme Court is usually appointed the Chief Justice.

**Removal of a Judge of Supreme Court and High Court**

Once a person is appointed as judge of the Supreme Court or the High Court, it is nearly impossible to remove him or her from that position. It is as difficult as removing the President of India.

A judge can be removed only by an impeachment motion passed separately by two-thirds members of the two houses of the Parliament. It has never happened in the history of Indian democracy.

**Powers of the Supreme Court**

The Supreme Court can take up any dispute

* between citizens of the country
* between citizens and government
* between two or more State Governments
* between governments at the union and state level

**Role of the Supreme Court and the High Courts**

The Supreme Court and the High Courts have the power to interpret the constitution of the country. They can declare invalid any law of the legislature or the actions of the executive, whether at the union level or state level if they find such law or action is against the Constitution. They can determine the constitutional validity of any legislation or action of the executive in the country when it is challenged before them. This is known as the judicial review.

The Supreme Court of India was also ruled that the core or basic principles of the. The constitution cannot be changed by Parliament.

**Judiciary as the Highest Authority**

The powers and the independence of the Indian judiciary allow it to act as the guardian of the Fundamental Rights. Anyone can approach the courts if the public interest is hurt by the actions of the government. This is called Public Interest Litigation (PIL).  
The courts intervene to prevent the misuse erf the government’s power to make decisions. They check malpractices on the part of public officials. That is why, the judiciary enjoys a high level of confidence among the people.

**Question** The President of India is the highest formal authority in the \_\_\_\_\_\_\_ .  
**Answer** State

**Question** Prime Minister is the one who actually exercises all governmental powers and he is the head of the \_\_\_\_\_\_\_ .

**Answer** Government

**Question** Who exercises more powers in money matters?

**Answer** The Lok Sabha

**Question** On August 13, 1990, the Government of India issued an office memorandum for 27% reservation for socially and educationally Backward classes in \_\_\_\_\_\_\_ .

**Answer** Civil posts or services under Government of India

**Question** An institution where disputes between citizens and the government of India are finally settled, is \_\_\_\_\_\_\_ .

**Answer** The Supreme Court

**Question** In India, a national assembly of elected representatives is called \_\_\_\_\_\_\_ .

**Answer** Parliament

**Question** An assembly of elected representatives at the state level is called \_\_\_\_\_\_\_ .

**Answer** Legislative Assembly or Legislature

**Question** The President of India is a part of the Parliament, although he/she is not a \_\_\_\_\_\_\_ .

**Answer** Member of either House

**Question** Our constitution gives the Rajya Sabha some special powers over :

**Answer** The states

**Question** In a democratic country like India there are two types of executives. They are \_\_\_\_\_\_\_ .

**Answer** Political Executive and Permanent Executive

**Question** Name a government formed by an alliance of two or more political parties, usually when no single party enjoys majority support of the members in a legislature.

**Answer** Coalition Government

**Question** What is the full form of SEBC?

**Answer** Socially and Economically Backward classes.

**Question** Who appoints the judges of the Supreme Court?

**Answer**  The President on the advice of the Prime Minister and in consultation with the chief Justice of the Supreme Court.

**Question** Who was the head of the Mandal Commission?

**Answer** B.R Mandal.

**Question** Who is the most important institution in the country?

**Answer** The Prime Minister is the most important institution in the country.

**Question** What is the Parliament?

**Answer** Parliament is the Supreme law—making body of India.

**Question** Name the two houses of the Parliament.

**Answer** The two houses are—Lok Sabha and Rajya Sabha.

**Question** Who is the Supreme Cammander of the defence forces of India?

**Answer** The President is the Supreme Commander of the defence force of India.

**Question** What is meant by ‘Office Memorandum’?

**Answer** A communication issued by an appropriate authority stating the policy or decision of the government.

**Question** What is the role of the President of India?

**Answer** The President is the Executive head of the state and is the highest formal authority in the country.

**Question** What do you know about Mandal Commission?

**Answer** Mandal Commission was asked to determine the criteria to identify the socially and educationally backward classes in India and recommend steps to be taken for their advancement.

**Question** Who have the power to interpret the Constitution of the country?

**Answer** The Supreme Court and the High Court have power to interpret the constitution of the country.

**Question** Why does the political executive have more powers than the permanent executive?

**Answer** It is because political executive consists of the direct representatives of the people.

**Question** Who were against Mandal Commission’s Recommendations?

**Answer** Some of the people felt that this commission’s recommendations were quite unfair as it would deny equality of opportunity to those who did not belong to backward communities. They would be denied jobs even though they could be more qualified.

**Question** What do you understand by an executive?

**Answer** 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.

**Question** What do you mean by judiciary?

**Answer** All the Courts at different levels in a country put together are called the judiciary.

**Question** What do you understand by public interest litigation?

**Answer** Anyone can approach the courts if public interest is hurt by the actions of government. This is called public interest litigation.

**Question** Who are Cabinet Ministers?

**Answer** Cabinet Ministers are usually top-level leaders of the ruling party or parties who are in-charge of the major ministries.

**Question** What do you understand by the term ‘Political Executive’?

**Answer** The one that is elected by the people for a specific period, is called political executive.

**Question** What do you mean by ‘Permanent Executive’?

**Answer** Permanent Executive members are appointed on a long-term basis. This category is also called civil services.

**Question** What is judicial review?

**Answer** The Supreme Court and the High Courts can declare invalid any law or action of the legislature, if they find such a law or action is against the constitution. They can determine the Constitutional validity of any legislation or action of the executive in the country, when it is challenged before them. This is known as judicial review.

**Question** The government issued an Order on 13 August, 1990. What was that Order?

**Answer** On 13 August, 1990, the Government of India issued an Order. 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 Educationally 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.

**Question** Why do we need Political Institutions?

**Answer** Governing a country involves various activities. To attend to all these activities, several arrangements are made in all modern democracies. Such arrangements are called institutions. A democracy works well when institutions perform functions assigned to them. The Constitution of any country lays down basic rules on the powers and functions of each institution. All the major decisions are taken by these institutions. Institutions formulate various policies and programmes. Institutions are required to solve the disputes between the citizens and the government.

**Question** How are the delays and complications introduced by the institutions useful in a democracy?

**Answer** Institutions involve rules and regulations. This can bind the hands of leaders. Institutions involve meetings, committees and routines. This often leads to delays and complications. Therefore, dealing with institutions can be frustrating. One might feel that it is much better to have one person take all the decisions without any rules, procedures and meetings. But, that is not the spirit of democracy. Some of the delays and complications introduced by institutions are very useful. They provide an opportunity for a wider set of people to be consulted in any decision. 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.

**Question** Why do the political executives have more power than the permanent executives?

**Answer** It is due to the following reasons :

* The reason is very simple. In a democracy, the will of the people is supreme. The minister is elected by the people and thus empowered to exercise the will of the people on their behalf. He/She is finally **Answer**able to the people for all the consequences of his/her decision. That is why, the minister takes all the final decisions.
* The minister decides the overall framework and objectives in which decisions on policy should be made. The minister is not, and is not expected to be, an expert in the matters of his/her ministry. The minister takes the advice of experts on all technical matters. But, very often, experts hold different opinions or place more than one option before him/her.
* Depending on what the overall objective is, the minister decides. Actually, this happens in any large organisation. Those who understand the overall picture, take the most important extra decisions, not the experts. The experts can tell the route, but someone with a larger view decides the destination. In a democracy, elected ministers perform this role.

**Question** What are three categories of ministers which constitute the council of Ministers?

**Answer** Council of Ministers is the official name for the body that includes all the Ministers. It usually has 60 to 80 Ministers of different ranks.

* Cabinet Ministers are usually top-level leaders of the ruling party or parties who are in-charge of the major ministries. Usually, the Cabinet Ministers meet to take decisions in the name of the Council of Ministers. Cabinet is, thus, the inner ring of the Council of Ministers. It comprises about 20 Ministers.
* Ministers of State with independent charge are usually in-charge of smaller Ministries. They participate in the Cabinet meetings only when they are specially invited.
* Ministers of State are attached to and required to assist Cabinet Ministers. Since it is not practical for all Ministers to meet regularly and discuss everything, the decisions are taken in Cabinet meetings. That is why, parliamentary democracy in most countries is often known as the Cabinet form of government. The Cabinet works as a team. The Ministers may have different views and opinions, but everyone has to own up to every decision of the Cabinet.

**Question** Why is an independent and powerful judiciary considered essential for democracies?

**Answer** We consider an independent and powerful judiciary necessary for democracies because of the following reasons :

* Settling disputes at national level.
* To judge the actions of the government.
* To give fair judgment that everyone will trust (in) To accept appeal of people.

Therefore, an independent and powerful judiciary is considered essential for democracies.

**Question** What does the independence of the judiciary mean?

**Answer** Independence of the judiciary means that it is not under the control of the legislature or the executive. The judges do not act on the direction of the government or according to the wishes of the party in power. That is why, all modern democracies have courts that are independent of the legislature and the executive. The Indian Judiciary is one of the powerful in the world in the sense that it can declare law invalid if it is against the Constitution. The powers and the independence of the Indian judiciary allow it to act as the guardian of the Fundamental Rights.

**Question** How can you say that our judiciary is the guardian of the fundamental rights?

**Answer** Our judiciary is the guardian of the fundamental rights :

* The citizens have a right to approach the courts to seek remedy in case of any violation of their rights. In recent years, the Courts have given several judgements and directives to protect public interest and human rights.
* Anyone can approach the courts if public interest is hurt by the actions of 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 officials. That is why, the judiciary enjoys a high level of confidence among the people. (Any three)

**Question** Who appoints the Prime Minister and the Council of Ministers?

**Answer** The Prime Minister is appointed by the President. But, he cannot appoint anyone he/ she likes. He/she appoints the leader of the majority party or the coalition of the parties that commands a majority in the Lok Sabha, as Prime Minister. In case, no single party or alliance gets a majority, the President appoints the person most likely to secure a majority support.

After the appointment of the Prime Minister, the President appoints other Ministers on the advice of the Prime Minister. The Ministers are usually from the party or the coalition that has the majority in the Lok Sabha. The Prime Minister is free to choose Ministers, as long as they are members of Parliament.

**Question** Who are the major functionaries in India?

**Answer** The major functionaries in India are :

* President is the head of the state and is the highest formal authority in the country.
* Prime Minister is the head of the government and actually exercises all governmental powers. He takes most of the decisions in the cabinet meetings.
* Parliament consists of the President and two Houses, the Lok Sabha and the Rajya Sabha. The Prime Minister must have the support of a majority of Lok Sabha members.

**Question** What is the importance of civil servants in running the government?

**Answer** The civil servant is usually more educated and has more expert knowledge of the subject. The advisors working in the Finance Ministry know more about economics them the Finance Minister. Sometimes, the ministers may know very little about the technical matters that come under their ministry. This could easily happen in ministries like Defence, Industry, Health, Science and Technology, Mining, etc.

**Question** How is the President of India elected?

**Answer** The President is not elected directly by the people. The elected Members of Parliament (MPs) and the elected Members of the Legislative Assemblies (MLAs) elect him/her.

* A candidate standing for President’s post must get a majority of votes to win the election. This ensures that the President can be seen to represent the entire nation.
* The President can never claim the kind of direct popular mandate that the Prime Minister can. This ensures that he/she remains only a nominal executive.

**Question** What is the procedure for the removal of the judges?

**Answer** The procedure for the removed of a judge is called an impeachment. An impeachment motion is passed separately by two-thirds members of the two Houses of the Parliament. Thus, the judges who are appointed by the President cannot be removed by the President alone. Both the Lok Sabha and the Rajya Sabha must pass a resolution by two-thirds majority to remove a judge.

**Question** What makes the President ip India a nominal executive?

**Answer** While the Prime Minister is the head of the government, the President is the head of the State. In our political system, the head of the State exercises only nominal powers. The president in India is only a nominal executive because :

* The President supervises the overall functioning of all the political institutions in the country so that they operate in harmony to achieve the objectives of the state.
* All the major decisions are taken by the Council of Ministers headed by the Prime Minister and the role of the President is only to accept it and sign it.

**Question** What was Mandal Commission? Why was it appointed? What were the major recommendations of this Commission?

**Answer** The Government of India had appointed the Second Backward Classes Commission in 1979. It was headed by B.R Mandal. Hence, it was popularly called as the Mandal Commission.

* It was asked to determine the criteria to identify the socially and economically backward classes in India and recommend steps to be taken for their advancement.
* The commission gave its report in 1980 and made many recommendations. One of these was that 27 per cent of government jobs be reserved for the socially and economically backward classes.

**Question** How does the President exercise his discretion?

**Answer** When a party or coalition of parties secures a clear majority in the elections, the President, has to appoint the leader of the majority party or the coalition that enjoys majority support in the Lok Sabha.

When no party or coalition gets a majority in the Lok Sabha, the President exercises her discretion. The President appoints a leader who in her opinion can muster majority support in the Lok Sabha. In such a case, the President can ask the newly appointed Prime Minister to prove majority support in the Lok Sabha within a specified time.

**Question** Explain the process of appointment of a judge of the Supreme Court and the High Courts.

**Answer** The process of appointment of a judge of the Supreme Court and the High Courts is as follows :

* 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. But, once appointed, they are free to pass judgment.
* In practice, the senior judges of the Supreme Court select the new judges of the Supreme Court and the High Courts. The senior most judge of the Supreme Court is usually appointed by the Chief Justice.

**Question** Describe some of the activities involved in governing a country.

**Answer** Governing a country involves various activities. For example, the government is responsible for ensuring security to the citizens and providing facilities for education and health to all. It collects taxes and spends the money raised on administration, defence and development programmes. It formulates and implements several welfare schemes. Some persons have to take decisions on how to go about these activities. The others have to implement these decisions. It is also important that these activities keep taking place even if the persons in key positions change.

**Question** Why do we need Parliament?

Or  
What are the various ways by which parliament exercises authority.

**Answer** In India, a national assembly of elected representatives is called Parliament. It exercises political authority on behalf of the people.

* Parliament is the final authority for making laws in a 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, or abolish existing laws and make new ones in their place.
* Parliaments all over the world exercise some control over those who run the government. In some countries like India, this control is direct and full. Those who run the government, can take decisions only so long as they enjoy support of the Parliament.
* Parliaments control all the money that governments have. In most countries, the public money can only be spent when the Parliament sanctions it.
* Parliament is the highest forum of discussion and debate on public issues and national policy in any country. Parliament can seek information about any matter.

**Question** What are the powers and functions of the President of India?

**Answer** The powers and functions of the President of India are given below :

* All governmental activities take place in the name of the President. All laws and major policy decisions of the government are issued in his/her name.
* All major appointments are made in the name of the President. These include the appointment of the Chief Justice of India, the Judges of the Supreme Court and the High Courts of the states, the Governors of the states, the Election Commissioners, ambassadors to other countries, etc.
* All international treaties and agreements are made in the name of the President.
* The President is the supreme commander of the defence forces of India.
* 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 and send the bill back to the Parliament for reconsideration. But, if the Parliament passes the bill again, he/she must sign it.

**Question** What are the functions of the Supreme Court?

**Answer** The functions of the Supreme Court are :

* It can take up any dispute between the citizens of the country. :
* It can take up any dispute between the citizens and government.
* It can take up any dispute between two or more state governments.
* It can take up any dispute between the governments at the Union and state level,
* It can determine the Constitutional validity of any legislation or action of the executive in the country, when it is challenged before them. This is known as the judicial review.
* The Supreme Court and the High Courts have the power to interpret the Constitution of the country. They can declare invalid any law of the 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. (Any five)

**Question** What are the functions and powers of the Prime Minister?

**Answer** The Constitution does not say very much about the powers of the Prime Minister or the Ministers or their relationship with each other. But, as the head of the government, the Prime Minister has wide-ranging powers.

* He/she chairs Cabinet meetings. He/she coordinates the work of different Departments.
* His/her decisions are final in case of any disagreements arise between Departments.
* He/she exercises general supervision of different ministries. All the ministers work under his/her leadership.
* The Prime Minister distributes and redistributes work to the Ministers. He/she also has the power to dismiss Ministers. When the Prime Minister quits, the entire ministry quits.
* The Prime Minister controls the Cabinet and Parliament through the party.

**Question** What was the ‘Indira Sawhney and others Vs Union of India case’ and how was it settled

**Answer** Some persons and associations opposed to the order regarding the reservation of jobs for backward classes and filed a number of cases in the courts. They appealed to the courts to declare the order invalid and stop its implementation. The Supreme Court of India bunched all these cases together. This case was known as the ‘Indira Sawhney and others Vs Union of India case’.

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

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

**Question** How can you say that the Mandal Commission became a major issue in 1980 in India?

**Answer** The Mandal Commission was the most hotly debated issue in the country in 1980 in India. Newspapers and magazines were full of different views and opinions on this issue. It led to widespread protests and counter protests, some of which were violent. People reacted strongly because this decision affected thousands of job opportunities. Some felt that existence of inequalities among people of different castes in India necessitated job reservations. They felt that this would give a fair opportunity to those communities who, so far, had not adequately been represented in government employment. While, others felt that this was unfair as it would deny equality of opportunity to those who did not belong to backward communities. Some felt that this would perpetuate caste feelings among people and hamper national unity.

**Question** What are the various ways by which parliament exercises authority. How is the Lok Sabha more powerful than the Rajya Sabha?

Or

Describe the ways in which Lok Sabha is more powerful than Rajya Sabha.

**Answer** Our Constitution does give the Rajya Sabha some special powers over the states. But, on most matters, the Lok Sabha exercises supreme power.

* 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 the Lok Sabha is likely to prevail in such a meeting.
* The 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.
* 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 as 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

**Question** 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.

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

**Question** 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

**Answer** (c) Home Minister.

**Question** 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.

**Answer** (a) Every law passed by the Parliament needs approval of the Supreme Court.

**Question** 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

**Answer** (d) The Parliament

A parliament is a legislature. More specifically, “parliament” may refer only to a democratic government’s legislature. The term is derived from the French parlement, the action of parler a parlement is a discussion. The term came to mean a meeting at which such a discussion took place.It acquired its modern meaning as it came to be used for the body of people.who would meet to discuss matters of state.

**Question** Match the ministry with the news that the ministry may have released.

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

**Answer**

|  |  |
| --- | --- |
| (a) A new policy is being made to increase the jute exports from the country. | (iv) Ministry of Commerce and Industry |
| (b) Telephone services will be made more accessible to rural areas. | (v) Ministry of Communications and Information Technology |
| (c) The price of rice and wheat sold under the public distribution system will go down. | (ii) Ministry of Agriculture, Food and Public Distribution |
| (d) A pulse polio campaign will be launched | (iii) Ministry of Health |
| (e) The allowances of soldiers posted on high altitudes will be increased | (i) Ministry of Defence |

**Question** Of all the institutions that we have studied in this chapter, name the one that exercises the powers on each of the following matters.

(a) Decision on allocation of money for developing infrastructure like roads, irrigation etc. and different welfare activities for the citizens.

(b) 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.

**Answer** (a) The executive (political), the government

(b) The Parliament (Lok Sabha)

(c) The Supreme Court (Judiciary)

(d) The Executive (Permanent) civil servants

**Question** 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 Minister even before the expiry of their term.

(c) Since the Prime Minister in appointed by the president there is no need for it.  
(d) Direct election of the Prime Minister will involve a lot of expenditure on the election.  
**Answer** The most appropriate answer is (a).

This is because, in India, only the leader of the majority party/parties in the Lok Sabha can become the Prime Minister. Moreover, if the directly elected Prime Minister who does not have the support of the majority is appointed as the Prime Minister, there are chances that policies or laws suggested by him would not be passed in the Lok Sabha. This would lead to the government being run ineffectively.

**Question** Three friends went to watch a film that showed the hero becoming Chief Minister for a day and making big changes in the state. Imran said this is what the country needs. Rizwan said this kind of a personal rule without institutions is dangerous. Shankar said all this is a fantasy. No minister can do anything in one day. What would be your reaction to such a film?

**Answer** I would choose to have a majority in the Lok Sabha, as the Lok Sabha is more powerful than the Rajya Sabha because:

1. If any law is not passed by both the houses, the final decision is taken in the joint session in which members of both the houses sit together but because of the larger number of members, the view of the Lok Sabha is likely to prevail.
2. The Lok Sabha exercises more powers in money matters too. Once the Lok Sabha passes the budget of the government or any other money-related law, the Rajya Sabha cannot reject it.
3. Most importantly, the Lok Sabha controls the Council of Ministers. If the majority of the Lok Sabha members say they have no confidence in the Council of Ministers, it has to quit, whereas the Rajya Sabha does not have this power.

**Question** A teacher was making preparations for a mock parliament. She called two students to act as leaders of two political parties. She gave them an option: Each one could choose to have a majority either in the mock Lok Sabha or in the mock Rajya Sabha. If this choice was given to you, which one would you choose and why?

**Answer** I would choose to have a majority in the mock Lok Sabha. This is because of the following reasons:

1. The leader of the Lok Sabha is directly answerable to the public, as they are directly elected by them.
2. Any ordinary law needs to be passed by both the houses. However, in an undecided situation, the decision of Lok Sabha always prevails due to more members.
3. Lok Sabha exercises more power in cases related to money bills as they originate here.
4. The Council of Ministers is controlled by the Lok Sabha.
5. Lok Sabha has more powers compared to the Rajya Sabha.

**Question** After reading the example of the reservation order, three students had different reactions to the role of the judiciary. Which view, according to you, is a correct reading of the role of the judiciary?

(a) Srinivas argues that since the Supreme Court agreed with the government, it is not independent.  
(b) Anjaiah says that the judiciary is independent because it could have given a verdict against the government order. The Supreme Court did direct the government to modify it.  
(c) Vijaya thinks that the judiciary is neither independent nor conformist, but acts as a mediator between opposing parties. The court struck a good balance between those who supported and those who opposed the order.

**Answer**   
(a) The argument given by Srinivas is not correct. After hearing arguments of both sides the Supreme Court declared the order of the Government of India on reservations as valid. Agreeing with the valid order of the government does not mean that the judiciary is not independent. Moreover, the Supreme Court directed the government to modify its original order. This also proves that the judiciary is independent.

(b) The view of Anjaiah is correct.

(c) The view of Vijaya is not correct. The job of the courts is not to act as a mediator between the two parties, but decide the case according to its merits and the law.