

READING MATERIAL

- 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 exercises all governmental powers. He takes most of the decisions in the Cabinet meetings.
- Parliament consists of two Houses, Lok Sabha and Rajya Sabha. The Prime Minister must have the support of a majority of Lok Sabha members.

OFFICE MEMORANDUM

O.M. No. 36012/ 31/90 was born on August 13, 1990. 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). (castes that are considered backward by the government).

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

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

In the Lok Sabha election of 1989, 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. Its leader V. P. Singh became the Prime Minister. Several developments took place after that:

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

On 6 August 1990, the Union Cabinet took a formal decision to implement the recommendations. Next day Prime Minister V.P. Singh informed the Parliament about this decision through a statement in both the Houses of Parliament.

The decision of the Cabinet was sent to the Department of Personnel and Training. The senior officers of the Department drafted an order in line with the Cabinet decision and took the minister's approval. An officer signed the order on behalf of the Union Government. This was how O.M. No. 36012/ 31/90 was born on August 13, 1990.

It led to widespread protests and counter=protests, some of which were violent. 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'.

By a majority, the Supreme Court judges in 1992 declared that this order of the Government of India was valid. It said that well-to do persons among the backward classes should be excluded from getting the benefit of reservation. Accordingly, the Department of Personnel and Training issued another Office Memorandum on September 8, 1993.

Need for Political Institutions

Institutions involve meetings, committees and routines. This often leads to delays and complications. Therefore, dealing with institutions can be frustrating. Some of the delays provide an opportunity for a wider set of people to be consulted in any decision. That is why democratic governments insist on institutions.

PARLIAMENT

In India national assembly of elected representatives which exercises supreme political authority on behalf of the people is called Parliament. At the state level this is called Legislature or Legislative Assembly.

It exercises political authority on behalf of the people in many ways:

- 1) Parliament is the final authority for making laws in any country.
- 2) 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.
- 3) Parliaments control all the money that governments have.
- 4) Parliament is the highest forum of discussion and debate on public issues and national policy in any country.

Two Houses of Parliament

1. RAJYA SABHA (Upper Chamber) - The council of states
2. LOK SABHA (Lower Chamber) - The house of the people

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

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 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.
2. 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.
3. 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, must quit. The Rajya Sabha does not have this power.

EXECUTIVE

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.

Executives are of two types: -

1. **Political Executive**-One that is elected by the people for a specific period, is called the political executive. Example-Political leaders
2. **Permanent Executive**-People are appointed on a long-term basis. This is called the permanent executive or civil services. Persons working in civil services are called civil servants.

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.

Prime Minister and Council of Ministers

1. Prime Minister is the most important political institution in the country.
2. The President appoints the Prime Minister. But the President cannot appoint anyone she likes. 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. In case no single party or alliance gets a majority, the President appoints the person most likely to secure a majority support.
3. 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.
4. 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.
5. The Prime Minister is free to choose ministers, as long as they are members of Parliament. Sometimes, 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 the Parliament within six months of appointment as minister.
6. 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.
 - i. **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.
 - ii. **Ministers of State** with independent charge are usually in-charge of smaller Ministries. They participate in the Cabinet meetings only when specially invited.
 - iii. **Ministers of State** are attached to and required to assist Cabinet Ministers.

Every ministry has secretaries, who are civil servants. The secretaries provide the necessary background information to the ministers to take decisions. The Cabinet as a team is assisted by the Cabinet Secretariat.

- 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.

Powers of the Prime Minister

- As 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. He also has the power to dismiss ministers. When the Prime Minister quits, the entire ministry quits.
- Prime Minister controls the Cabinet and Parliament through the party.

The President

The President is the head of the State. It exercises only nominal powers.

- 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.
- 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 her.
- President exercises all these powers only on the advice of the Council of Ministers like:
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 - a. All governmental activities take place in the name of the President.
 - b. All laws and major policy decisions of the government are issued in her name.
 - c. 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.
 - d. All international treaties and agreements are made in the name of the President. The President is the supreme commander of the defense forces of India.
 - e. 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, she has to sign it.
- 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.

THE JUDICIARY

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 in the states, District Courts and the courts at local level.

Supreme Court controls the judicial administration in the country. Its decisions are binding on all other courts of the country.

Functions of Supreme Court: -

- It can take up any dispute
 1. Between citizens of the country;
 2. Between citizens and government;
 3. Between two or more state governments;
 4. Between governments at the union and state level.
- It is the highest court of appeal in civil and criminal cases. It can hear appeals against the decisions of the High Courts.
- The judges do not act on the direction of the government or according to the wishes of the party in power.
- 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.
- Supreme court and high court 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 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.
- A judge can be removed only by an impeachment motion passed separately by two-thirds members of the two Houses of the Parliament.
- Anyone can approach the courts if public interest is hurt by the actions of government. This is called public interest litigation.