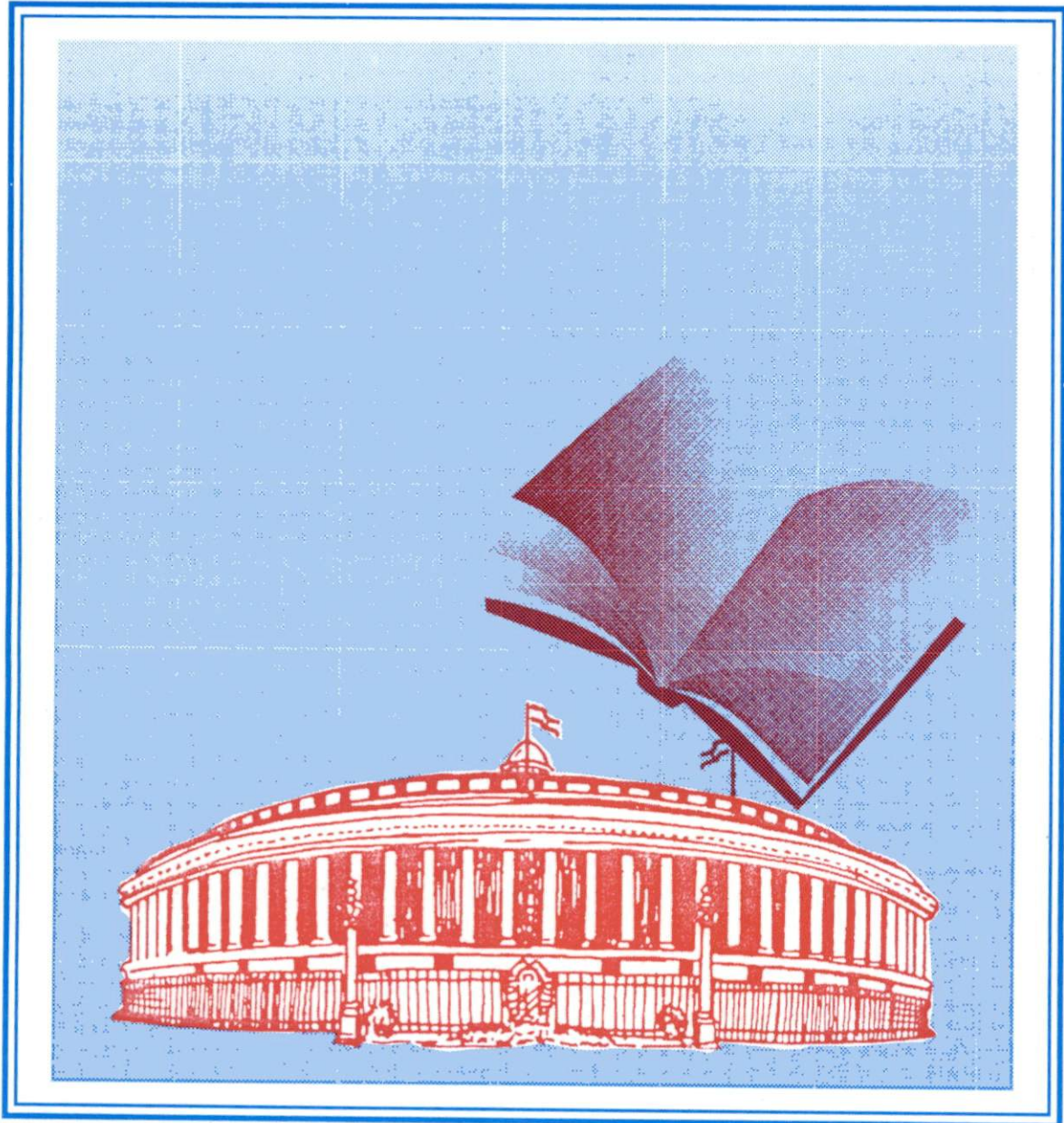




**POLITICAL SCIENCE
MA [PREVIOUS]
Course III**

1413



KARNATAKA STATE OPEN UNIVERSITY
Manasagangothri, Mysore - 570 006

Block - 3

ಉನ್ನತ ಶಿಕ್ಷಣಕ್ಕಾಗಿ ಇರುವ ಅವಕಾಶಗಳನ್ನು ಹೆಚ್ಚಿಸುವುದಕ್ಕೆ ಮತ್ತು ಶಿಕ್ಷಣವನ್ನು ಪ್ರಜಾತಂತ್ರೀಕರಿಸುವುದಕ್ಕೆ ಮುಕ್ತ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ ವ್ಯವಸ್ಥೆಯನ್ನು ಆರಂಭಿಸಲಾಗಿದೆ.

ರಾಷ್ಟ್ರೀಯ ಶಿಕ್ಷಣ ನೀತಿ 1986

The Open University system has been initiated in order to augment opportunities for higher education and as instrument of democratizing education.

National Education Policy 1986

ಮುಕ್ತ ವಿಶ್ವವಿದ್ಯಾನಿಲಯವು ದೂರಶಿಕ್ಷಣ ಪದ್ಧತಿಯಲ್ಲಿ ಬಹುಮಾಧ್ಯಮಗಳನ್ನು ಉಪಯೋಗಿಸುತ್ತದೆ.ವಿದ್ಯಾಕಾಂಕ್ಷಿಗಳನ್ನು ಚ್ಚಾನ ಸಂಪಾದನೆಗಾಗಿ ಕಲಿಕಾ ಕೇಂದ್ರಕ್ಕೆ ಕೊಂಡೊಯ್ಯುವ ಬದಲು, ಚ್ಚಾನ ಸಂಪತ್ತನ್ನು ವಿದ್ಯೆ ಕಲಿಯುವವರ ಬಳಿ ಕೊಂಡೊಯ್ಯುವ ವಾಹಕವಾಗಿದೆ.

ಡಾ. ಕುಳಂದೈಸ್ವಾಮಿ

"The Open University system makes use of Multimedia in distance education system. it is vehicle which transports knowledge to the place of learners rather than transport to the place of learning.

Dr. Kulandai Swamy

ವಿಶ್ವಮಾನವ ಸಂದೇಶ

ಪ್ರತಿಯೊಂದು ಮಗುವು ಹುಟ್ಟುತ್ತಲೇ - ವಿಶ್ವಮಾನವ. ಬೆಳೆಯುತ್ತಾ ನಾವು ಅದನ್ನು 'ಅಲ್ಪ ಮಾನವ'ನನ್ನಾಗಿ ಮಾಡುತ್ತೇವೆ. ಮತ್ತೆ ಅದನ್ನು 'ವಿಶ್ವಮಾನವ'ನನ್ನಾಗಿ ಮಾಡುವುದೇ ವಿದ್ಯೆಯ ಕರ್ತವ್ಯವಾಗಬೇಕು.

ಮನುಜ ಮತ, ವಿಶ್ವ ಪಥ, ಸರ್ವೋದಯ, ಸಮನ್ವಯ, ಪೂರ್ಣದೃಷ್ಟಿ ಈ ಪಂಚಮಂತ್ರ ಇನ್ನು ಮುಂದಿನ ದೃಷ್ಟಿಯಾಗಬೇಕಾಗಿದೆ. ಅಂದರೆ, ನಮಗೆ ಇನ್ನು ಬೇಕಾದುದು ಆ ಮತ ಈ ಮತ ಅಲ್ಲ; ಮನುಜ ಮತ. ಆ ಪಥ ಈ ಪಥ ಅಲ್ಲ; ವಿಶ್ವ ಪಥ. ಆ ಒಬ್ಬರ ಉದಯ ಮಾತ್ರವಲ್ಲ; ಸರ್ವರ ಸರ್ವಸ್ವರದ ಉದಯ. ಪರಸ್ಪರ ವಿಮುಖವಾಗಿ ಸಿಡಿದು ಹೋಗುವುದಲ್ಲ; ಸಮನ್ವಯಗೊಳ್ಳುವುದು. ಸಂಕುಚಿತ ಮತದ ಆಂಶಿಕ ದೃಷ್ಟಿ ಅಲ್ಲ; ಭೌತಿಕ ಪಾರಮಾರ್ಥಿಕ ಎಂಬ ಭಿನ್ನದೃಷ್ಟಿ ಅಲ್ಲ; ಎಲ್ಲವನ್ನು ಭಗವದ್ ದೃಷ್ಟಿಯಿಂದ ಕಾಣುವ ಪೂರ್ಣದೃಷ್ಟಿ.

ಕುವೆಂಪು

Gospel of Universal Man

Every Child, at birth, is the universal man. But, as it grows, we turn it into "a petty man". It should be the function of education to turn it again into the enlightened "universal man".

The Religion of Humanity, the Universal Path, the Welfare of All, Reconciliation, the Integral Vision- these *five mantras* should become View of the Future. In other words, what we want henceforth is not this religion or that religion, but the Religion of Humanity ; not this path or that path, but the Universal Path ; not the well-being of this individual or that individual, but the Welfare of All ; not turning away and breaking off from one another, but reconciling and uniting in concord and harmony ; and, above all, not the partial view of a narrow creed, not the dual outlook of the material and the spiritual, but the Integral Vision of seeing all things with the eye of the Divine.

Kuvempu



**Karnataka State
Open University**

**Political Science
Course III**

Block

3

Introduction

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Units 7 - 9

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Block III - Introduction

Block III has 3 units. Unit 7 deals with the Union Executive. That is about the President of India. His election, his powers and actual position is explained. Then about the Vice-President also you find information. Unit 8 explains about the Prime-Minister who is the executive in a Parliamentary form of government. Unit 9 embraces the explanation about the Council of Ministers a body which is the real executive in a Parliamentary system with Prime Minister as their leader.

**Unit –7 The Union Government- The President – Method of Election-
Politics of Election – Powers and Functions**

Structure

- 7.0 Objectives
- 7.1 Introduction
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- 7.3 Politics of Election
- 7.4 Powers and functions
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 - 7.4.4 Military powers
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- 7.6 Vice President of India
- 7.7 Let us sum up
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- 7.10 Answers to check your progress exercises

7.0 Objectives

After going through the unit you will be able to understand

- the election method
- powers and functions
- the role of the President of India

7.1 Introduction

The Constitution of India has adopted the Parliamentary system of Executive. Like all parliamentary systems in the world, our constitution provides that Indian union will also have the Constitutional head or the nominal executive of the state, that is the President and the real executive i.e., the Council of Ministers. The President and the Council of Ministers therefore constitute the executive of the Indian Union. Now we have to understand how the office of the President is filled. Who can become the President? What are the qualifications and how the President is elected? What are the powers? etc.

India is a Republic and hence hereditary principle cannot be adopted to fill the office of the President. Therefore the framers of the constitution have preferred the elected president to be the head of the Executive, but is elected indirectly.

Article 52 of the constitution provides for a President of India who is the head of the state. Article 54 provides the method of election of the President.

7.2 Election of the President of India

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

The electoral college shall consist of a) the elected members of both houses of Parliament, b) the elected members of the Legislative Assemblies of the States and c) the elected members of the Legislative Assemblies of Union territories of Delhi and Pondicherry. Nominated members have no right to elect the President.

Article 55 says that there shall be uniformity of representation of the different states at the election, according to the population and the total number of elected members of the Legislative Assembly of each State and parity shall also be maintained between the states as a whole and the union. It also gives recognition to the status of the States in the federal system.

The whole procedure of Presidential election may be discussed with the help of following steps.

1. Every elected member of a state Legislative Assembly shall have as many votes as there are the multiples of one thousand in the quotient by dividing the population of the state by the total number of the elected members of the Assembly.

The formula may be put as under

$$\begin{array}{l} \text{Total number of votes} \\ \text{of an Elected MLA} \end{array} = \frac{\text{Population of the State}}{\text{Total number of elected MLA's}} \div 1000$$

To take a hypothetical example we may say that if there is a population of 50,00,000 in a state and there are 100 elected MLA's then the votes of each MLA shall be

$$\frac{50,00,000}{100} \div 1000 = 50$$

50 is the value of a vote of each MLA.

2. Each elected member of the Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to all the elected MLA's of the country by the total number of the elected MP's That is

$$\begin{array}{l} \text{Total number of votes of an} \\ \text{MP(Member of Parliament)} \end{array} = \frac{\text{Total number of votes assigned to} \\ \text{elected MLA's}}{\text{Total number of elected MP's}}$$

For example during the 1969 Presidential election the total number of votes assignment to all the members of the Assemblies of State came to about 4, 30847. There votes were to be divided by the total number of seats in the two Houses of Parliament i.e.,

$$748. \quad \text{i.e., } \frac{4,30847}{748} = 576$$

The value of votes assigned to every elected member of both Houses of Parliament was 576.

According to our constitution the election of the President must be held in accordance with the system of proportional representation by means of single transferable vote. The

voting being by secret ballot. This principle always goes with multiple member constituencies. But here only one person i.e., President has to be elected and the election result has to be determined on the basis of Droop quota. Which means the total number of valid votes are to be divided by number of seats to be elected +1 and +1 to be added to the quotient

$$\frac{\text{Valid votes}}{\text{No of Seats}} = \frac{8,36,337}{1+1=2} + 1 = 418169.$$

In this 1969 election 15 candidates contested the election. Mr. V.V. Giri and Mr. N. Sanjeeva Reddy were the main contestants. In the first round V.V. Giri secured 4,01,515 and Sanjeeva Reddy 3,13,548 votes. Others secured very less votes. Therefore second preference votes were counted. Then V.V. Giri secured 4,20,077 votes and Sanjeeva Reddy 4,05,427 votes. Thus V.V. Giri was declared elected and he became the President of India.

The system of indirect election was criticized as falling short of the democratic ideals underlying universal franchise, but indirect election was supported and finally decided by the framers of the Constitution on the following grounds.

- a) Direct election by an huge electorate would mean a tremendous loss of time, energy and money;
- b) Under the system of responsible government introduced by the constitution, real power would vest in the council of ministry, so it would be anomalous to elect the President directly by the people without giving real powers.

7.2.1 Qualifications

In order to occupy the office of the President, a person must

- a) be a citizen of India
- b) have completed the age of 35 years
- c) be qualified for election as a member of the House of the People and
- d) must not hold any office of profit under the Government of India or the Government of any state or under any local or other authority subject to the control of any of the said government.

But sitting President or Vice President of the Union or the Governor of any State or a Minister either for the Union or for any State is not disqualified for election as President.

After the election if one is elected, then to the office he/she holds has to resign.

7.2.2 Term of Office

The President's term of office is 5 years from the date on which he enters upon his office, but he is eligible for re-election

7.2.3 Vacancy in the office of the President

A Vacancy in the office of the President may be caused due to the following reasons

- i) on the expiry of his term of five years
- ii) By his death
- iii) By his resignation
- iv) On his removal by impeachment
- v) Otherwise on the setting aside of his election as President.

In case of death, resignation or removal, the Vice-President shall discharge the duties of the President, until a new President is elected. In case if both the offices are vacant, the Chief Justice of India shall act as the President of India until election is held.

7.2.4 Impeachment procedure to remove President from the Office

An impeachment is a quasi-judicial procedure in Parliament. Either Lok Sabha or Rajyasabha may prefer the charge of violation of the Constitution before the other House which shall then either investigate or cause the charge to be investigated. But the charge cannot be preferred by the House, unless

- a) a resolution containing the proposal is moved after 14 day's notice in writing signed by not less than $\frac{1}{4}$ of the total number of members of that House, and
- b) the resolution is then passed by a majority of not less than $\frac{2}{3}$ of the total membership of the House.

The President shall have a right to appear and to be represented at such investigation. It is a result of the investigation, a resolution is passed by not less than $\frac{2}{3}$ of the total membership of the House before which the charges have been preferred, declaring that the charges have been proved then the President has to vacate his office.

Since the constitution provides the mode and ground for removing (in case if the President goes against the constitution, or incapacity) the President cannot be removed otherwise than by impeachment. Till this day, no President has been removed by impeachment.

7.2.5 Emoluments

According to the Constitution President gets Rs 50,000 as salary per month. He is also entitled to make use of the free official residence and shall also be entitled to such emoluments, allowances and privileges as may be determined by Parliament by law. These emoluments and allowances of the President shall not be diminished during his term of office. President is also entitled to get pension of Rs. 3,00,000 per year after his term of office.

The President is elected for five years and can also be re-elected for another term. Constitution is silent about the number of terms a person can contest to this office.

7.2.6 Doubts and disputes relating to the Election of the President

Article 71 says a) such disputes shall be decided by the Supreme Court whose jurisdiction shall be exclusive and final. b) no such disputes can be raised on the ground of any vacancy in the electoral college which elected the President. c) if the election of the President is declared void by the Supreme Court, acts done by him prior to the date of such decision of the Supreme Court shall not be invalidated and d) barring the decisions of such disputes, other matters relating to the election of President may be regulated by the law made by Parliament.

7.3 Politics of Election

The present system of Presidential election hardly provides any chance for the election of a non-political personality. It is all politics that dominates.

Infact, the election of the President of India has assumed considerable significance. In the beginning it was not so. Dr. Rajendra Prasad was elected without much controversy, so also Dr. Radhakrishnan. It all started from 1967, when the Congress party nominated Dr. Zakir Hussain as its candidate and the opposition Justice K. Subbarao. Though Zakir Hussain won the elections, it was challenged in the court and court upheld his election. Dr. Zakir Hussain died in 1969 while in the office. V.V. Giri then Vice-President succeeded him. But when election was announced, controversy started. There were 3 main contestants N. Sanjeeva Reddy backed by Congress. V.V. Giri was supported by communists socialists & other small groups & C.D. Deshmukh was supported by parties like Janasangh, Swatantra and Lokdal. The Congress party directed the then Prime Minister Indira Gandhi to issue directive to the

members of Parliament and others to elect Sanjeeva Reddy the official candidate of the Congress. However Mrs. Gandhi suspected that if he was elected. She might be dislodged from power, hence she decided every member will vote according to their conscience. The result was her supporters voted against the official candidate , and in favour of V.V. Giri who was elected as President. This was nothing but politics. Mrs Gandhi sensed and played politics to see that her position became strong and thus supported V.V. Giri against the party ethics.

The next instance was when President Fakhruddin Ali Ahmed died, B.D. Jatti the then Vice-President became the Acting President of India. Later when election was held, in 1977 Janata government did not support B.D. Jatti, but elected Sanjeeva Reddy again nothing but politics. This has continued till today.

Thus the present system of Presidential election hardly provides any chance for the election of a non-political personality. It is all politics that dominates. Unless a candidate to become President is supported by a Party or Parties cannot get elected to the post, though Constitution says any citizen can become the President. Healthy conventions have yet to grow.

7.4 Powers and functions of the President.

The powers and functions of the President may be studied under the following heads.

According to Article 53 of the Constitution the executive power of the Union shall be vested in the President. The term 'executive power' means the power of carrying on the business of government or the administration of the affairs of the state.

The various powers that are included within the comprehensive expression "executive power" in a modern state have been classified by Political Scientists under the following heads. They are

- a) Administrative power or Executive power
- b) Legislative power
- c) Military power
- d) Judicial power

Let us understand one by one.

7.4.1 Administrative or Executive Powers

All executive actions of the union must be implemented in the name of the President.

Though he may not be the real head of the administration all officers of the Union are his sub-ordinates. Therefore he must be kept informed of all the affairs of the union. He has the power to appoint and remove the high dignitaries of the state under our Constitution. Namely he can appoint the Prime Minister, other ministers of the Union the Attorney-General of India, the Comptroller and Auditor General of India the Judges of the Supreme Court and High Courts of the states the Governors of states, Chief Election Commissioner etc, But in making these appoints he has to take the advice of the Council of Ministry and may also consult persons other than the Ministry. Thus again with the advice of the Ministry he can remove these officers and for some the will of the Parliament is necessary.

7.4.2 Legislative Powers

The president is an integral part of the Parliament.

The President has the power to summon and prorogue the Parliament. He has the power to dissolve the Loksabha. He can summon joint-sittings of both the Houses of Parliament in case of differences between them. In 1951 and 1958 joint-sittings were summoned.

The President has the right to address the opening session of a newly elected Parliament and the first session of each year. He has the right to send messages to either House of the Parliament on any pending matter or on a Bill before the Parliament which must be considered by it.

The President has the power to nominate 12 members to Rajyasabha, who are well known personalities in the field of literature science, art and social service. He can also nominate 2 Anglo-Indian members to the Loksabha if in his opinion, that community has not been adequately represented in the House.

All reports and statements are laid before the Parliament in the name of the President. Previous sanction of the President is necessary to introduce a Money Bill, a Bill for the formation of new state, a bill for alternation of boundaries of existing states etc.

No Bill passed by the Parliament can become an Act without the President's assent. President can even withhold the Bill and there is no time limit for assenting to a Bill. The power of Veto is there. Even State Bills are reserved for the assent of the President by the Governors.

The President has the power to issue ordinances, when the Parliament is not in session. This is the most important Legislative Power, which has the same force of law. However, every ordinance must be laid before the Parliament for its approval within six months of its promulgation. Otherwise it lapses.

7.4.3 Judicial Powers

According to the Constitution the President has the power to grant pardons and reprieves, remission or commutation of a punishment or sentence by the court. The President's pardon could be sought for any death sentence. He can grant general amnesty on important occasions with the approval of the Parliament.

7.4.4 Military powers

The President is the commander – in –chief of the Armed Forces. He appoints the service chiefs of Army, Navy and Airforce, and confers the title Field Marshall. He has the power to declare war or peace. But the exercise of military power is regulated by the laws made by the Parliament.

7.4.5 Emergency Powers

The President has certain extra ordinary powers to deal with emergencies. They are,

- a. According to Article 352, the President is given the power to make a 'Proclamation of Emergency' on the ground of threat to the Security of India or any part thereof, by war, external aggression or armed rebellion, which is known as National Emergency. However without the decision of the cabinet President cannot issue such a proclamation of emergency. The decision of the cabinet has to be communicated to him in writing. Then only President can issue a proclamation. This change has been made by the 44th amendment to the constitution to avoid the misuse of this power by a party in majority. For the first time National emergency was proclaimed in 1962 when China attacked the country and continued till 1968. Then in December 1971 when Pakistan attacked, emergency was proclaimed which continued till June 1975.
- b. According to Article 356, the President is empowered to make a proclamation that the government of a state cannot be carried on in accordance with the provisions of the constitution. This is known as state emergency or constitutional emergency. This is

based on the report of the Governor of a state or otherwise if the union cabinet is satisfied, that there is a constitutional breakdown in a state, it can recommend to the President to proclaim state emergency. Starting from 1951 more than 108 times this emergency provision has been made use of by the union government.

- c. According to Article 360 the President is empowered to declare that a situation has arisen where by “ the financial stability or credit of India or of any part there of is threatened’, then Financial Emergency can be proclaimed. The object of this proclamation is to maintain the financial stability of India by controlling the expenditure of the States. But till this date this financial emergency has not been imposed by the President.

All the above powers which are explained belongs to the President. But in reality it is not so. Any of the above power cannot be made use of by the President according to his discretion or conscience. Only on the aid and advice of the council of Ministry or to be more realistic in the name of the President all these powers are exercised by the Council of Ministry and it runs the administration. Therefore we have to know what is the position of the President

7.5 Position or Role of the President.

Article 74 of the Constitution, which was inaugurated on 26th January 1950, provided that there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions. But it was implicit, not explicit . That means the interpretation was President if desired could act according to his conscience or he may take the advise from the Council of Ministers. This Article gave room for controversy about the position of the President in India for some time.

Those who referred to Article 53 which provides that ‘the executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers sub-ordinate to him’ said that it was true. But there were others and also fathers of the Constitution who opined that India has a Parliamentary form of Government at the Centre and there is no room for a strong autocratic President. The President must be only a constitutional head or formal head of the state, who has to play the same role as the Queen of England.

However, the first President of India Dr. Rajendra Prasad , though he was one of the important member of the Constituent Assembly which prepared the Constitution, on many occasions was of the view that the President need not be only a figure head, but can exercise real powers. This opinion created misunderstanding between him and Prime minister Jawahar Lal Nehru on many occasions. In fact, Nehru took the opinion of Attorney General. The opinion was President must act only as a constitutional head. In the real sense it is the Council of Ministry under the Prime Minister which must exercise all the powers.

After Dr. Rajendra prasad the next President's never created any controversy regarding the position of the President. But even then Smt. Indira Gandhi in 1976 by passing 42nd Amendment to the constitution, added a provision which said explicitly that there shall be a Council of Ministers with Prime Minister as the head to aid and advise the President. As such there is no scope for the President to interpret Article 53 and to imagine that he can become an autocrat for at least 6 months by dissolving Lok Sabha, dismissing the ministry and taking over the administration of the country in his hands, which was possible before 1976.

Thus the controversy regarding the actual position of the President vis-a vis the Council of Ministers was set at rest by the 42nd Amendment in 1976 to the constitution by Indira Gandhi and 44th Amendment in 1978 by the Janata Government. 42nd Amendment clearly says that President is bound by the advice of the Council of Ministers always and 44th Amendment added one more provision which said that, 'President may request the council of Ministers to reconsider their advice and if the council of ministers stick to their advise President is bound to accept the advice of the Council of Ministers and act.

The Present position is thus clear i.e. he is only a constitutional head. Yet he is not a mere figurehead or a nominal head. His office is one of great dignity. The position depends upon the personality of the person who occupies the office.

The President is expected to have a dynamic personality, political wisdom and independence of mind and intellect. His actual influence will depend on the quality of his personality and character. What is expected and designed is mutual harmony and co-operation between the President and the Council of Ministers, particularly the Prime Minister. His influence to be more effective, must forget all his political affiliations before election and must act with complete constitutional rectitude and impartiality. The Indian President thus

has to perform the role of a “friend, philosopher and Guide” of the Government. That is what the constitution makers intended and expected in a Parliamentary form of Government and the constitution expects.

But, now the nation’s politics has undergone a change. We are having coalition governments from many years. In a coalition government the Prime Minister or Council of Ministry cannot be so powerful as in a single party majority system. Hence, if the President has the political wisdom and commitment can play a real great role in the administration of the country and gain importance to the office of the President

7.6 The Vice-President

In the Indian Constitution we also find another executive officer called as Vice-president. Article 63 says that there shall be the Vice-president of India.

7.6.1 Election

The election of the Vice-President, like that of the President shall be indirect and in accordance with the system of proportional representation by means of single transferable vote and by secret ballot. But the election is different from that of the President. The Vice-President shall be elected by an electoral college consisting of only the members of the Parliament. State legislatures will not participate.

7.6.2 Qualifications

A person to become Vice President a) must be a citizen of India b) having completed 35 years of age, c) must not hold an office of profit and in order to become vice-President a person must also be qualified for election as a member of the Council of States i.e. Rajyasabha. The reason is obvious, namely that the vice-president is normally to act as the chairman of the Rajyasabha

7.6.3 Term

The term of office of the Vice-President is 5 years. His office may terminate earlier than the 5 years either by resignation or by removal. A formal impeachment is not required for his removal. He may be removed by a resolution of the Rajyasabha passed by a majority of its members and the same is agreed by the Loksabha. There is no specific provision making a Vice-President eligible for re-election. But explanation to Article 66 suggests that

sitting Vice-President is eligible for re-election. Dr. S. Radhakrishnan was infact, elected for a second term in 1957.

7.6.4 Emoluments

When the Vice-president acts as or discharges the functions of the President he gets the emoluments of the President, otherwise he gets the salary of the Chairman of the Rajyasabha. When the Vice-President discharges the functions of the President, he shall cease to perform the duties of the chairman of the Rajya Sabha.

7.6.5 Functions of the Vice-President

The Vice-President is the highest dignitary of India coming next after the President of India. No functions are attached to the office of the Vice-President as such. The noral function of the Vice-President is to act as ex-officio chairman of the council of states (Rajyasabha). But if there occurs any vacancy in the office of the President by reason of his death, resignation removal or otherwise, the Vice-President shall act as President until a new president is elected.

Check Your Progress - 1

Note: 1) Use the space given below for your answer.

2) Also check your answer with the clue given at the end of the Unit.

1. Explain how the President of India is elected?

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2. How President of India can be removed from office?

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3. What are the Legislative powers of the President?

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4. Discuss the position of the President of India.

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5. Explain the role of the Vice-President of India.

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7.6 Let us sum up

President's office is the highest executive office of the country. In this unit how this office is filled and who can become the President of India are explained in the beginning. Then in case if the President acts against the constitution the unit discusses the method of removal. Finally it also explains the powers vested in him and whether those powers can be exercised according to his conscience or according to the constitution. Added to this his actual position is also dealt.

It also deals with the office of the Vice-President who is a part of the union executive.

7.7 Key words

Rectitude	-	moral uprightness
Invalidate	-	make as not valid
Prorogue	-	adjourn
Reprieve	-	suspend the execution of the criminal
Remission	-	pardon
Amnesty	-	general pardon of political offenders.
Void	-	not valid
Anomalous	-	irregularly, deviation from rule
M.M.C.	-	Multi member constituency from where more than one candidate has to be elected.

7.8 Books for reference

D.D. Basu	-	Introduction to the Constitution of India
M.V. Pylee	-	India's Constitution
J.C. Johari	-	Indian Politics
V.D. Mahajan	-	Select Modern Governments

7.9 Answers to check your progress exercise

Check Your Progress - 1

1. See section 7.2
2. See subsection 7.2.4
3. See subsection 7.4.2
4. See subsection 7.5

NOTES

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Unit - 8 The Prime Minister: Choice of the Prime Minister, Powers and Role of the Prime Minister in Indian Political System

Structure

- 8.0 Objectives
- 8.1 Introduction
- 8.2 Appointment of the Prime Minister
- 8.3 Powers and Functions
- 8.4 Role of the Prime Minister
- 8.5 Let us sum up
- 8.6 Key words
- 8.7 Books for Study
- 8.8 Answers to check your progress exercises.

8.0 Objectives

After going through this unit you will be able to

- understand how Prime Minister of India is appointed
- know the powers of the Prime Minister
- understand the role of Prime Minister in the Indian Political System.

8.1 Introduction

The Prime Minister is the most important personality in the country. Prime Minister is the real Head of the State and the “keystone of the cabinet arch” His/Her position is so supreme that he/she has no other parallel in the country. The classical doctrine that the Prime-Minister is the first among equals now stands discredited. All over the world where there is Parliamentary form of Government, the personality of the Prime Minister helps in shaping the future of the nation. Today the Parliament, Council of Ministers and even the cabinet colleagues look towards the Prime minister for initiative and guidance. This is the case with the Prime Minister of India too. Article 74 (1) of our constitution expressly states that the Prime Minister shall be ‘at the head’ of the council of ministers.

8.2 Appointment or Choice of the Prime Minister.

Article 75 (1) of the constitution provides that the Prime Minister shall be appointed by the President of India. However the President cannot appoint anybody he pleases as the Prime Minister. The President has to summon the leader of the majority party to form the Ministry and he will find himself in a difficult position if he does otherwise. The reason is that the President must appoint only that person as Prime Minister who commands a majority in the Loksabha. President’s personal likes and dislikes do not matter. However, if there are many parties in the House (Loksabha) and none of them commands an absolute majority, the President can summon the leader of any party who in his opinion can form the ministry. His selection (guess) might be right or wrong, or the person selected by him to form the ministry may fail in his attempt to do so, but the fact remains that the initiative rests with the President.

The President has some influence in the choice of a Prime Minister when the office falls vacant without a clear successor. This happened in 1964 when Prime Minister Nehru died and again in 1965. When Shastri died. Then President Dr. Radhakrishnan appointed Lal Bahadur Shastri as the successor to Nehru and Mrs Gandhi as the successor to Shastri. It is

true he consulted ministers, Members of Parliament, Chief Ministers, yet it was said that Dr. Radhakrishnan exerted pressure in their favour.

The third instance was in 1979 when Prime Minister Morarji Desai resigned. President Sanjeeva Reddy invited the leader of the opposition Chavan but he declined, then he invited Charan Singh who claimed to form the Ministry. But both were not in a position to prove the majority support. Thus finally Lok Sabha was dissolved by the President. There were criticisms and also good words for the step taken by the President. However it can be said that there was no other alternative to be followed by the President.

Fourth instance was when Mrs. Indira Gandhi was assassinated. Then President Zail Singh appointed Rajiv Gandhi as Prime Minister of India on the advice of some senior congress leaders. He formed the government. President Zail Singh was criticized for his action as he failed to appoint a senior congress member, as there was a president set by President Dr. Radhakrishnan.

Later we have experienced i.e., after 1989, due to many parties gained entry into the Lok Sabha, the selection of Prime Minister or appointment has become a ticklish one. When the Prime minister is not thrown up through popular will, many factors operate in the selection of the Prime Minister. We have and you too have seen the Indian politics at the centre in appointing the Prime minister the factors which have to be taken into consideration by the President.

8.3 Powers of the Prime Minister

Article 75(1) of the constitution expressly states that the Prime Minister shall be "at the head" of the Council of Ministers. Hence, the other Ministers cannot function when the Prime Minister resigns or dies, or to say when the post of the Prime Minister falls vacant. Thus P.M. has a pre-eminence by convention and usage. Thus the powers are;

- a) the Prime Minister is the leader of the party in majority or leader of a coalition (many parties) in the popular House of the Legislature i.e., Lok Sabha
- b) he has the power of selecting the other ministers and also advising the President to dismiss any of them individually, or require any of them to resign. Virtually thus the other ministers hold office at the pleasure of the Prime Minister.
- c) The allocation of portfolios among the minister is a function of the Prime Minister. He can also transfer a minister from one Department to another.

- d) He is the Chairman of the Cabinet, summons its meetings and preside over them
- e) The Prime Minister is the bridge between the President and the Cabinet and Council of ministry. Though individual Ministers have the right of access to the President on matters concerning their own departments any important communication, particularly relating to policy can be made only through the Prime Minister.
- f) Prime Minister is incharge of co-ordinating the policy of the Government and has accordingly a right of supervision over all the departments.

Thus in India, all these special powers will belong to the Prime Minister in as much as the conventions relating to the Cabinet government or Parliamentary system of Government are

We can say Prime Minister is the leader of the Cabinet, Council of Ministry, Parliament (as a leader of the majority) leader of the nation, a personality which shapes international relations too. Infact all the powers vested in the office of the President by the constitution are exercised by the council of ministry, rather by the Prime Minister in a Cabinet system of government.

8.4 Role of the Prime Minister in Indian Political system

The Prime Minister is the head of the Council of Ministers. As such he makes and unmakes the ministry. He acts as the head of the Cabinet. He presides over the meetings of the Cabinet and conveys to the President the decision taken by the Cabinet. He also acts as a channel of communication between the Parliament and his Ministers. In the Parliament if there is opposition to the policies and programmes of his government he defends and justifies them and tries to win the confidence of the Parliament.

The Prime Minister is the chief spokesman of the nation. He represents the country in all national and international gatherings, speaks on behalf of the country. He maintains foreign relations. For this reason, he plays a great and instrumental role in the formation of foreign policy. He recommends the names of the ambassador and envoys. He decides the matters relating to war and peace. The Prime Minister is the Chief administrator of the country. All highest offices like Governers, Judges etc are filled according to his recommendation to the President.

The Prime Minister is the leader of his party, or leader of the coalition (many parties). Prime Minister tries to maintain cohesion in its (party) rank so that his party or his government

remain united and thereby capable of facing the challenges of the opposition.

The Constitution of India does not describe the office of the Prime Minister in detail. Therefore, it is difficult to state what is the exact position or role of the Prime Minister. The general theory which is accepted is that the Prime Minister is in fact, though not in law the working head of the state, endowed with such a plenitude of powers as no other constitutional member possesses not even the President of the United States. Laski, describes the office of the Prime Minister as “the pivot of the whole system of government”.

Thus, the office of the Prime Minister is an important one in a parliamentary system of government. The Prime Minister of India possesses more or less such powers as claimed by the British counterpart. K.T. Shah one of the members of the constituent Assembly observed in the Assembly, “This constitution constitutes so much power and influence in the hands of the Prime Minister that there is every danger to apprehend that the Prime Minister may become a dictator if he/ she chooses to do so”.

Even, the President is ordinarily bound by the advice of the Prime Minister except in exceptional cases, specially in emergencies. But it is not a normal feature. Thus the office of the Prime Minister is no doubt a great office of authority and dignity. But the actual position of the Prime Minister depends upon his personality and today not only on personality but the influence he has towards other parties in a coalition.

A person like Nehru dominated the scene due to his personality and the same applied to Mrs Gandhi. Together we should remember, behind them, they had the support of the majority in the Parliament. If the personality of the Prime Minister is dynamic, efficient, strong and possesses exceptional qualities it is difficult for his/her colleagues (council of ministers) to oppose him. That was the belief, but under the present situation personality itself is not sufficient to become very powerful. In fact, like Mrs Gandhi present Prime Minister cannot become a dictator though vast powers are there in the office. In fact during Mrs. Gandhi's period Parliamentary form of government came to be known as Prime Ministerial form of Government. However this cannot be true to day under the present party politics. The post of Prime Minister has become very delicate though powerful. The Prime Minister must take into consideration various factors (the interests of the partners in the coalition) to gain confidence and to continue in power. As long as the coalition government exists this will continue.

Check Your Progress - 1

Note: 1) Use the space given below for your answer.

2) Also check your answer with the clue given at the end of the Unit.

1. How the Prime Minister of India is appointed?

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2. What are the powers and functions of the Prime Minister.

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3. Examine the role of Prime Minister in a coalition government.

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8.5 Let us sum up

This unit, tries to understand how the Prime minister who is very powerful, who has vast powers who is the leader of the nation, parliament, party and the cabinet is appointed. It

analyses the fact, whether it is the real power of the President or not to appoint him. Together the powers and the role of the Prime Minister in a majority government and in a coalition government is analysed.

8.6 Key words

Plenitude	-	abundant
Coalition government	-	government by more than one party
Summon	-	Convene
Allocation	-	allotment
Endowed	-	invest with powers

8.7 Books for reference

D.D. Basu	-	Introduction to the Constitution of India
M.V. Pylee	-	India's constitution
J.C. Johari	-	Indian Government and Politics
V.D. Mahajan	-	Select Modern Governments

8.8 Answers to check your progress exercise

Check Your Progress - 1

1. See section 8.2
2. See section 8.3
3. See section 8.4

NOTES

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Unit -9 Union Council of Ministers – Composition, Powers and Functions

Structure

- 9.0 Objectives
- 9.1 Introduction
- 9.2 Formation of Council of Ministers
- 9.3 Powers and Functions
- 9.4 Let us sum up
- 9.5 Key words
- 9.6 Books for study
- 9.7 Answers to check your Progress Exercise.

9.0 Objectives

After going through this unit you will be able to

- know the formation of the Council of Ministry
- understand powers and functions of the Council of Ministry.

9.1 Introduction

The framers of our constitution intended that though formally all executive powers are vested in the President, he should act as the constitutional head of the executive like the British Crown, acting on the advice of Ministers responsible to the popular House of the Legislature. (Loksabha).

Article 74 of the Constitution provides that there shall be a Council of Ministers with the Prime Minister at the head to aid and advice the President, who shall act in accordance with such advice. The President can ask the Council of Ministers to reconsider the advice given by them, but he has to act in accordance with the advice tendered after such reconsideration.

9.2 Formation of Council of Ministers

Indian Constitution makers followed the English Constitution but there is a difference in the formation. The English Constitution leaves the entire system of Cabinet Government to conventions. But the framers of our Constitution enshrined the Foundations of the Cabinet System in the body of the written principles, though of course the details of the working had left to be filled up by conventions and usages.

According to Article 75 (1) of the constitution, the members of the Council of Ministers are appointed by the President on the advice of the Prime Minister. This advice is binding on the President. The President cannot force the Prime Minister to appoint a particular person as a Minister. Each minister must be a member of either House of Parliament at the time of his appointment. However the Constitution clearly provides that if anyone is not a member already, but appointed as a minister has to become a member within a period of six months of his appointment. If he fails to fulfil this qualification he has to resign. Asoka Mehta, N. Sanjeeva Reddy, Dr, Karan Singh were some of the examples who were appointed, without being the members of the Parliament.

The allocation of portfolios among the Ministers will be made by the Prime Minister.

The number of members of the Council of Ministers is not specified in the Constitution. It is determined according to the exigencies of the time. At the end of 1961, the strength of the Council of Ministers of the Union was 47, at the end of 1975, it was raised to 60 and in 1977 it was reduced to 24, while in July 1989 it was again raised to 58. The National Front Government headed by V.P. Singh started with only 22 Ministers. The National Democratic Alliance Government headed by Mr. A.B. Vajpayee has 29 cabinet ministers, 44 state ministers.

All the ministers do not belong to the same rank. The constitution does not classify the members of the Council of Ministers into different ranks. All this has been done informally following the English practice. Thus Council of Ministers may have three categories of ministers, Cabinet Ministers, State Ministers and Deputy Ministers. This practice has developed as a convention. It is left to the Prime Minister to have all the three categories or to have only two categories. It is the discretion of the Prime Minister. Prime Minister Morarji Desai had only two categories of Ministers in his Council of Ministers.

Thus in the Council of Ministers, Cabinet rank Ministers play a very important role. Very important portfolios like Home, Finance, Defence, External affairs, Railways etc will be given to cabinet rank ministers. Cabinet usually will be a small body having 15-20, who are in charge of very important portfolios.

Accordingly a three tier ministerial hierarchy can be established, with the Cabinet Ministers at the top, Minister of State in the middle and Deputy Ministers in the lowest rung of the ladder, Cabinet ministers are senior most ministers who attend the meetings of the Cabinet on their right. Ministers of State are not members of the Cabinet and they can attend only if they are invited to attend any particular meeting. A Deputy Minister assists the Ministry and takes no part in Cabinet deliberations. In practice, the Council of Ministers seldom meets as a body. It is the Cabinet an inner body within the council which meets every week and shapes the policy of the government. In fact, the Cabinet is the nucleus of the Council of Ministers.

Prime Minister while constituting the Council of Ministers has to take into consideration certain factors. He has to see that all the regions of the country get proper representation. It is true that India is a secular state, but there are certain religious minorities who have to be given representation in the council of ministers in order to create confidence in them. It is essential that Prime Minister has to give adequate and proper representation to

women, scheduled castes and scheduled tribes. And if it is a coalition government then the partners (parties) of the government also to be given representation. Really it is very difficult to please all the factors and factions. Yet in order to get the support and confidence, especially when it is a coalition government, Prime Minister must take sufficient care in the formation of the council of ministry. Due to above factors the size has become unwieldy.

As the Prime Minister has the power to appoint the minister, he has the power to discuss i.e., he can advise the President to do so. Even he can change the portfolios allotted earlier.

Council of Ministers are paid for fulfilling their responsibility. The salaries and allowances of ministers shall be such as Parliament may from time to time by law determine. Each Minister gets a sumptuary allowance at a varying scale according to his rank, and a residence free of rent. Medical expenses, traveling allowances are also given.

9.3 Functions of the Council of Ministers

Council of Ministry is the pivot around which the entire administration of our country revolves. It is the key stone of the Constitutional arch. It is the hyphen which joins the executive and the legislative organs of government. Therefore it is equipped with enormous powers and vested with responsibilities covering administrative, legislative and financial matters. It is constantly controlled by the Parliament and they are watched by the public and also it is at the risk of lack of confidence which results in the resignation and the prospects of the next election.

The Council of Ministry is a policy making body. National and international policies of the country will be deliberated and decided. After policy is made it is the function of each ministry to carry out or implement the same i.e. Administrative action has to be taken. It is the council of ministry which initiates policy in the Parliament and gets the approval. It decides the time of summoning and prorogation of the Parliament and also the dissolution of the Parliament.

The Council of Ministry has the responsibility of controlling the executive branch of the government i.e., the permanent executive which implements the policies of the government. It is the supreme national executive. It superintends directs the work of the civil servants.

It is the Council of Ministry which provides the details of making rules and regulations, because the Parliament passes the laws only in skeleton form on account of

either technical nature or want of time. It also formulates the foreign policy of the country and decides India's relations with other countries.

All appointments of important posts are always made by the Cabinet though in the name of the President. It is the council of ministry which is responsible for the preparation of the budget and then to get approval of the Parliament. All financial powers vests with this body.

It has to co-ordinate the functions of the various Ministries and Departments of the government. Administration cannot be divided into separate ministers. The action of one ministry is likely to affect the work of other ministers. Every important problem cuts across departmental boundaries and the Cabinet performs the work of coordinating policy. The various ministries resolve their differences and reach an agreement. If no agreement is reached such matter is referred to the Cabinet. The Minister who may not agree with the decision of the Cabinet has to resign.

Imposition of President's rule, matters of emergency (internal and external) are decided by the Council of Ministers.

Finally Council of Ministers are collectively responsible to the Parliament i.e., to the Lok Sabha or House of the People. So the ministry as a body, shall be under a constitutional obligation to resign as soon as it loses the confidence of the Lok Sabha. Ministers are individually responsible to the executive head i.e., President in the real sense to the Prime Minister. Therefore shall be liable to dismissed though they may have the confidence of the Legislature.

To conclude it can be said the powers vested in the office of the President by our constitution and functions performed by the President are in fact the powers and functions of the Council of Ministers which is the real head of the state in a Parliamentary form of Government. However the efficiency and stability of the Government depends upon the personality, qualification and calibre of the Prime-Minister. Above all in a parliamentary system political homogeneity is one of the Essential characteristic which is very much required for the efficient functioning of the Council of Ministry. This characteristic cannot be found in a Coalition government because different political Parties are represented in the Council of Ministry. This is one of the reason, why often the governments at the Centre

resigned and elections were held frequently in our country. yet, the present Council of Ministry headed by Mr. A.B. Vajpayee successfully has completed more than 4 years. But, we have seen crisis he has to face to bring about unity in the Council of Ministry. That is why from 80's there is a great debate in the country about the need of changing the form of the government that is from Parliamentary to Presidential form of government.

Check Your Progress - 1

Note: 1) Use the space given below for your answer.

2) Also check your answer with the clue given at the end of the Unit.

1. Explain the formation of the Council of Ministry.

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2. What are the functions of the Council of Ministers.

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9.4 Let us sum up

In a parliamentary form of government, the council of ministers a body is the real executive or the real head of the state. President is only the Constitutional head, in whose name all the functions are performed by the Council of Ministers. It is the highest executive body which runs whole administration inside and outside the country. This has been dealt in this unit.

9.5 Key words

enshrine	-	specified, written
exigency	-	need of the time
secular	-	non religious
portfolio	-	Department to which each minister will be Incharge

9.6 Books for Reference

D.D. Basu	-	Introduction to the Constitution of India
M.V. Pylee	-	India's constitution
J.C. Johari	-	Indian Government and Politics
V.D. Mahajan	-	Select Modern Governments

9.7 Answers to check your progress exercise

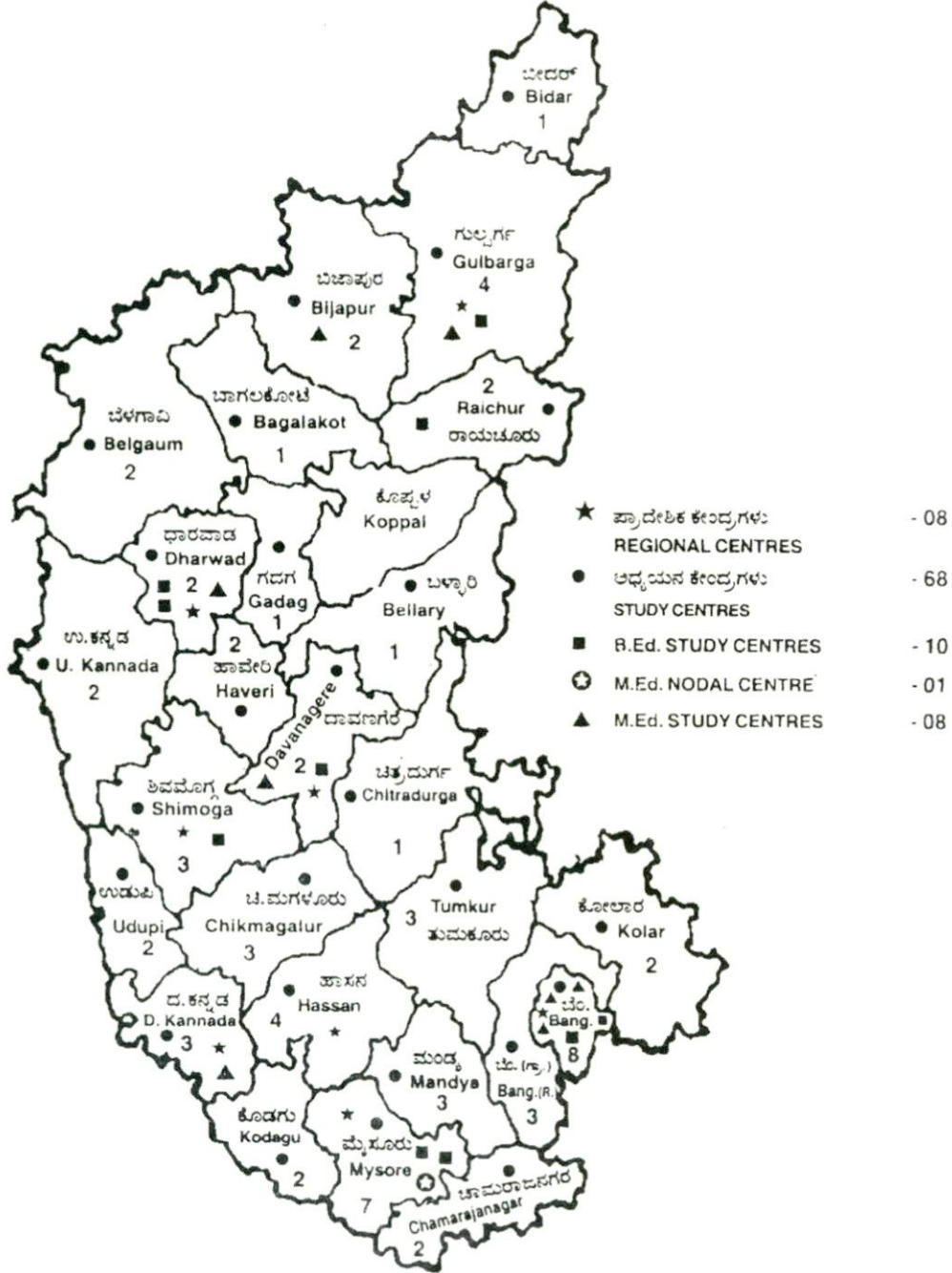
Check Your Progress - 1

1. See section 9.2
2. See section 9.3

NOTES

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