

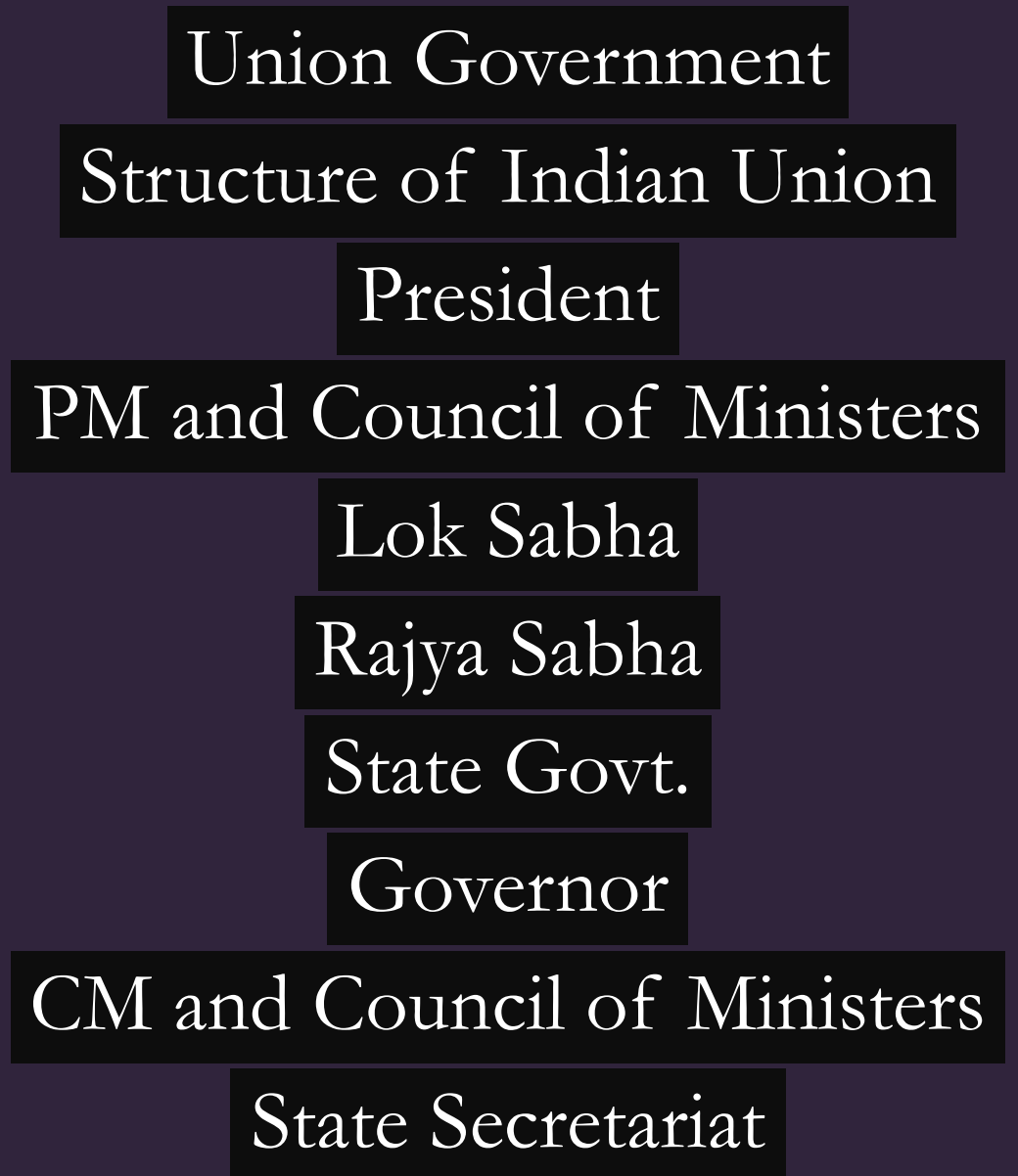
# MODULE- II

## “SYSTEM OF GOVERNMENT”

*Devjyoti Das / Dept. of GS, UEM Kolkata*



# *OVERVIEW OF THIS MODULE*



# PARLIAMENTARY FORM OF GOVT.

- ◆ The Constitution of India provides for a parliamentary form of government, both at the Centre and in the states (Article 74 & 75- Centre and Article 163 & 164 – State)
- ◆ Modern democratic governments are classified into parliamentary and presidential form.
- ◆ The parliamentary government is also known as cabinet government or responsible government or Westminster model of government and is prevalent in Britain, Japan, Canada, India etc
- ◆ The presidential government, on the other hand, is also known as non-responsible or non-parliamentary or fixed executive system of government and is prevalent in USA, Brazil, Russia, Sri Lanka etc.





# WHAT IS PARLIAMENT?

- ◆ Parliaments are common over the whole of the civilized world. English parliament is the Mother of all Parliaments.
- ◆ Parliamentary Government has been defined as “Government by talk” or more precisely, “control of Government by talk”.
- ◆ It is a place where people talk about the affairs of the nation.
- ◆ In the U.K. the Parliament consists of the King, the House of Lords and the House of Commons. All three functionaries join together to complete the actions of Parliament.



# FEATURES OF INDIAN PARLIAMENTARY GOVERNMENT



## ♦ Nominal and Real Executives

- The President is the nominal executive (*de jure* executive or titular executive) while the Prime Minister is the real executive (*de facto* executive). Thus, the President is head of the State, while the Prime Minister is head of the government.

## ♦ Majority Party Rule

- The political party which secures majority seats in the Lok Sabha forms the government.
- The leader of that party is appointed as the Prime Minister by the President; other ministers are appointed by the President on the advice of the prime minister.
- However, when no single party gets the majority, a coalition of parties may be invited by the President to form the government.



# FEATURES OF INDIAN PARLIAMENTARY GOVERNMENT

## ♦ Collective Responsibility

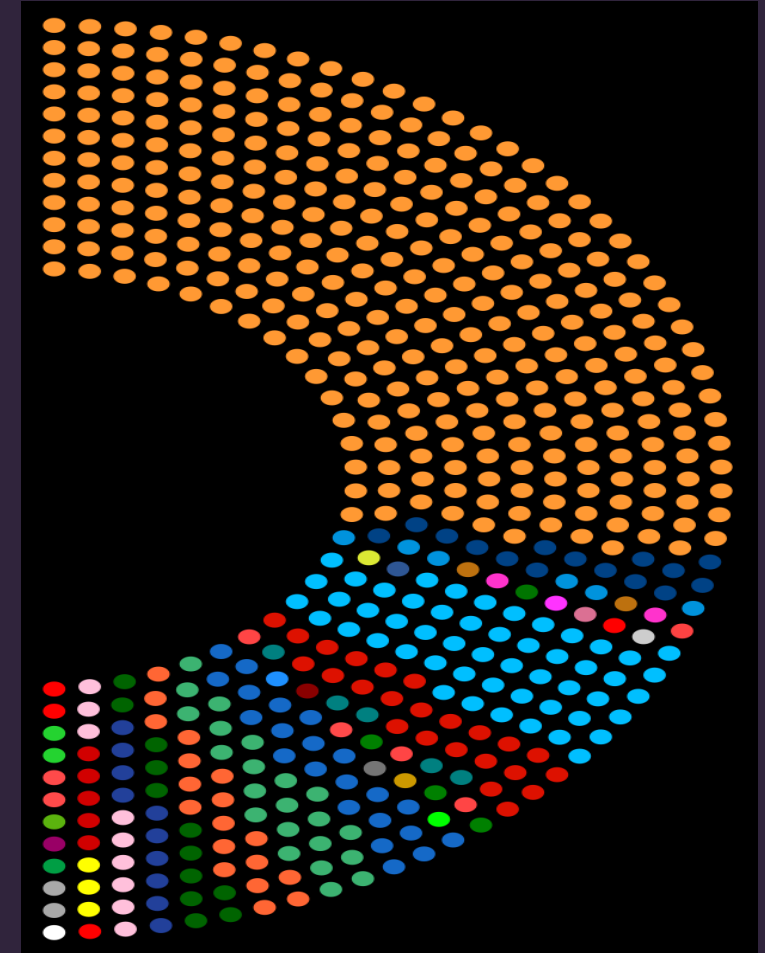
- The ministers are collectively responsible to the Parliament in general and to the Lok Sabha in particular (**Article 75**).
- Lok Sabha can remove the ministry (i.e., council of ministers headed by the prime minister) from office by passing a vote of no confidence.

## ♦ Political Homogeneity

- The members of the council of ministers belong to the same political party, and hence they share the same political ideology.
- In case of coalition government, the ministers are bound by consensus.

## ♦ Double Membership

- The ministers are members of both the legislature and the executive. This means that a person cannot be a minister without being a member of the Parliament.
- The Constitution stipulates that a minister who is not a member of the Parliament for a period of six consecutive months ceases to be a minister.



# FEATURES OF INDIAN PARLIAMENTARY GOVERNMENT

## ♦ Leadership of the Prime Minister

- The Prime Minister plays the leadership role in this system of government.
- He is the leader of council of ministers, leader of the Parliament and leader of the party in power.

## ♦ Dissolution of the Lower House

- The lower house of the Parliament (Lok Sabha) can be dissolved by the President on recommendation of the Prime Minister.
- The executive enjoys the right to get the legislature dissolved in a parliamentary system.

## ♦ Secrecy

- The ministers operate on the principle of secrecy of procedure and cannot divulge information about their proceedings, policies and decisions.



# FEATURES OF PRESIDENTIAL GOVERNMENT

- ◆ The American President is both the head of the State and the head of government.
- ◆ The President is elected by an electoral college for a fixed tenure of four years. He cannot be removed by the Congress except by impeachment for a grave unconstitutional act.
- ◆ The President governs with the help of a cabinet or a smaller body called 'Kitchen Cabinet'. It is only an advisory body and consists of non-elected departmental secretaries.
- ◆ The doctrine of separation of powers is the basis of the American presidential system. The legislative, executive and judicial powers of the government are separated and vested in the three independent organs of the government





# REASONS FOR ADOPTING PARLIAMENTARY SYSTEM

## ◆ Familiarity with the System

- The Constitution-makers were somewhat familiar with the parliamentary system as it had been in operation in India during the British rule.

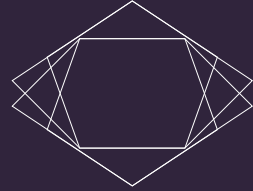
### ◆ Preference to More Responsibility

- The British system, on the other hand, gives more responsibility but less stability. The Draft Constitution in recommending the parliamentary system of Executive has preferred more responsibility to more stability.

## ◆ Nature of Indian Society

- India is one of the most heterogeneous States and most complex plural societies in the world.
- Hence, the Constitution-makers adopted the parliamentary system as it offers greater scope for giving representation to various section, interests and regions in the government.
- This promotes a national spirit among the people and builds a united India.





# UNION EXECUTIVE

*Article 52- 78*



सत्यमेव जयते

# UNION EXECUTIVE



The President



The Vice President



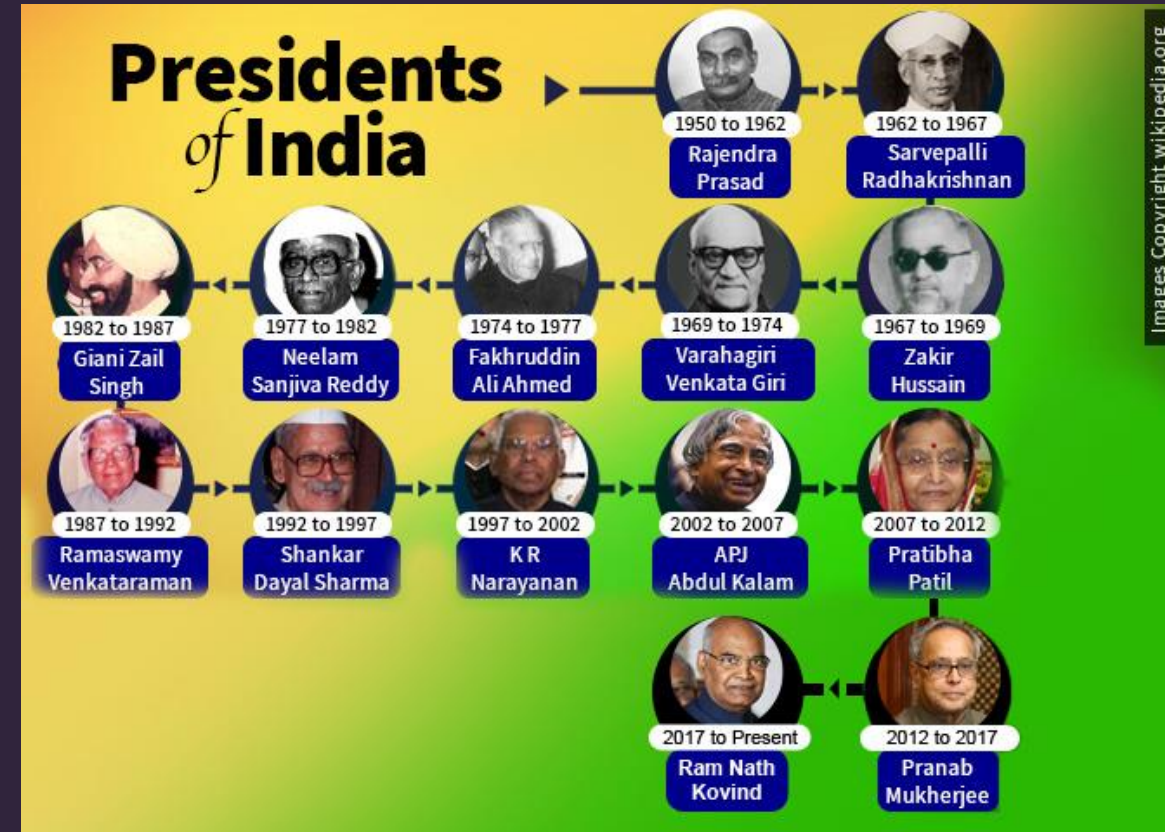
Council of Ministers headed by  
The Prime Minister





# PRESIDENT

- ♦ The President is the head of the Indian State.
- ♦ Under the Constitution of India, there shall always be a President of India (See Article 52 of the Constitution).
- ♦ He is the first citizen of India and acts as the symbol of unity, integrity and solidarity of the nation.
- ♦ The President is elected **NOT** directly by the people but by members of electoral college consisting of:
  1. the elected members of both the Houses of Parliament;
  2. the elected members of the legislative assemblies of the states;
  3. the elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry
- ♦ The nominated members of **DO NOT** participate in the election of the President.



# FAQ ABOUT PRESIDENT

## ♦ What is the term of the office of the President?

- The President shall hold office for a term of 5 years from the date on which he enters upon his office. He shall, however, continue to hold office notwithstanding the expiry of his term, until his successor enters upon his office. [Article 56 of the Constitution of India]

## ♦ Who conducts the election to the Office of President of India?

- Under **Article 324** of the Constitution of India, the authority to conduct elections to the Office of President is vested in the Election Commission of India.

## ♦ What electoral system/process is followed for the election to the office of the President?

- As per **Article 55(3)** of the Constitution of India, the election of the President shall be held in accordance with the system of proportional representation by means of single transferable vote and the voting at such election shall be by secret ballot.

## ♦ How is the nomination of a candidate for election to the office of President is determined?

- The nomination of a candidate for election to the office of President must be subscribed by at least 50 electors as proposers and 50 electors as seconders.

# FAQ ABOUT PRESIDENT

## ◆ Does the candidate has to give any security for the elections?

- Every candidate has to make a security deposit of ₹15,000 in the Reserve Bank of India. The security deposit is liable to be forfeited in case the candidate fails to secure one-sixth of the votes polled.

## ◆ What is the salary of the President?

- ₹5 lakh per month. In 2018, the Parliament increased the salary of the President from ₹1.50 lakh to ₹5 lakh per month.

## ◆ What are the Qualifications required by a candidate to contest the election to the Office of the President of India?

- Under **Article 58**, a candidate should fulfill the following eligibility conditions to contest the election to the Office of President: -
  1. Must be a citizen of India,
  2. Must have completed 35 years of age,
  3. Must be eligible to be a member of the Lok Sabha,
  4. Should not be holding 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 Governments. However, the candidate may be holding the office of President or Vice-President or Governor of any State or Ministers of the Union or any State and shall be eligible to contest election.



# QUALIFICATIONS FOR ELECTION AS PRESIDENT



- ◆ A person to be eligible for election as President should fulfil the following qualifications:
  1. He should be a citizen of India.
  2. He should have completed 35 years of age.
  3. He should be qualified for election as a member of the Lok Sabha.
  4. He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority.
- ◆ The nomination of a candidate for election to the office of President must be subscribed by at least 50 electors as proposers and 50 electors as seconders.
- ◆ Every candidate has to make a security deposit of ₹15,000 in the Reserve Bank of India. The security deposit is liable to be forfeited in case the candidate fails to secure one-sixth of the votes polled.

**The oath of office to the President is administered by the Chief Justice of India and in his absence, the senior most judge of the Supreme Court available**

# CONDITIONS OF PRESIDENT'S OFFICE

- ♦ He should not be a member of either House of Parliament or a House of the state legislature. If any such person is elected as President, he is deemed to have vacated his seat in that House on the date on which he enters upon his office as President.
- ♦ He should not hold any other office of profit.
- ♦ He is entitled, without payment of rent, to the use of his official residence (the *Rastrapati Bhavan*).
- ♦ He is entitled to such emoluments, allowances and privileges as may be determined by Parliament.
- ♦ His emoluments and allowances cannot be diminished during his term of office.
- ♦ The pension of the retired President was increased from **₹3 lakh per annum** to **50% of his salary per month**
- ♦ In addition, the former Presidents are entitled to furnished residence, phone facilities, car, medical treatment, travel facility, secretarial staff and office expenses upto ₹1,00,000 per annum.
- ♦ During his term of office, he is immune from any criminal proceedings, even in respect of his personal acts. He cannot be arrested or imprisoned.

# ELECTION OF PRESIDENT

- ♦ The system of Election to the office of the President of India is Proportional Representation by Means of **Single Transferable Vote**.
- ♦ To maintain the proportionality between the values of the votes, the following formula is used:

$$\text{Value of the vote of an MLA} = \frac{\text{Total population of state}}{\text{Total number of elected members in the state legislative assembly}} \times \frac{1}{1000}$$

- ♦ The value of the vote of the elected member can vary. To determine the value of the vote, the following formula is used:

$$\text{Value of the vote of an MP} = \frac{\text{Total value of votes of all MLAs of all states}}{\text{Total number of elected members of Parliament}}$$



# TERM AND VACANCY

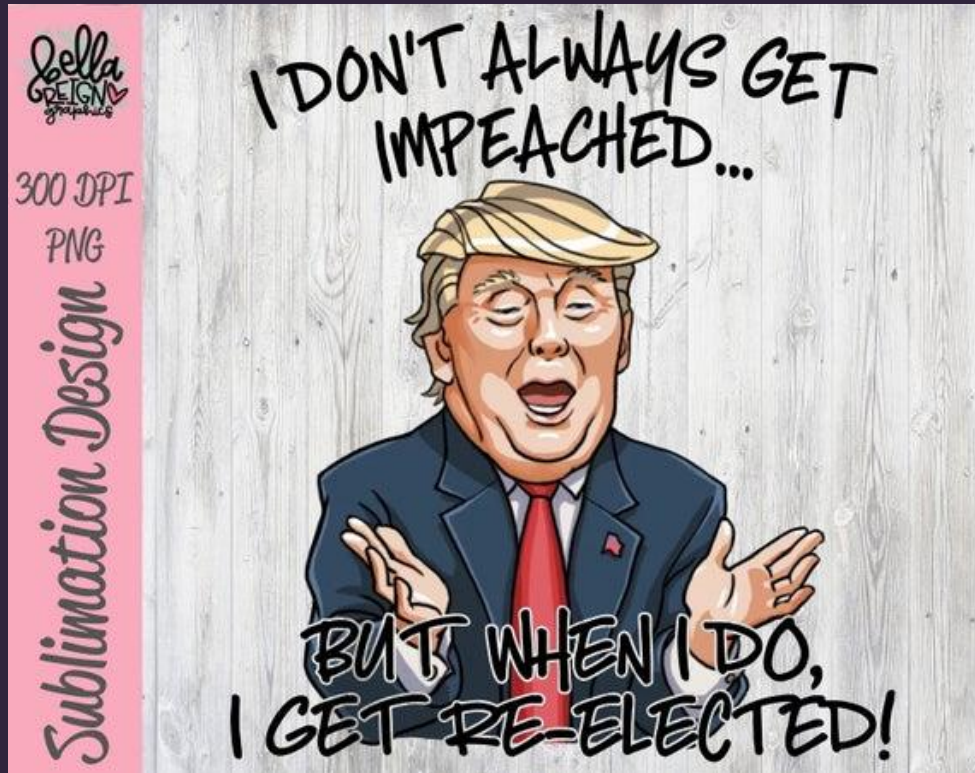
## ◆ Term of President's Office

- The President holds office for a term of five years from the date on which he enters upon his office
- If he wish, he can resign from his office at any time by addressing the resignation letter to the Vice- President
- He can also be removed from the office before completion of his term by the process of impeachment.
- The President can hold office beyond his term of five years until his successor assumes charge. He is also eligible for re-election to that office.

## ◆ Vacancy in the President's Office

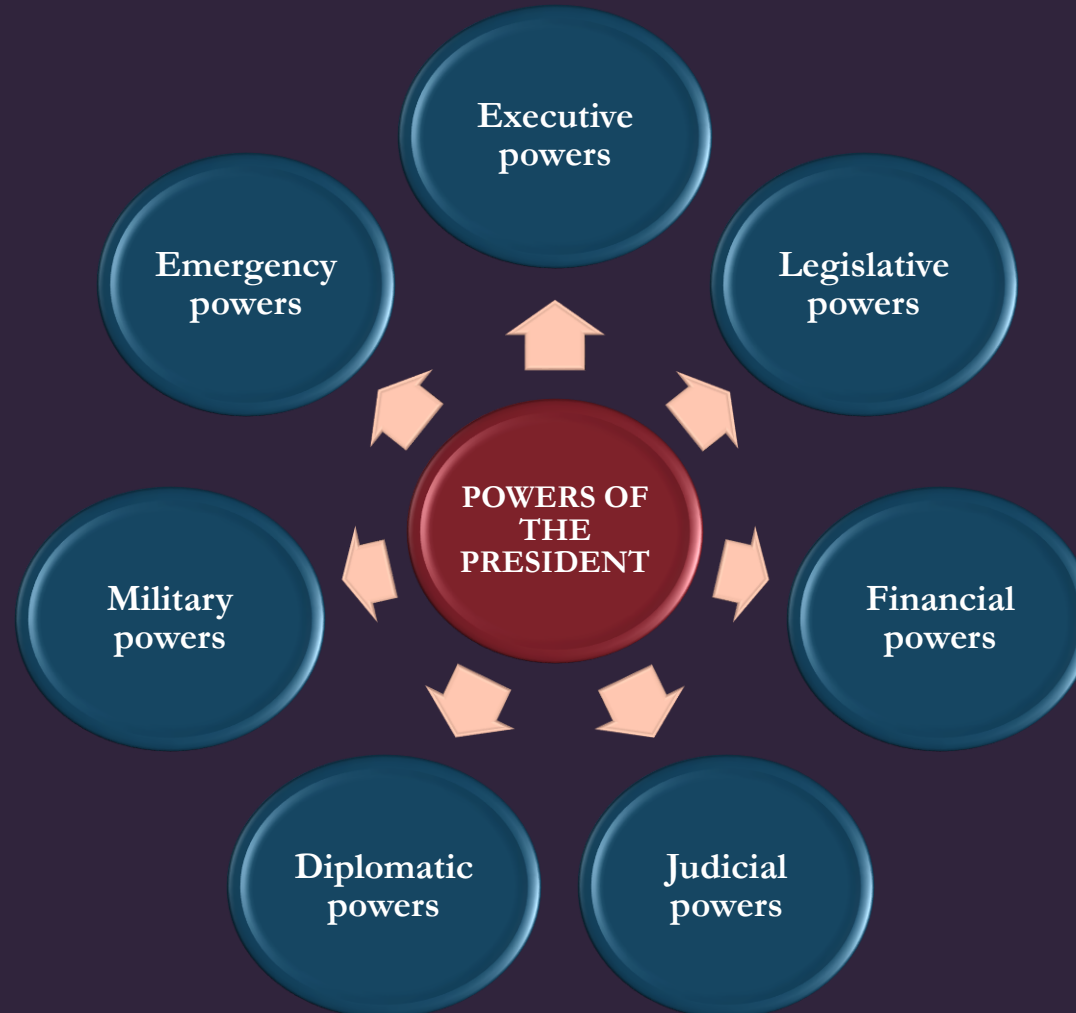
- A vacancy in the President's office can occur in any of the following ways:
- On the expiry of his tenure of five years.
- By his resignation.
- On his removal by the process of impeachment.
- By his death .
- Otherwise, for example, when he becomes disqualified to hold office or when his election is declared void.

# IMPEACHMENT OF PRESIDENT



- ◆ The President can be removed from office by a process of impeachment for 'violation of the Constitution'.
- ◆ The impeachment charges can be initiated by either House of Parliament. These charges should be signed by one-fourth members of the House (that framed the charges), and a 14 days' notice should be given to the President.
- ◆ After the impeachment resolution is passed by a majority of two-thirds of the total membership of that House, it is sent to the other House, which should investigate the charges. The President has the right to appear and to be represented at such investigation. If the other House also sustains the charges and passes the impeachment resolution by a majority of two-thirds of the total membership, then the President stands removed from his office from the date on which the resolution is so passed.
- ◆ Thus, an impeachment is a quasi-judicial procedure in the Parliament. In this context, two things should be noted:
  - The nominated members of either House of Parliament can participate in the impeachment of the President though they do not participate in his election;
  - The elected members of the legislative assemblies of states and the Union Territories of Delhi and Puducherry do not participate in the impeachment of the President though they participate in his election.

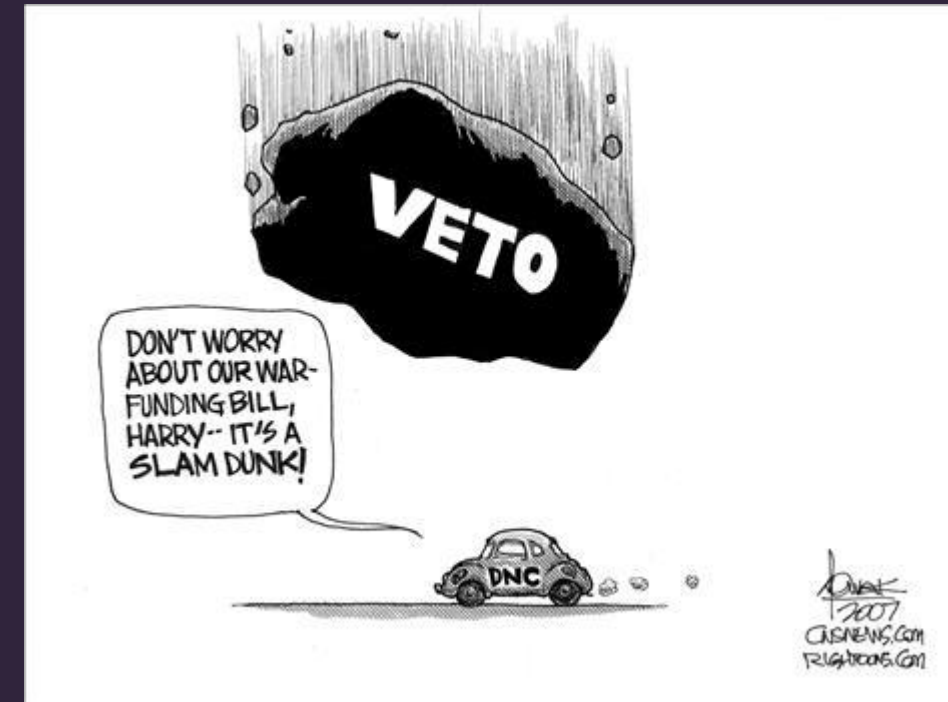
# POWERS AND FUNCTIONS OF THE PRESIDENT





# VETO POWER OF THE PRESIDENT

- ♦ A bill passed by the Parliament can become an act only if it receives the assent of the President. When such a bill is presented to the President for his assent, he has three alternatives (under Article 111 of the Constitution):
  - He may give his assent to the bill, or
  - He may withhold his assent to the bill, or
  - He may return the bill (if it is not a Money bill) for reconsideration of the Parliament.
- ♦ The President has the veto power over the bills passed by the Parliament, that is, he can withhold his assent to the bills. The object of conferring this power on the President is two-fold—
  - to prevent hasty and ill-considered legislation by the Parliament; and
  - to prevent a legislation which may be unconstitutional.



# TYPES OF VETO POWERS

- ♦ The veto power enjoyed by the executive in modern states can be classified into the following four types:
  - Absolute veto, that is, withholding of assent to the bill passed by the legislature.
  - Qualified veto, which can be overridden by the legislature with a higher majority.
  - Suspensive veto, which can be overridden by the legislature with an ordinary majority.
  - Pocket veto, that is, taking no action on the bill passed by the legislature.

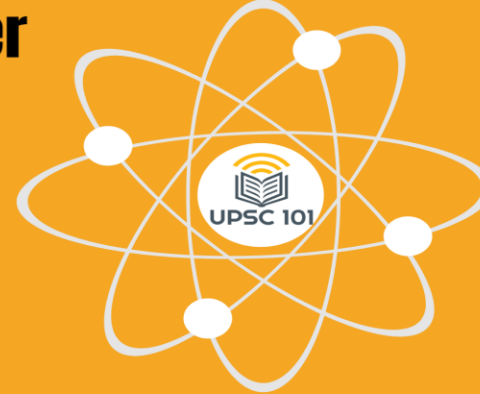
**Pol has 3 options as per**

## Article 111

**1. Sign the Bill**

**2. Refuse to sign the Bill**

**3. Send it back for reconsideration (i.e. if it is not a Money Bill.)**



## VETO POWERS OF THE PRESIDENT

PREPARED BY SHOBHANA MENON

### 3) POCKET VETO

**MEANING: NEITHER SIGN NOR REJECT. CAN KEEP IT PENDING INDEFINITELY. NO TIME LIMIT PRESCRIBED.**

**CAN BE APPLIED ON:  
ONLY ORDINARY BILLS**

**EXAMPLE: INDIAN POST OFFICE (AMENDMENT) BILL, 1986**

**EXERCISED BY:  
ZAIL SINGH**

### 2) SUSPENSIVE VETO

**MEANING: SEND BACK FOR RECONSIDERATION**

**CAN BE APPLIED ON:  
ONLY ORDINARY BILLS**

**EXAMPLE: OFFICE - OF - PROFIT BILL, 2006**

**EXERCISED BY:  
Dr. A.P.J. ABDUL KALAM**

### 1) ABSOLUTE VETO

**MEANING: COMPLETE REJECTION**

**CAN BE APPLIED ON:  
MONEY BILL,  
ORDINARY BILL,  
PRIVATE MEMBER BILL**

**EXAMPLE: PEPSU APPROPRIATION BILL, 1954  
EXERCISED BY:  
Dr. RAJENDRA PRASAD**

**EXAMPLE: SALARY, ALLOWANCES AND PENSION OF MP BILL, 1991  
EXERCISED BY:  
R. VENKATARAMAN**

### NOTE:

**\* Money Bill is usually not vetoed as it is first presented in the Parliament with Pol's permission before it ultimately comes to him for his signature.**

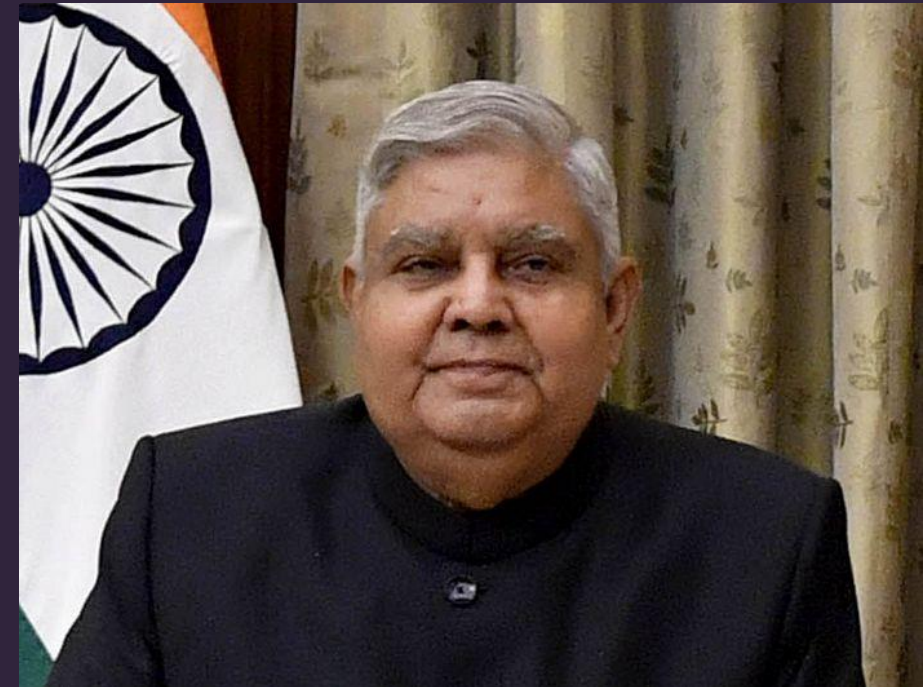
**\* Constitutional Amendment Bills can NEVER be vetoed as per the 24th Amendment.**

# PARDONING POWER OF THE PRESIDENT

- ◆ **Article 72** of the Constitution empowers the President to grant pardons to persons who have been tried and convicted of any offence in all cases where the:
  - Punishment or sentence is for an offence against a Union Law;
  - Punishment or sentence is by a court martial (military court); and
  - Sentence is a sentence of death
- ◆ The pardoning power of the President is independent of the Judiciary; it is an executive power
- ◆ The pardoning power of the President includes the following:
  - **1. Pardon**
    - It removes both the sentence and the conviction and completely absolves the convict from all sentences, punishments and disqualifications.
  - **2. Commutation**
    - It denotes the substitution of one form of punishment for a lighter form. For example, a death sentence may be commuted to rigorous imprisonment, which in turn may be commuted to a simple imprisonment.
  - **3. Remission**
    - It implies reducing the period of sentence without changing its character. For example, a sentence of rigorous imprisonment for two years may be remitted to rigorous imprisonment for one year.
  - **4. Respite**
    - It denotes awarding a lesser sentence in place of one originally awarded due to some special fact, such as the physical disability of a convict or the pregnancy of a woman offender.
  - **5. Reprieve**
    - It implies a stay of the execution of a sentence (especially that of death) for a temporary period. Its purpose is to enable the convict to have time to seek pardon or commutation from the President.

# VICE PRESIDENT

- ◆ The Vice-President occupies the second highest office in the country.
- ◆ This office is modelled on the lines of the American Vice-President.
- ◆ The Vice-President, like the president, is elected not directly by the people but by the method of indirect election. He is elected by the members of an electoral college consisting of the members of both Houses of Parliament.
- ◆ The nomination of a candidate for election to the office of Vice-President must be subscribed by at least 20 electors as proposers and 20 electors as seconders. Every candidate has to make a security deposit of ₹15,000 in the Reserve Bank of India.
- ◆ This electoral college is different from the electoral college for the election of the President in the following two respects:
  1. It consists of both elected and nominated members of the Parliament (in the case of president, only elected members).
  2. It does not include the members of the state legislative assemblies (in the case of President, the elected members of the state legislative assemblies are included).





# VICE PRESIDENT

## Qualifications

- ◆ He should be a citizen of India.
- ◆ He should have completed 35 years of age.
- ◆ He should be qualified for election as a member of the Rajya Sabha.
- ◆ He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority.

## Conditions of Office:

- ◆ He should not be a member of either House of Parliament or a House of the state legislature. If any such person is elected Vice-President, he is deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President.
- ◆ He should not hold any other office of profit.

# VICE PRESIDENT

## Term of Office (Under Article 67)

- Holds office for a term of five years from the date on which he enters upon his office.
- However, he can resign from his office at any time by addressing the resignation letter to the President. He can also be removed from the office before completion of his term.
- A formal impeachment is not required for his removal. He can be removed by a resolution passed by a majority of all the then members of the Rajya Sabha and agreed to by the Lok Sabha.
- The Vice-President can hold office beyond his term of five years until his successor assumes charge. He is also eligible for re-election to that office.

## ◆ Removal and vacancy

- The vice president may resign his office by submitting his resignation to the president of India. The resignation becomes effective from the day it is accepted
- The vice president can be removed from office by a resolution of the council of states Rajya Sabha passed by a majority of its member at that time and agreed by the House of the people (Lok Sabha)
- There is no provision in the constitution on who performs the duties of the vice president when a vacancy occurs in the office.

# VICE PRESIDENT

## Powers and Functions

- ◆ He acts as the ex-officio Chairman of Rajya Sabha. In this capacity, his powers and functions are similar to those of the Speaker of Lok Sabha.
- ◆ He acts as President when a vacancy occurs in the office of the President due to his resignation, removal, death or otherwise.
- ◆ He can act as President only for a maximum period of six months.
- ◆ If the offices of both the President and the Vice-President fall vacant by reason of death, resignation, removal, etc. the Chief Justice of India or in his absence the senior most Judge of the Supreme Court acts as President.

# THE PRIME MINISTER AND THE UNION COUNCIL OF MINISTERS

## Prime Minister

- ♦ Prime Minister is the head of the government while President is the head of the State of the Republic of India.
- ♦ **Article 75** says that the Prime Minister shall be appointed by the President.
- ♦ PM is the **chairman** of NITI Aayog, National Development Council, Interstate Council, National Water Resource Council and plays important role in shaping our Foreign Policy





# OATH, TERM AND SALARY

- ◆ The term of the Prime Minister is not fixed and he holds office during the pleasure of the President.
- ◆ However, this does not mean that the President can dismiss the Prime Minister at any time. So long as the Prime Minister enjoys the majority support in the Lok Sabha, he cannot be dismissed by the President.
- ◆ However, if he loses the confidence of the Lok Sabha, he must resign, or the President can dismiss him.
- ◆ The Basic Salary of PM is Rs. 50,000 at present. The salary and allowances of the Prime Minister are determined by the Parliament from time to time. He gets the salary and allowances that are payable to a member of Parliament. Additionally, he gets a sumptuary allowance, free accommodation, travelling allowance, medical facilities, etc.

# COUNCIL OF MINISTERS

- ◆ Article 74 and 75 deals with the provision regarding Council of Ministers.
- ◆ There shall be a Council of Ministers with the Prime Minister as a head to aid and advice is the president, who shall can exercise office functions act in accordance with such advice.
- ◆ The Prime Minister shall be appointed by the president and other ministers shall be appointed by the president on the advice of Prime Minister.
- ◆ The total number of ministers including the Prime Minister in the Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha.
- ◆ Member of either House of parliament belonging to any political party who is disqualified for being a member of that house under 10th schedule shall also be disqualified to be appointed as minister.
- ◆ The ministers shall hold office during the pleasure of the president. this means that the ministers can be removed by the president at is will. However all this is in practice used to be at the behest of the Prime Minister .

# COMPOSITION OF THE COUNCIL OF MINISTERS

## ♦ Cabinet Minister

- Senior most members of councils of ministers who act as head of imported ministries of the central government. For example: defence ministry, home ministry, finance ministry etc .
- The word cabinet was inserted by the 44th Constitutional Amendment act with regard to emergency provisions.
- The cabinet refers to an elite group within the Council of Ministers who hold powerful portfolios.

## ♦ Minister of State

- Second and rank and they can be given independent charges of ministries or can be attached to the cabinet ministers. When attached to the cabinet ministers they work under the guidance of the cabinet ministers
- Difference from cabinet ministers lie in the fact that they do not attend the cabinet meetings as they are not the part of the cabinet unless specially invited when something related ministry is being considered by the cabinet .

## ♦ Deputy Minister

- Junior most and they are never given independent charge of ministry on like minister of state and always remain attached to the cabinet ministers or ministers of state
- They assist to discharge the political administrator and parliamentary duty effectively . They are neither a part of cabinet nor attend the cabinet meeting

# POWERS AND FUNCTIONS OF THE PRIME MINISTER

## ♦ In Relation to Council of Ministers

- He recommends persons who can be appointed as ministers by the president.
- He allocates and reshuffles various portfolios among the ministers.
- He can ask a minister to resign or advise the President to dismiss him in case of difference of opinion.
- He guides, directs, controls, and coordinates the activities of all the ministers.
- He can bring about the collapse of the council of ministers by resigning from office.

## ♦ In Relation to the President

- He is the principal channel of communication between the President and the council of ministers.
- He advises the president with regard to the appointment of important officials like attorney general of India, Comptroller and Auditor General of India, chairman and members of the UPSC, election commissioners, chairman and members of the finance commission and so on.

## ♦ In Relation to Parliament

- The Prime Minister is the leader of the Lower House. In this capacity, he enjoys the following powers:
- He advises the President with regard to summoning and proroguing of the sessions of the Parliament.
- He can recommend dissolution of the Lok Sabha to President at any time.
- He announces government policies on the floor of the House.



# SOME INTERESTING FACTS

- ♦ Jawaharlal Nehru is the longest serving PM of India- 16+ years
- ♦ The only person who worked as Deputy PM twice is Morarji Desai
- ♦ Indira Gandhi was the first person who belonged to Rajya Sabha during nomination as PM
- ♦ Rajiv Gandhi is the youngest PM of India till date.
- ♦ PV Narasimha Rao was the first PM from South India
- ♦ Atal Behari Vajpayee was the first PM of non-Congress origin to hold office for 5 years
- ♦ Narendra Modi is the longest non-Congress PM of India.
- ♦ 6 people have become Prime Minister after been the chief minister. They are Morarji Desai (erstwhile Bombay state), Charan Singh (Uttar Pradesh), VP Singh (UP), PV Narasimha Rao (Andhra Pradesh), HD Deve Gowda (Karnataka) and Narendra Modi (Gujarat)
- ♦ Gulzari Lal Nanda acted as acting PM on 2 occasions due to death of former PMs Jawahar Lal Nehru and Lal Bahadur Shastri, on the account of being the seniormost minister before the announcement of formal elections.

# ATTORNEY GENERAL OF INDIA

- ◆ The Attorney General of India is appointed by the President of India under Article 76 of the Constitution and holds the office during the pleasure of the President.
- ◆ He/she Must be a person, qualified to be appointed as a Judge of the Supreme Court.
- ◆ The term of the Attorney General is not fixed by the Constitution.
- ◆ It does not contain the procedure and the grounds of his/her removal as well.
- ◆ The Attorney General may quit office by submitting his/her resignation letter to the President.
- ◆ The remuneration is also not fixed by the Constitution.
- ◆ He acts as the Chief Law officer of the Govt. Of India. The duties are:
  - To advice GoI upon such legal matters which are referred to him by President
  - To perform such other duties of a legal character that are assigned by the President
  - To discharge the functions conferred on him/her by the constitution or any other laws.



An aerial photograph of a massive dam and power station complex built into a deep, rugged canyon. The dam is a long concrete structure with multiple buttresses. To its left, a large power station with several tall cooling towers is visible. A winding road and a bridge cross the canyon floor in the foreground. The surrounding mountains are steep and rocky, with some sparse vegetation.

# THANK YOU



Email  
[devjyoti.das@uem.edu.in](mailto:devjyoti.das@uem.edu.in)