

Q) With reference to India, consider the following statements: (2021)

1. There is only one citizenship and one domicile.
2. A citizen by birth only can become the Head of State.
3. A foreigner once granted citizenship cannot be deprived of it under any circumstances.

Which of the statements given above is/are correct?

- |            |            |
|------------|------------|
| a) 1 Only  | b) 2 Only  |
| c) 1 and 3 | d) 2 and 3 |

## ***citizenship***

- A person is said to be domicile of a place when one have a permanent resident there. Thus a person can not have more than one domicile.
- In India there is no provision for a seprate state citizenship like US.
- In India both a citizen by birth and a naturalized citizen can contest for Presidentship. While in US only a citizen by birth can become head of state.

Q) A legislation which confers on the executive or administrative authority an unguided and uncontrolled discretionary power in the matter of application of law violates one of the following Articles of the Constitution of India? (2021)

- |               |               |
|---------------|---------------|
| a) Article 14 | b) Article 28 |
| c) Article 32 | d) Article 44 |



## Parliamentary System of Government:

- Characterized by executives holding power through majority support of the legislature.
- India's system based on the British Westminster model.

## Concept of Parliamentary System:

- Democratic state governance.
- Governing administration formed by the political party with the most seats in Parliament.
- Constitution modeled on British Parliamentary system, emphasizing executive responsibility.

## Main Features of Indian Parliamentary System:

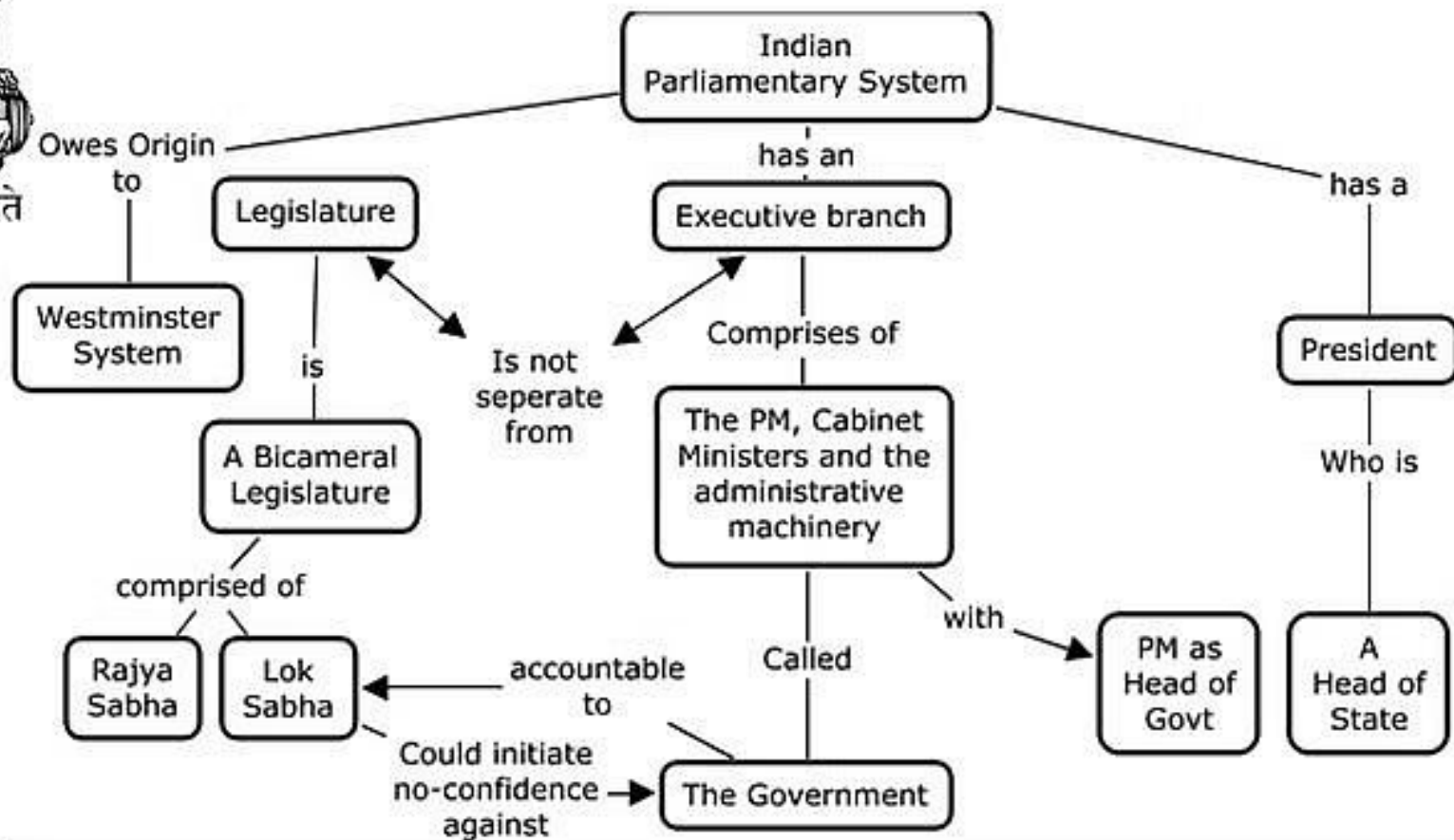
- Nominal and Real Executives:
  - President as nominal executive, Prime Minister as the actual executive.
  - Council of Ministers assists President based on the Prime Minister's advice.
- Relationship between Legislative and Executive Power:
  - Prime Minister and Council of Ministers constitute the executive; Parliament is the legislative body.
  - Executive power derived from the legislature.



- Collective Responsibility: Ministers collectively responsible to Parliament, especially the People's Chamber.
- Political Homogeneity:
  - ❖ Council of Ministers generally from the same political party.
  - ❖ Coalition government ministers bound by consensus.
- Dual Membership: Ministers are members of both the legislature and the executive.
- Prime Minister's Leadership: Key leader of the Council of Ministers, Parliament, and ruling party.
- Dissolution of Lok Sabha:
  - ❖ President can dissolve Lok Sabha on Prime Minister's proposal.
  - ❖ Executive has the authority to dissolve the legislature in the parliamentary system.
- Secrecy:
  - ❖ Ministers operate under confidentiality principles.
  - ❖ Oath of secrecy administered by the president.

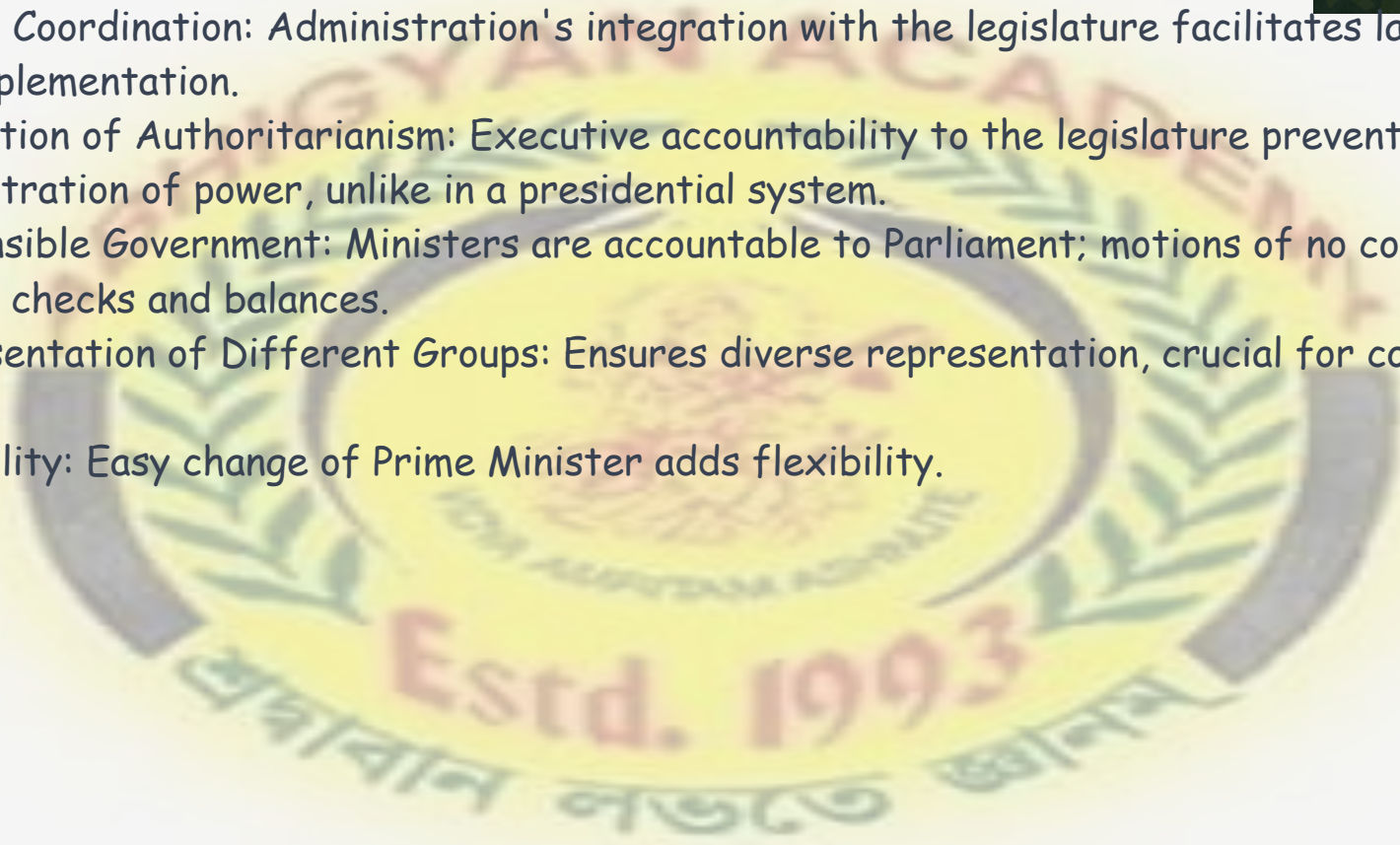


# INDIAN PARLIAMENTARY SYSTEM



## Advantages of Indian Parliamentary System:

- 1) **Better Coordination:** Administration's integration with the legislature facilitates law passage and implementation.
- 2) **Prevention of Authoritarianism:** Executive accountability to the legislature prevents concentration of power, unlike in a presidential system.
- 3) **Responsible Government:** Ministers are accountable to Parliament; motions of no confidence ensure checks and balances.
- 4) **Representation of Different Groups:** Ensures diverse representation, crucial for countries like India.
- 5) **Flexibility:** Easy change of Prime Minister adds flexibility.



## Disadvantages of Indian Parliamentary System:

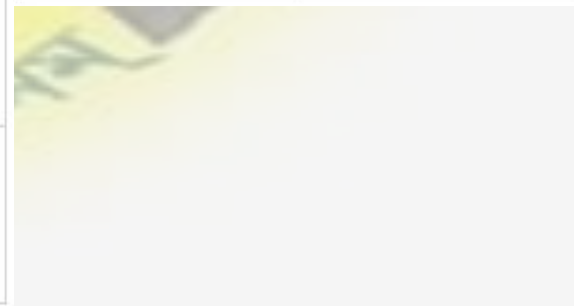
1. **Cabinet Dictatorship:** Potential issue as the whole cabinet works under the Prime Minister's direction.
2. **Ministerial Expertise:** Limited options for the Prime Minister in selecting ministers may impact efficiency.
3. **Bureaucratic Control:** Public officials, advising ministers, not directly accountable to the legislature.
4. **Vulnerability to Influences:** Parliamentary government susceptible to external influences, like joint committees.
5. **Lack of Continuous Change in Policy:** Often leads to changes in government policies.
6. **No Decentralization:** Lack of real decentralization, limiting legislative accountability, especially with a majority government.
7. **Instability:** Government survival requires majority support, leading to instability without a larger party.
8. **Unqualified Legislators:** Legislators may prioritize entering the executive branch, impacting legislative competence.
9. **Delayed Decision-Making:** Council of Ministers' lack of a fixed mandate can hinder quick, bold decisions.



PARLIAMENTARY SYSTEM	PRESIDENTIAL SYSTEM
Dual Executive	Single Executive
Majority Party Rule	President & Legislators elected separately for a fixed term
Collective Responsibility	Non-Collective Responsibility
Political Homogeneity	Political homogeneity may not exist
Double Membership	Single Membership
Leadership of Prime Minister	Domination of the President
Dissolution of Lower House	No dissolution of lower house
Fusion of powers	Separation of powers

PARLIAMENTARY SYSTEM : DEMERITS	PRESIDENTIAL SYSTEM : MERITS
Unstable government	Stable government
No continuity of policies	Definiteness in policies
Against separation of powers	Based on separation of powers
Government of Amateurs	Government by experts

PARLIAMENTARY SYSTEM : MERITS	PRESIDENTIAL SYSTEM : DEMERITS
Harmony between the legislature and the executive	Conflict between the legislature and the executive
Responsible government	Non-responsible government
Prevents Despotism	May lead to despotism
Wide representation	Narrow representation



## Presidential vs. Parliamentary System: A Debate

The debate over switching India's governance system from Parliamentary to Presidential has been ongoing. India's founders chose the Parliamentary system for three main reasons: familiarity, avoiding executive-legislature rifts, and addressing the vast cultural diversity. The suggestion of a separate advisory committee for the President, like the Privy Council, was considered but not adopted.

### Failures of Parliamentary System:

- Initial success declined due to a fall in moral values and ethical standards.
- Rapid turnover of Prime Ministers, party hopping, and ineffective legislating.
- Rampant criminalization of politics and subversion of the electoral system.

### Case For Presidential System:

- **Stability:** No hung situations; the President serves a full term.
- **Direct Election:** President accountable to the people; ability to choose ministers independently.
- **Quality Leadership:** A hand-picked, dynamic cabinet; no need for a Prime Minister.
- **Efficiency:** Firm decision-making, reducing wasteful expenditures and unproductive pursuits.
- **Reduced Parties:** Fewer non-serious candidates; regular elections without mid-term polls.

### Case Against Presidential System:

- **Merit Appointment:** Not guaranteed, as ideological considerations may influence decisions.
- **Illiteracy Exploitation:** Majority of illiterate voters may be exploited by dishonest politicians.
- **Diluted Federalism:** Centralization of power may lead to arrogance, irresponsibility, and fragmentation.
- **Historical Dictatorships:** Examples of presidential systems degenerating into dictatorship in various countries.

### Conclusion:

- The parliamentary system is not fundamentally flawed; practical reforms are needed.
- Suggestions include empowering the opposition, parliamentary reforms, continuous administration control, specialized training for members, and concurrent telecast of proceedings.



13. Out of the following statements, choose the one that brings out the principle underlying the Cabinet form of Government: (2017)

- a) An arrangement for minimizing the criticism against the Government whose responsibilities are complex and hard to carry out to the satisfaction of all.
- b) A mechanism for speeding up the activities of the Government whose responsibilities are increasing day by day.
- c) A mechanism of parliamentary democracy for ensuring collective responsibility of the Government to the people.
- d) A device for strengthening the hands of the head of the Government whose hold over the people is in a state of decline.



## Union Executive: Overview

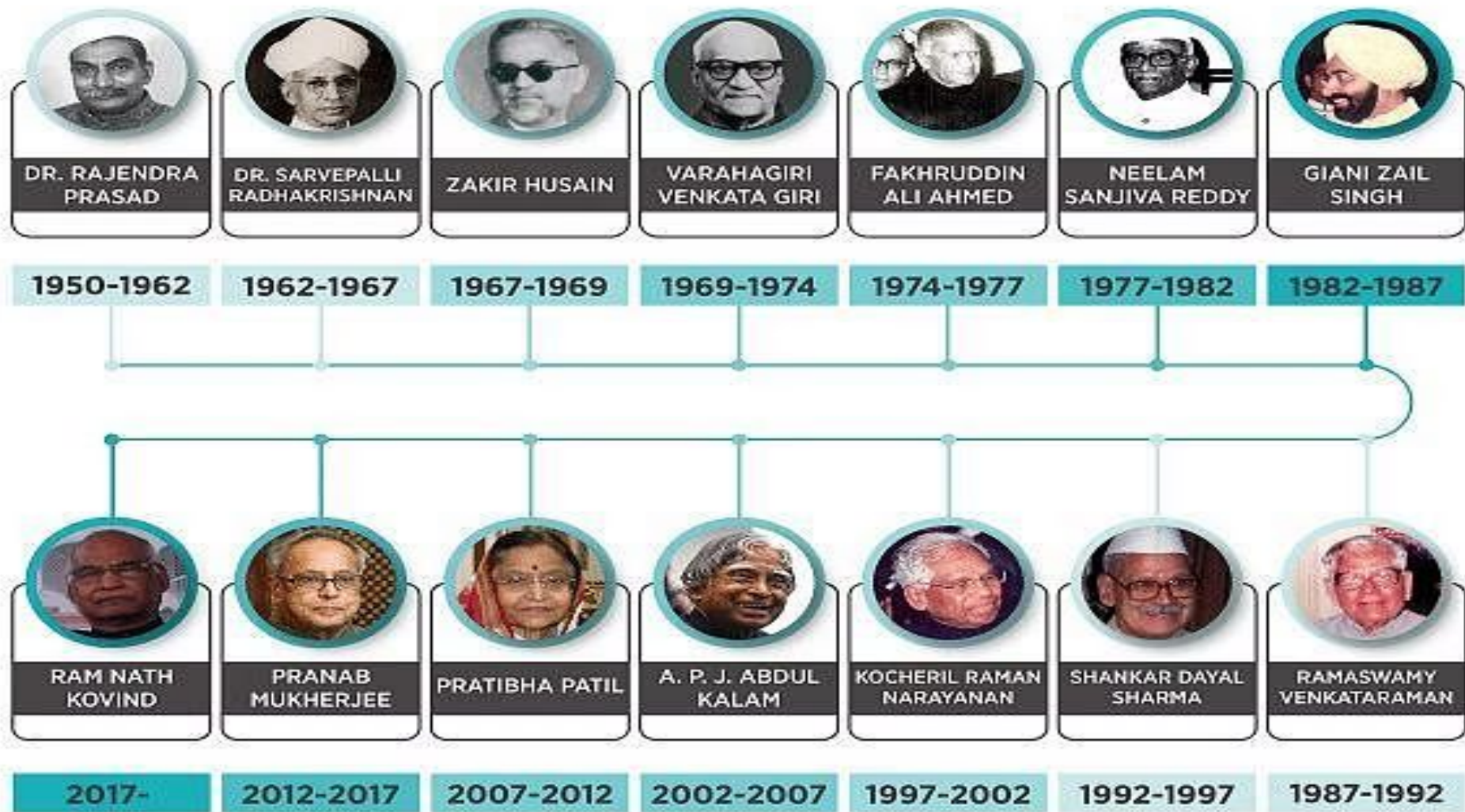
### Introduction:

- Chapter I of Part V of the Indian Constitution (Arts. 52-78) focuses on the Union executive.
- India follows a cabinet form of executive, derived from the British cabinet system.

**Composition:** The Union Executive includes the President, Vice President, Council of Ministers, and the Attorney General of India.

### Election of President:

- Arts. 54 and 55 outline the President's election process.
- Indirect election through an electoral college comprising elected members of Parliament, State Legislative Assemblies, and Union Territories.
- Uniform representation among states, and parity between states and the Union.
- Secret ballot and proportional representation by means of a single transferable vote.
- Quota determined by a specific formula, with successive rounds of counting until a candidate achieves the required quota.




## GENERAL ELECTIONS


$$= 1 \text{ VOTE}$$

PEOPLE

## PRESIDENTIAL ELECTIONS

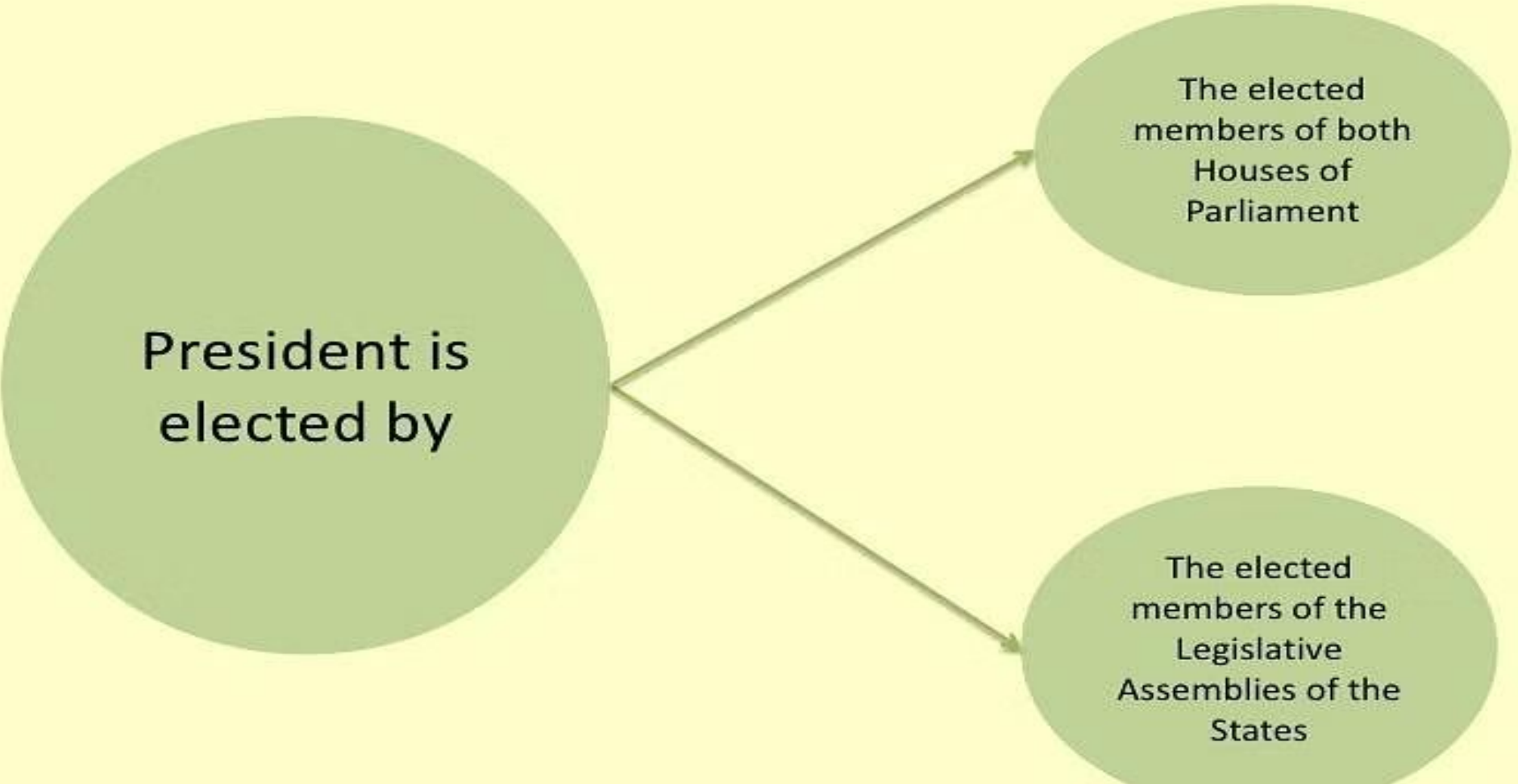

$$= \frac{\left( \frac{\text{TOTAL POPULATIONS OF THE STATE}}{\text{NO OF MLAs}} \right)}{1000}$$

MLA


$$= \frac{\text{TOTAL NO. OF VOTES ASSIGNED TO MLAs}}{\text{TOTAL NO. OF MPs}}$$

MP

President is  
elected by



```
graph LR; A((President is elected by)) --> B([The elected members of both Houses of Parliament]); A --> C([The elected members of the Legislative Assemblies of the States]);
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The elected  
members of both  
Houses of  
Parliament

The elected  
members of the  
Legislative  
Assemblies of the  
States

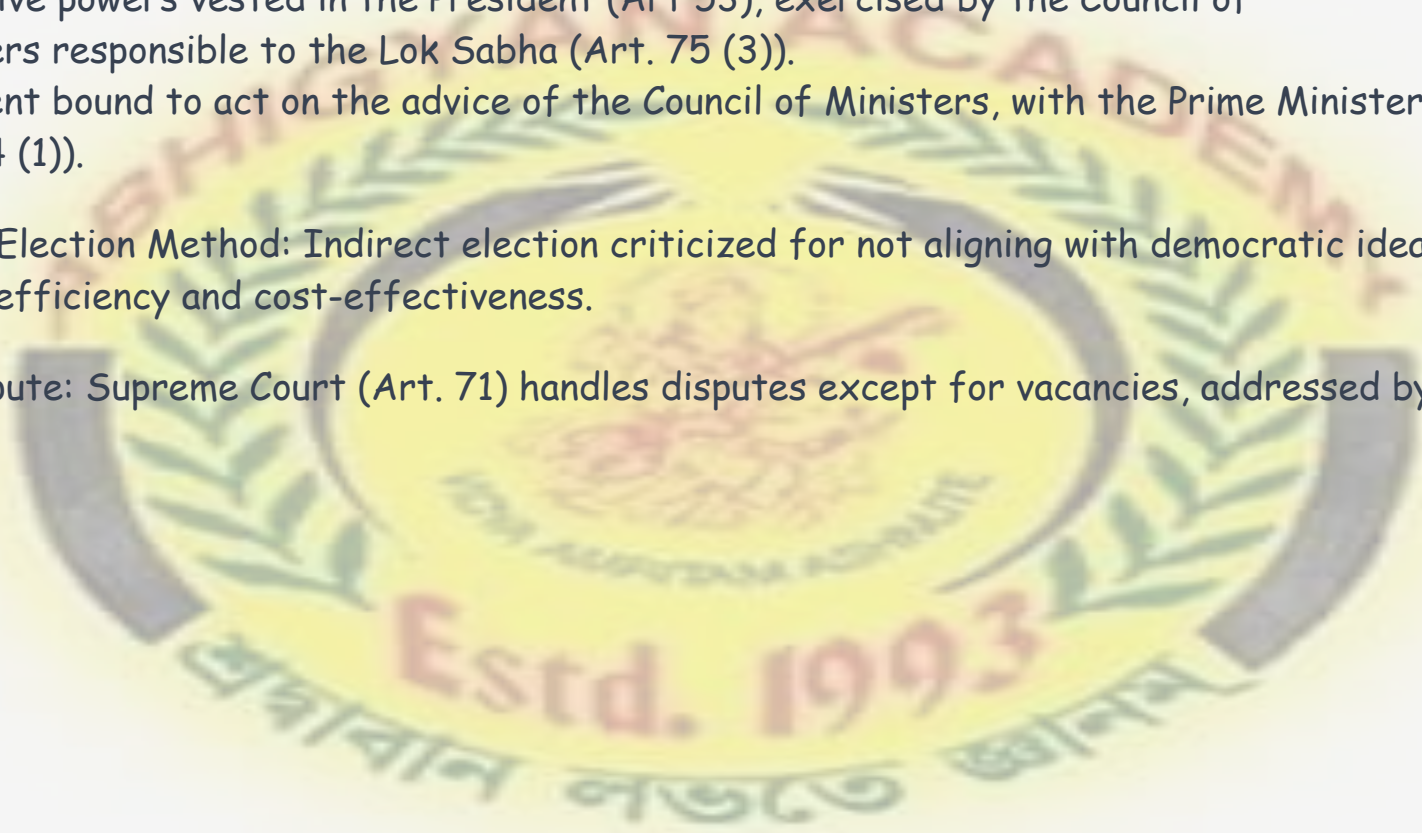


## Powers and Duties:

- Executive powers vested in the President (Art 53), exercised by the Council of Ministers responsible to the Lok Sabha (Art. 75 (3)).
- President bound to act on the advice of the Council of Ministers, with the Prime Minister as its head (Art.74 (1)).

**Criticism of Election Method:** Indirect election criticized for not aligning with democratic ideals but favored for efficiency and cost-effectiveness.

**Election Dispute:** Supreme Court (Art. 71) handles disputes except for vacancies, addressed by the 11th amendment.



## Qualifications for President:

- Citizen of India.
- Minimum age: 35 years.
- Eligible for Lok Sabha membership.
- No office of profit under Union or state government.
- Proposed by 50 electors, seconded by 50 electors.
- Security deposit of Rs 15,000 required.

## Oath or Affirmation:

- Before entering office, President takes an oath.
- Swears to faithfully execute duties, preserve, protect, and defend the Constitution, and serve the people of India.
- Administered by Chief Justice of India or the senior-most available judge of the Supreme Court.

## Conditions of President's Office:

- Not a member of Parliament or state legislature.
- No holding of other office of profit.
- Entitled to official residence (Rastrapathi Bhavan) without rent.
- Emoluments, allowances, and privileges determined by Parliament; cannot be diminished during the term.

## Term and Conditions of Office:

- Five-year term, eligible for re-election (Art. 56).
- Termination by resignation, removal via impeachment for 'violation of the Constitution' (Art. 61).
- President cannot be a member of Parliament or state legislature and cannot hold any other office of profit (Art. 59).

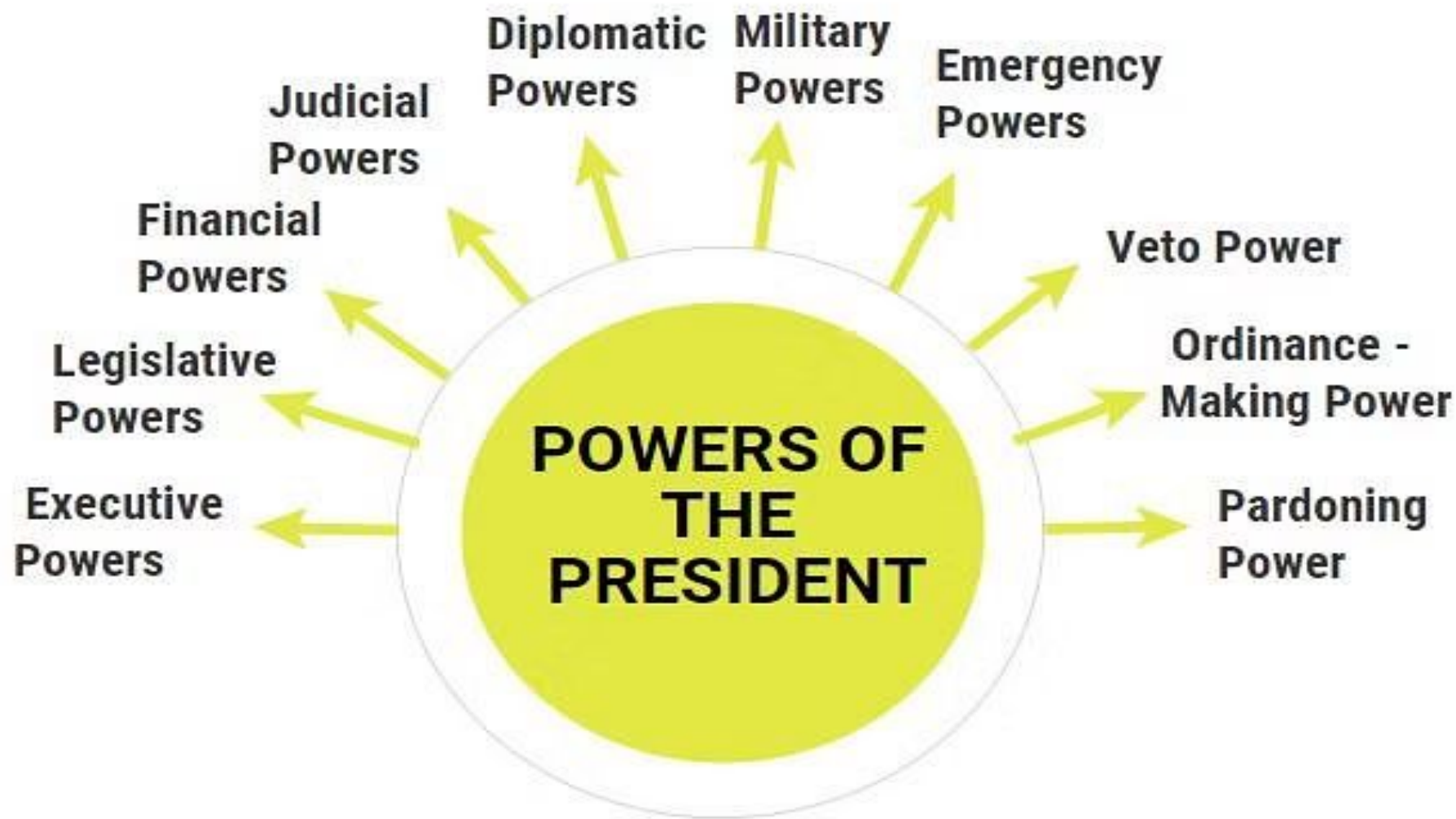
**Impeachment Process:** Initiated by either House, requires one-fourth strength resolution, investigated by the other House, and removal through a two-thirds majority (Art. 61).

## Vacancy:

- Occurs on term expiration, death, resignation, removal, or other causes.
- Election before term expiration and within six months for other vacancies (Art. 62).
- Vice-President acts as President during a temporary inability.

**Order of Succession:** Vice President, Chief Justice of the Supreme Court, and Justices of the Supreme Court in order of seniority (Parliament's order of succession).



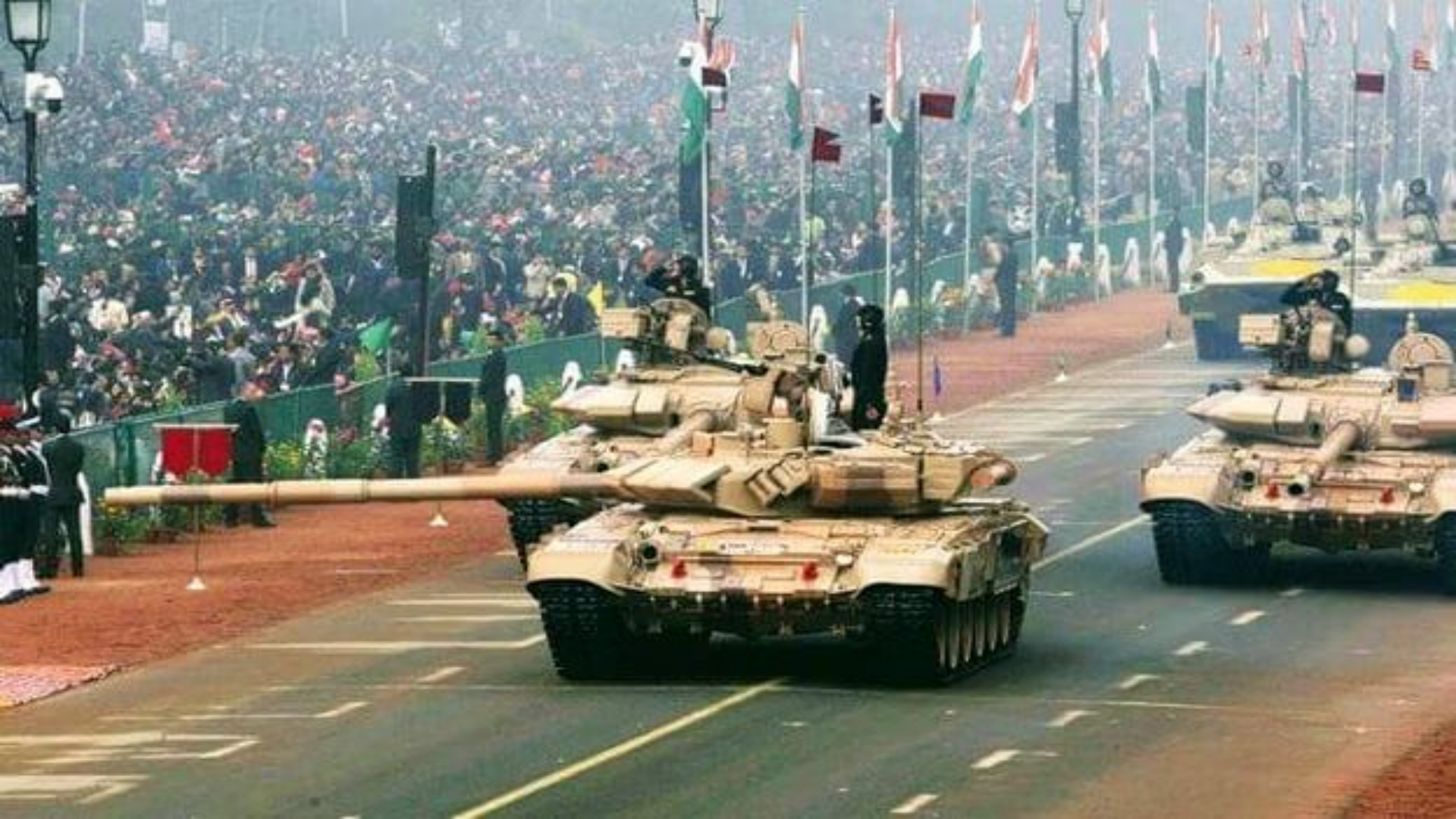




## Powers and Duties:

- **Administrative Powers:**
  - President, a formal head, all executive actions in their name.
  - Appoints and removes high dignitaries, acts on Council of Ministers' advice.
- **Military Powers:**
  - Supreme command of defense forces.
  - Appoints service chiefs, confers war or peace, regulated by Parliament.
- **Diplomatic Power:**
  - Represents India in international affairs.
  - Appoints and receives ambassadors, treaties in his name (subject to ratification).
- **Legislative Powers:**
  - Summons, prorogues, dissolves Parliament.
  - Addresses joint sessions, sends messages, nominates members, issues ordinances.
  - **Financial Powers:** Presents budget, recommends money bills.
  - **Judicial Powers:** Grants pardons, appoints judges, refers constitutional matters to the Supreme Court.
  - **Emergency Powers:** Declares national, state, or financial emergencies.

In the Absence of President: Eligible for succession: Vice President, Chief Justice of Supreme Court, and Justices of Supreme Court in order of seniority.





1. Consider the following statements: (2020)

1. The president of India can summon a session of Parliament at such place as he/she thinks fit.
2. The Constitution of India provides for three sessions of the Parliament in a year, but it is not mandatory to conduct all three sessions.
3. There is no minimum number of days that the Parliament is required to meet in a year.

Which of the statements given above is/are correct?

- |                 |                 |
|-----------------|-----------------|
| a) 1 only       | b) 2 only       |
| c) 1 and 3 only | d) 2 and 3 only |

2. Rajyasabha has equal powers with Loksabha in (2020)

- a) The matter of creating new all India services
- b) Amending the Constitution
- c) The removal of the government
- d) Making cut motions



5. Consider the following statements: (2018)

1. The Parliament of India can place a particular law in the Ninth Schedule of the Constitution of India.
2. The validity of a law placed in the Ninth Schedule cannot be examined by any court and no judgement can be made on it.

Which of the statements given above is/are correct?

- |                 |                    |
|-----------------|--------------------|
| a) 1 only       | b) 2 only          |
| c) Both 1 and 2 | d) Neither 1 nor 2 |

7. Regarding Money Bill, which of the following statements is not correct? (2018)

- a) A bill shall be deemed to be a Money Bill if it contains any provisions relating to imposition, abolition, remission, alteration, or regulation of any tax.
- b) A Money Bill has provisions for the custody of the Consolidated Fund of India or the Contingency Fund of India.
- c) A Money Bill is concerned with the appropriation of moneys out of the Contingency Fund of India.
- d) A Money Bill deals with the regulation of borrowing of money or giving of any guarantee by the Government of India.

9. Consider the following statements: (2018)

1. The Speaker of the Legislative Assembly shall vacate his/her office if he/she ceases to be a member of the Assembly.

2. Whenever the Legislative Assembly is dissolved, the Speaker shall vacate his/her office immediately.

Which of the statements given above is/are correct?

a) 1 only

b) 2 only

c) Both 1 and 2

d) Neither 1 nor 2

## Vice-President in India:

### Introduction:

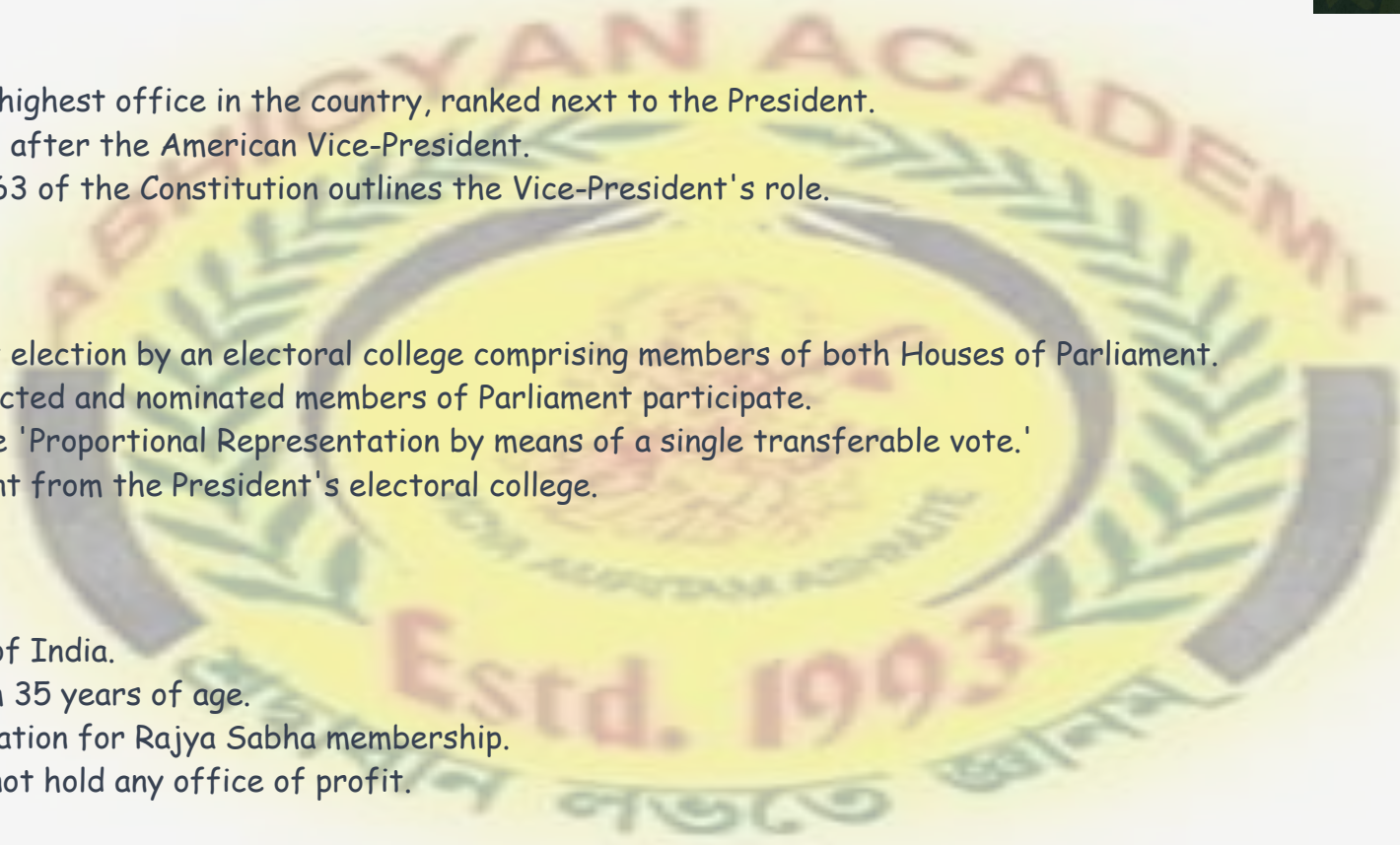
- Second-highest office in the country, ranked next to the President.
- Modeled after the American Vice-President.
- Article 63 of the Constitution outlines the Vice-President's role.

### Election:

- Indirect election by an electoral college comprising members of both Houses of Parliament.
- Both elected and nominated members of Parliament participate.
- Uses the 'Proportional Representation by means of a single transferable vote.'
- Different from the President's electoral college.

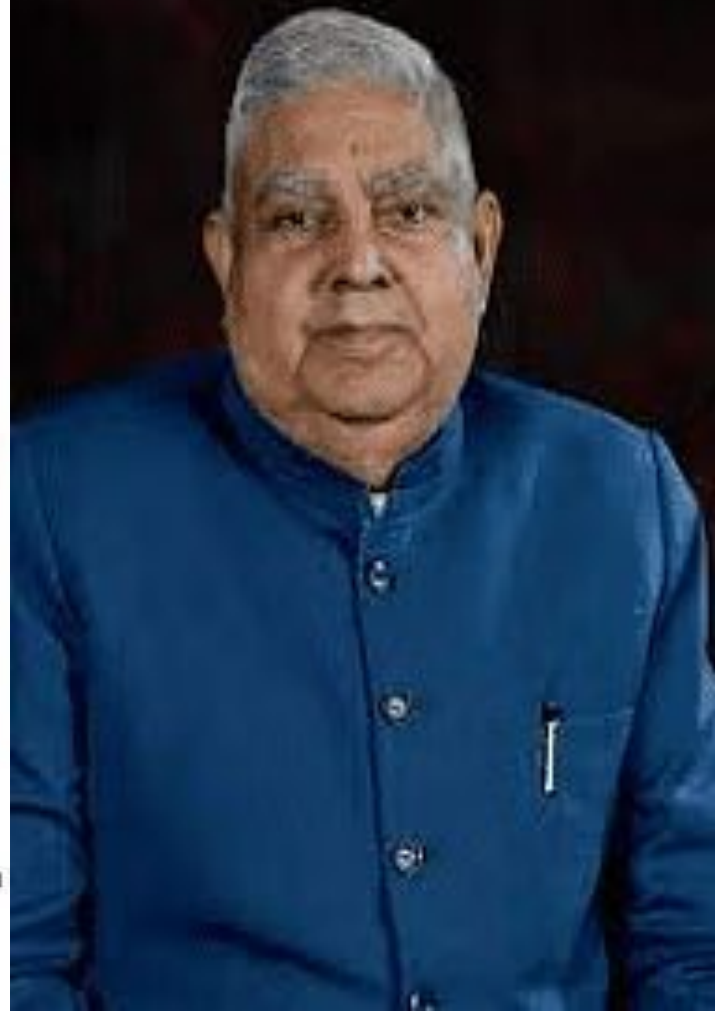
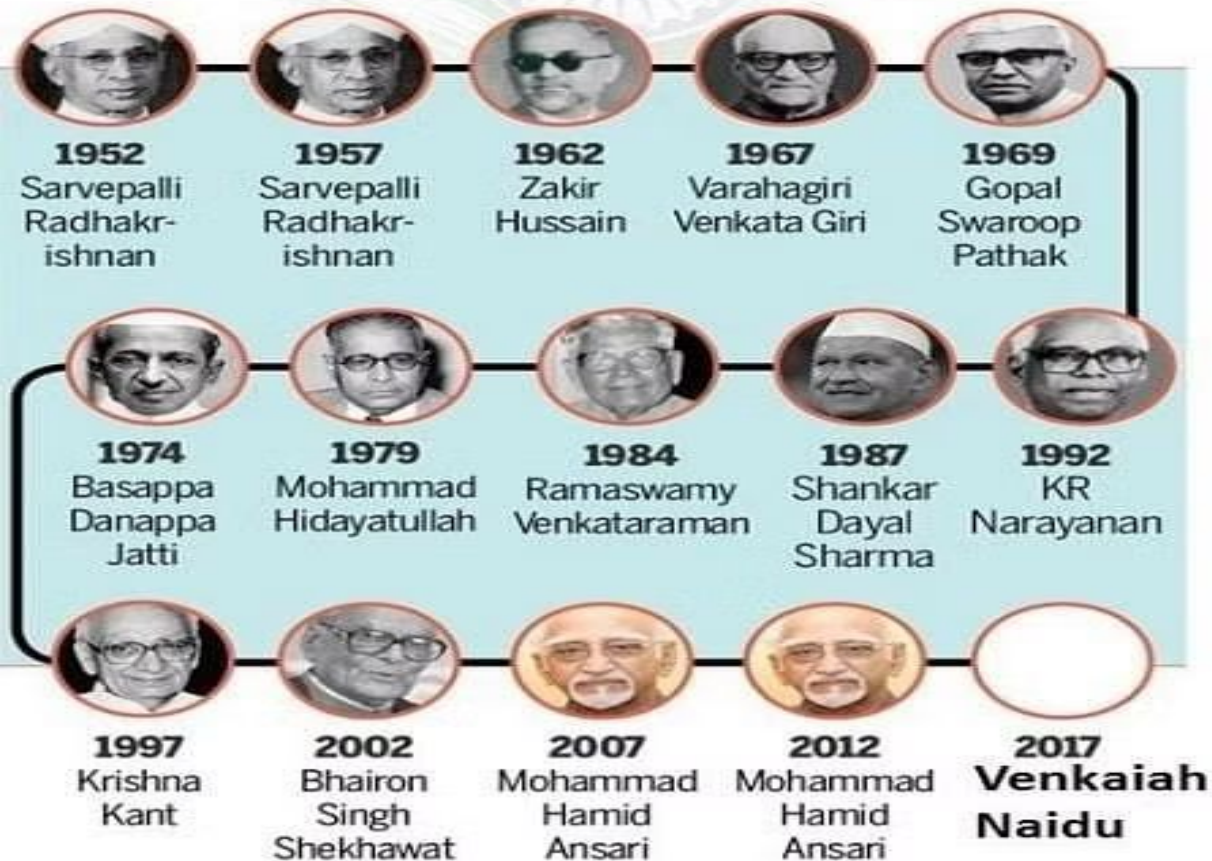
### Qualifications:

- Citizen of India.
- Minimum 35 years of age.
- Qualification for Rajya Sabha membership.
- Should not hold any office of profit.





# INDIA'S VICE-PRESIDENTS



### Term of Office:

- 5 years, with the option to resign.
- Vacancy due to completion of term, resignation, removal, death, or void election.
- Removal by Rajya Sabha resolution with an absolute majority, no formal impeachment required.
- Minimum 14 days' notice for the resolution.

### Vacancy in Office:

- Occurs on term completion, resignation, removal, death, or void election.
- Elections held in advance for term completion and promptly for other reasons.

### Oath:

- Administered by the President or a designated person.
- Swears allegiance to the Constitution and faithful discharge of duties.

### Impeachment:

- No formal impeachment process.
- Resolution passed by Rajya Sabha with Lok Sabha agreement.
- No specified grounds for removal.

**Relevant Articles:** Articles 63 to 71 of the Indian Constitution cover Vice-President election, qualifications, and removal

**Election Disputes:** Supreme Court resolves doubts and disputes related to the Vice-President's election, and its decision is final.

**Powers and Functions:**

- Ex-officio Chairman of Rajya Sabha, with powers similar to the Speaker of Lok Sabha.
- Ceases Rajya Sabha duties when acting as President.
- Acts as President during a vacancy, limited to a maximum of six months until a new President is elected.

**Comparison with American Vice-President:**

- Resembles the American Vice-President, who also chairs the Senate.
- Differs in succession: Indian Vice-President serves as acting President temporarily, while the American Vice-President assumes the unexpired term.



# Indian Government

## Judiciary

1. Supreme Court
2. High Court
3. Subordinate Court

## Executive

### Union

1. President
2. Vice-President
3. Prime Minister
4. Central Council of Ministers
5. Attorney General of India

### State

1. Governor
2. Chief Minister
3. State Council of Ministers
4. Advocate General of the State

## Legislature

### Union

1. Parliament

### State

1. State Legislature





## Vice Presidents of India [Article 63 to Article 71]

Article 63	There shall be a Vice President of India
Article 64	The Vice-President shall be ex-officio Chairman of the Council of States and shall not hold any other office of profit
Article 65	The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President
Article 66	The Vice-President shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament. The Vice-President shall not be a member of either House of Parliament or of a House of the Legislature of any State.
Article 67	The Vice-President shall hold office for a term of five years from the date of his appointment.
Article 68	An election to fill a vacancy created because of the completion of the term of office of Vice-President shall be completed before the expiry of the term.
	The election to fill a vacancy created because of the death, resignation or removal of the Vice-President shall be held as soon as possible.
Article 69	Every Vice-President shall make an Oath or Affirmation on entering upon his office before the President, or some person appointed in that behalf by him
Article 70	Discharge of President's functions in other contingencies
Article 71	Matters relating to, or connected with, the election of a president or vice-president.

Which of following statements is/are correct? (2016)

1. A Bill pending in the Lok Sabha lapses on its prorogation.

2. A Bill pending in the Rajya Sabha, which has not been passed by the Lok Sabha, shall not lapse on dissolution of the Lok Sabha.

Select the correct answer using the code given below.

a) 1 only

b) 2 only

c) Both 1 and 2

d) Neither 1 nor 2

22. There is a Parliamentary System of Government in India because the (2015)

- a) Lok Sabha is elected directly by the people
- b) Parliament can amend the Constitution
- c) Rajya Sabha cannot be dissolved
- d) Council of Ministers is responsible to the Lok Sabha

27. Consider the following statements: (2014)

1. The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.

2. All executive actions of the Government of India shall be expressed to be taken in the name of the Prime Minister.

Which of the statements given above is/are correct?

a) 1 only

b) 2 only

c) Both 1 and 2

d) Neither 1 nor 2