

CHAPTER – 6

THE UNION GOVERNMENT



We learn about the following in this chapter,

- The Rajya Sabha and Lok Sabha, their structure, membership, qualifications and functions .
- The election of the President, qualification to become president.
- The Prime Minister, Cabinet and his functions.

We have learnt in the previous lesson that India is a Sovereign, Socialist, Secular, Democratic Republic. England and France have a Unitary System of Government. India, like the United States of America, has a Federal System of Government. That means there is a Union Government at the Centre and State Governments in the States. India is a Union of States. The powers of the nation are divided between the Centre and the States. However, the Central Government has been given more powers in view of the unity, Integrity and security of the nation. It exercises these powers through the Legislature, Executive and Judiciary.

UNION LEGISLATURE

India has adopted the Parliamentary system of government and the Union Legislature is called the Parliament. Article 79 provides for the creation of Parliament. The Parliament consists of two Houses. The Upper House is called Rajya Sabha and the Lower House is called Lok Sabha.

Rajya Sabha :

The number of seats in the Rajya Sabha is 250, of which 238 members are elected by the members of the State Assemblies and Union Territories. The remaining 12 members, who are experts from various fields like literature, art, science and social work are nominated by the President. This House is also known as the House of Elders.

Term of Office : The Rajya Sabha is a permanent body and is not dissolved like the Lok Sabha. But the term of the members is six years. One-third of its members retire on completion of six year term every second year. In their place new members are elected. If the members do not wish to continue, they may resign.

Qualifications required to become a Member of Rajyasabha

1. Should be a citizen of India.
2. Should not be less than 30 years of age.
3. Should not have been punished under law.
4. Should not have been declared to be a person of unsound mind by a court of law.
5. Should possess the qualifications specified from time to time by the Parliament.

The Vice-President is the Chairman of the Rajya Sabha. The Deputy Chairman is chosen from among the members. At least $\frac{1}{10}$ of the members (a minimum of 25 members) should be present during the sessions of the Rajya Sabha. The House should meet at least twice a year. The members may request for a special session.

Lok Sabha :

The members of the Lok Sabha are elected directly by the people, so, it is known as the House of People. The maximum number of seats is 545. 543 members are directly elected by the people. Whereas two Anglo-Indians are nominated by the President. 79 seats are reserved for Scheduled Castes and 41 seats are reserved for Scheduled Tribes.

Term of Office : The Lok Sabha members are elected for a term of five years. However, on the recommendation of the Prime Minister, the President may dissolve the Lok Sabha, during emergency. The term may be extended for one year.

Qualifications of the Members :

1. Should be a citizen of India.
2. Must not be less than 25 years of age.
3. Should not hold any office of profit under the Government.

4. Should not be a person of unsound mind.
5. Should not have been punished under law.
6. Should possess qualifications as specified by Parliament from time to time.

Lok Sabha Speaker : There is a provision for the members to elect from among themselves a Speaker and a Deputy Speaker. The Speaker has to impartially conduct the proceedings of the House. He should maintain the dignity and decorum of the House. When bills get equal number of votes for and against then the Speaker casts the deciding vote. The Deputy speaker conducts the proceedings in the absence of the Speaker.

Role and work of opposition leader :

- Highlight the wrong doings of the ruling government.
- Examine thoroughly the policies of the government.
- Keep the government, council of ministers and officials alert.
- Enjoys dignity in the legislature.

Activity :

Conduct a Mock parliament in your school and get the experience as Prime Minister, speaker, and opposition leader.

POWERS AND FUNCTIONS OF THE PARLIAMENT :

Legislative powers : The main function of the Parliament is to make laws. It can frame laws on subjects mentioned in the Central list. The Financial Bill is presented only in the Lok Sabha. The other bills can be presented in either House. But the bills become laws only after proper discussion and approval by both the Houses. The Speaker casts his vote when a particular bill receives equal number of votes supporting and opposing it. When there is disagreement between the Houses regarding a bill, the President may call for a Joint Session of the Parliament and resolve the matter. After both the Houses pass the bill, it is forwarded to the President for his approval, after which it becomes law.

Activity :

Observe proceedings of the parliament session in T.V and write a note about the following :

- 1) Role of the Speaker.
- 2) Role of the opposition party
- 3) Role of the leader of the Ruling party

Administrative powers : In a Parliamentary system of government, the Prime Minister and his Council of Ministers form the Executive. The Union Cabinet is accountable to the Parliament. The Members of the Parliament ask questions which must be answered by the Ministers. The Council of Ministers can be in power only as long as they enjoy the trust of the Parliament. Parliament has control over the executive.

Financial powers : Lok Sabha exercises total control over the financial matters of the country. The government cannot levy any tax or spend any money without the approval of the Lok Sabha. The Finance bill must be first introduced in the Lok Sabha. After being passed by the Lok Sabha, the bill is presented in the Rajya Sabha for discussion. The Rajya Sabha can give certain suggestions and directions, and also delay giving its consent to the bill for fourteen days. If it does not give its consent to the bill, it is taken for granted that the Rajya Sabha has approved it. It is then sent to the President for his assent.

Judicial powers : Both the Houses of the Parliament have the authority to remove the President as well as the judges of the Supreme Court and the High Courts through a Motion of Impeachment. They also have the powers to discuss the findings of reports related to the judiciary.

Power to amend Constitution: Both the Houses of Parliament have equal powers to amend the Constitution. The Amendment Bill can be presented first in either House. However, the approval of both the Houses is required for the Amendment. If only one House approves for the Amendment and the other does not, then the Amendment cannot be carried out. In some cases the approval of the state assemblies is also essential.

Other powers :

1. To frame laws relating to the powers and jurisdiction of the Supreme Court and the High Courts.
2. To establish one High Court for two or more States.
3. To create new States, rename them or to determine the boundaries of States.

4. To discuss the reports of committees like the Public Services Commission, Finance Commission, Election Commission, Backward Classes Commission etc.
5. To approve the declaration of Emergencies like the National Emergency, State Emergency and Financial Emergency.



Samsat Bhavan (Parliament house)

UNION EXECUTIVE

The Executive implements the laws framed by the Union Legislature. It also implements the Programmes and policies of the Union Government. The Union Executive consists of the President, Prime Minister and his Council of Ministers. The President is the head of the Executive only in name, whereas the Prime Minister and his Cabinet form the actual Executive.

PRESIDENT

Article 52 of our Constitution has created the post of the President. The Indian President is the Constitutional head of the country. He is the first citizen, the Head of the Executive and also the Commander-in-chief of all the three armed forces (Army, Navy and Air Force). He enjoys the highest position in the country as he is the Custodian of all Executive powers of the nation. No court of law can question his conduct or prosecute him.

Election of the President : Articles 54 and 55 of the Constitution stipulate the way the President should be elected. The President is elected by an electoral college of elected members of both Houses of Parliament, all elected members of the legislative assemblies of all States, New Delhi and Pondicherry. The Supreme Court judge administers him the oath of office. His term of office is five years. He is eligible for re-election. When he goes against the Constitution, he can be removed from office by the Parliament through a Motion of Impeachment.

Motion of Impeachment : *The President is a fundamental part of the parliament, and also the protector of the constitution. He has to ensure that no one violates the constitution. If the President himself violates the constitutions he can be impeached under Article 61. This impeachment can be carried out in either house of parliament. Advance notice of 14 days should be given for the debate. This should be supported by $\frac{1}{4}$ of the members. After discussion in both houses if $\frac{2}{3}$ of the members vote for the motion, the President is removed from the office. It is called impeachment. So far no President is impeached in India.*

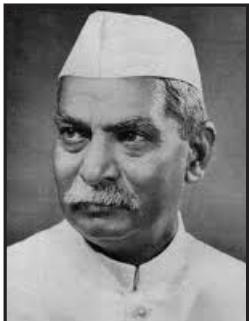
Qualifications of President :

1. He should be a citizen of India.
2. He should have completed the age of 35 years.
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 Government.



Rashtrapati Bhavan

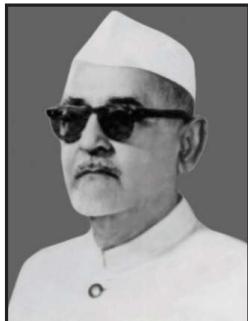
OUR PRESIDENTS



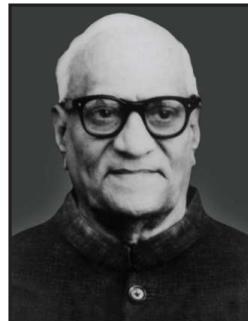
Dr. Rajendra Prasad
1950–1962



Dr. S. Radhakrishnan
1962–1967



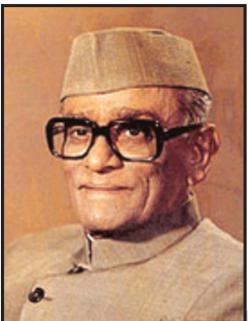
Dr. Zakir Hussain
1967–1969



Dr. V.V. Giri
1969–1974



Dr. Fakruddin Ali Ahmed
1974–1977



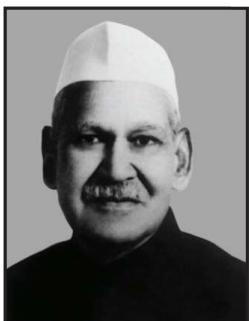
Sri Neelam Sanjiva Reddy
1977–1982



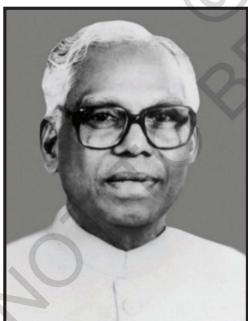
Sri Gyani Zail Singh
1982–1987



Sri R. Venkataraman
1987–1992



Dr. Shankar Dayal Sharma
1992–1997



Dr. K.R. Narayan
1997–2002



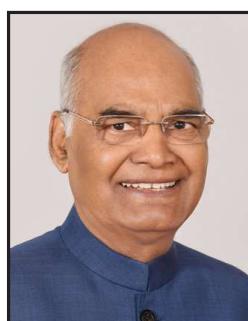
Dr. A.P.J. Abdul Kalam
2002–2007



Smt. Pratibha Patil
2007–2012



Sri Pranab Mukharjee
2012–2017



Shri Ram Nath Kovind
2017–2022



Smt. Droupadi Murmu
2022–

Powres of the President

Executive Powers : All administration is carried out in the name of the President. The President appoints the Prime Minister and on his recommendation appoints the other ministers. The President has the powers to appoint persons to high posts like Auditor General, Comptroller and Auditor General, Judges of the Supreme Court and High Courts, Governors, Chairman and Members of the Finance Commission, Chairman and Members of the Union Public Service Commission, Election Commissioners, Commanders-in-Chief to the three Armed Forces and the Ambassadors to different countries. Similarly, he has the power to terminate them also.

Legislative Powers : The President has the power to summon the Parliament or postpone its sessions. He may also address a joint sitting of both Houses or dissolve the Lok Sabha. A Bill passed by both the Houses becomes an Act only after it receives the approval of the President. The President may either re-examine such Bills, return them or withhold them for some time. He may also nominate two Anglo-Indians to the Lok Sabha and 12 Members to the Rajya Sabha. In all these functions, he acts upon the recommendations of the Prime Minister and his Council of Ministers.

Judicial Powers : The President has the power to reduce the term of imprisonment of criminals, and to cancel the capital punishment. He can approach the Supreme Court for suggestions with reference to legal matters of the country.

Financial Powers : A finance bill can be introduced in the Lok Sabha without the permission of the President. It is only after the President grants permission that the reports of the Finance Commission and the Comptroller and Auditor General are discussed in Parliament. The consolidated Fund is in the name of the President. It is from this Fund that the Judges of the Supreme Court and the Chairman and Members of the Public Service Commission receive their salaries.

Military Powers : The President is the Commander-in-Chief of the Armed Forces. He appoints the Chiefs of the Army, Navy and Air Force on the recommendation of the Union Cabinet. He also declares war and peace on the recommendation of the Parliament.

Emergency Powers : Based on the written recommendation of the Union Cabinet, the President can declare Emergency on three occasions: 1) Under Article 352 - National Emergency. 2) Under Article 356 - State Emergency. 3) Under Article 360 - Financial Emergency. The approval of the Parliament has to be secured within one month of declaration of any kind of emergency.

Discuss

Discuss with your teacher about the situation during Emergency declared in Karnataka.

Do you know this ?

1. **National Emergency (Article 352)** : When there is a threat to the security of any area in the country or the whole of it through external attack or internal disturbances, this kind of emergency can be imposed. Ex. in 1962, 1971, 1975.
2. **State Emergency (Article 356)** : Based on the report of the governor of a state or if the state government for any reason cannot function according to the principles of the constitution the president can declare emergency under Article 356. (Ex. From 20.1.2008 to 29-5-2008 in Karnataka. Elections have to be conducted within six months of the declaration of National or state Emergency.
3. **Financial Emergency (Art 360)** : This kind of emergency can be declared if it is felt that the financial situation in the country has deteriorated. However, it has not been declared till now.

Discretionary Powers : The President can exercise certain powers without waiting for approval of the Union Cabinet. They are:

1. He may invite the leader of any party to form the government when no single party has got a majority after an election.
2. When the Parliament approves a Bill and sends it to him for assent, he may return the Bill for re-consideration.
3. He may dissolve the Lok Sabha on the recommendation of the Prime Minister.

PRIME MINISTER

The Constitution has provided for a Council of Ministers with the Prime Minister as its Head to assist and advise the President in the administration of the country. Still it is the Prime Minister who has the real power to carry out the administration. The President is the Head of the Country, whereas the Prime Minister is the Head of the Government. He remains in office as long as he enjoys the trust of the Lok Sabha.

Powers of the Prime Minister

Appointment and Removal of Ministers, and Allocation of Portfolios : The Prime Minister recommends to the President the appointment of Ministers to the Council of Ministers. He also allocates the various portfolios among the Ministers. His decision is final in the allocation of portfolios. He can remove controversial ministers and those who have been accused of wrong-doing.

Head of Government : The Prime Minister is responsible for all actions of the Government. He co-ordinates the activities of the various Ministers. He takes greater interest in framing policies related to planning, defence and foreign affairs.

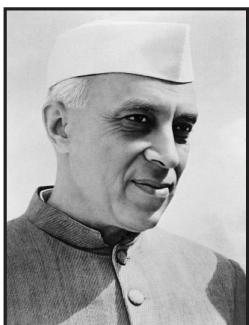
Head of Union Cabinet : The meetings of the Union Cabinet are held under the Chairmanship of the Prime Minister. All discussions of issues of national and international importance are discussed and decisions are taken under his chairmanship. He is the link between the President and the Cabinet.

Union Cabinet

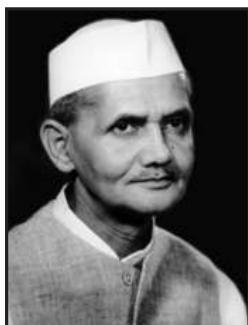
The Union Cabinet is the real Executive, and has Ministers in two hierarchies. The first one is the Cabinet level and the second is the Ministers of State.

The maximum strength of the Union Cabinet is 15% of the total strength of the Parliament. The Cabinet has two kinds of responsibilities : The Minister of every department is responsible for the administration of his department. He has individual responsibility for the success or failure of his department. The Union Cabinet has collective responsibility to the Parliament with regard to the decisions and policies taken by it. Therefore, the Cabinet can be in power only

OUR PRIME MINISTERS



Pandit Jawahar Lal Nehru
1947–1964



Sri Lal Bahadur Shastri
1964–1966



Gulzarilal Nanda
1966



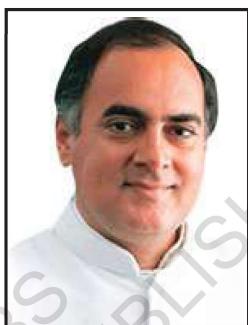
Smt. Indira Gandhi
1966–77, 1980–84



Sri Morarji Desai
1977–1979



Sri Charan Singh
1979–1980



Sri Rajiv Gandhi
1984–89



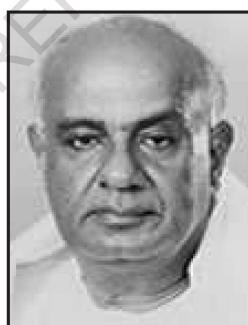
Sri V.P. Singh
1989–1990



Sri Chandra Shekhar
1990 Nov.–1991 June



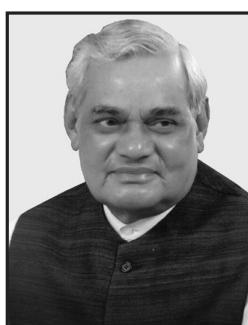
Sri P.V. Narasimharao
1991–1996



Sri. H.D. Devegowda
1996 June–1997 April



Sri. I.K. Gujral
1997 April–1998 March



Sri. Atal Bihari Vajpayee
May 18, 1996–31 May 1996
19 March 1998–May 2004



Dr. Manmohan Singh
2004 – 2014



Sri. Narendra Modi
2014 –

as long as it enjoys the trust of the Parliament. When it loses the trust, it is removed by a No-Confidence Motion.

Do you know this ?

No-confidence Motion : If a majority of the Lok Sabha members lose their confidence or withdraw their support to the Prime Minister and his Cabinet, the Prime Minister as well as his cabinet ministers will have to resign. The motion passed by the Lok Sabha members at the Centre and the Vidhana Sabha members at the state level asking for resignation of the ruling party and government at the centre and state respectively because they do not trust them any more is called No-Confidence Motion. Thus, the term of office of the union government and the state government depend on the trust of the Lok Sabha and Vidhana Sabha respectively. Rajya Sabha members and Vidhana Parishat members do not enjoy this privilege. Till now, around 34 No Confidence Motions have been passed in the Indian Parliament.

EXERCISES

I. Fill in the blanks with suitable words.

1. India is a Union of _____.
2. The Union Legislature is called _____.
3. The Chairman of the Rajya Sabha is the _____.
4. One has to complete _____ years to become a member of the Lok Sabha.
5. The Commander-in-Chief of the three Armed Forces is the _____.
6. The process for electing the President is explained under Articles _____ and _____ of the Constitution.
7. The Chairman of the Union Public Service Commission is appointed by _____.

II. Answer the following questions.

1. Name the two Houses of the Parliament.
2. Explain the composition of the Rajya Sabha.
3. What are the qualifications needed to become a member of the Lok Sabha?
4. Explain the election process for the post of President.
5. List out the powers of the Prime Minister.
6. Explain the composition of the Union Cabinet and its responsibilities.

III. Activities :

1. Have a mock Parliament in your school.
2. Meet the legislator of your constituency and discuss his work.

IV. Project :

1. Draw a picture of the Parliament and display in your school.

ଓঞ্জনোগু