

Introduction to Politics, with reference to India

Executive: Theory and Practice

Union Executive

Parliamentary Democracy

- The choice of parliamentary democracy – to **supplement the efficacy and effectiveness of executive and legislature** rather than working at cross purposes. To provide ‘**strength with democracy**’ to the political system of the country.
- The parliamentary system produces a stronger government, for (a) **members of the Executive and Legislature are overlapping**, and (b) the heads of government control the Legislature,’ though, at the same time, it ensures that the people get the chance to elect their representatives to form the House of People (Lok Sabha), from which the body of the Council of Ministers, including the Prime Minister is drawn, primarily.
- AK Ayyar: ‘An infant democracy cannot afford, under modern conditions, to take the risk of a perpetual cleavage, feud or conflict or threatened conflict between the legislature and the executive.’

Union Executive

Features

- Union executive consists of President, Vice President, Prime Minister, Council of Ministers and Attorney General.
- Included in Part V of the Constitution from Articles 52 to 78.

Union Executive

President

- President is the Head of the State. (nominal Head)
- Qualification – should be an Indian Citizen
 1. Age should be a minimum of 35 years
 2. Should qualify the conditions to be elected as a member of the Lok Sabha
 3. Should not hold any office of profit under the central government, state government, or any public authority
- Indirectly elected – Proportional Representation with means of a single transferable vote and secret ballot system
- Impeachment – For violation of Constitution

Union Executive

President

- In keeping with the letter and spirit of the British parliamentary system, it was provided that the executive power of the Union would vest with the President. However, the **President must exercise such powers in accordance with the aid and advice of the Council of Ministers, with the Prime Minister at the head.** The advice so tendered would be binding on the President.
- “Under the Constitution, the President occupies the same position as the king under the English Constitution. He is the head of the state but not of the executive. He represents the nation but does not rule the nation. He is the symbol of the nation. His place in the administration is that of a ceremonial device on a seal by which the nation’s decisions are made known.” – Ambedkar

Union Executive

President – Executive Powers

- All executive actions are taken in the name of the President.
- Appoints PM and Council of Ministers with the advice of the PM.
- Appoints Attorney General of India, CAG, Chief Election Commissioner and other Election Commissioners, Chairman and Members of UPSC etc.
- Directly administers Union Territories.

Union Executive

President – Legislative Powers

- Can summon or prorogue or dissolve a Lok Sabha.
- Summon a joint sitting of both the Houses of Parliament which is presided by the Speaker of the Lok Sabha.
- Nominates members to Rajya Sabha (12 members from Arts, Social Service, Science, Literature)
- A bill becomes an Act or a law when the President gives assent.
- Veto powers
 - Withhold assent – absolute veto
 - Return a bill for reconsideration (but has to give assent if the bill is returned to the President without any changes) – suspensive veto
 - Take no action – pocket veto
- Can promulgate ordinances.

Union Executive

President – Financial Powers

- Money bills can be introduced to the Parliament only with the prior assent of the President.
- Causes to be laid before the Parliament the annual financial statement (Union Budget).
- No demand for a grant can be made except on the President's recommendation.
- Constitutes the Finance Commission every five years to recommend the distribution of revenues between the Centre and the states.

Union Executive

President – Military Power

- Is the supreme commander of all the three defence forces in India.

Union Executive

President – Judicial Powers

- Appoints CJI and judges of HC and SC.
- Can seek advice from the SC on certain matters but the advice is not binding.
- Grants pardon, commute, remit, respite and reprieve to sentences.

Union Executive

President – Emergency Powers

- The Constitution confers extraordinary powers on the President to deal with the following three types of emergencies:
 - (a) National Emergency (Article 352);
 - (b) President's Rule (Article 356 & 365); and
 - (c) Financial Emergency (Article 360)

Union Executive

Prime Minister

- The **real executive** (de-facto executive) of the Indian State.
- The **head of the government** (President is the head of the state.)
- Is directly elected by the people.
- The Constitution under Article 75 states that **PM is appointed by the President**. In **case of no clear majority, the discretion lies with the President** to appoint a PM and usually he invites the leader of the single largest party or leader of coalition party in Lok Sabha to become the PM and seek a vote of confidence.
- A person who is not the member of the either of the House of Parliament can be appointed as a PM and Minister, however such situation is applicable only till 6 months under which he must become an MP.
- PM is the head of Council of Ministers. (If the PM resigns, the CoM also resigns)

Union Executive

Prime Minister and Council of Ministers

- The Constitution under Article 74 states that President always has to take aid and advise from the Council of Ministers headed by the PM.
- It is the duty of the Prime Minister to communicate to the President all decisions of Council of Ministers relating to administration of affairs of the Union and proposals for legislation and information relating to them.
- Principle of Collective Responsibility
- The total number of ministers, including the Prime Minister, in the COM shall not exceed 15% of the total strength of the Lok Sabha.
- The advice tendered by Ministers to the President shall not be inquired into in any court.
- A minister who is not a member of the Parliament (either house) for any period of six consecutive months shall cease to be a minister.

Union Executive

Prime Minister and Council of Ministers

- The Council of Ministers comprises of:
 - Cabinet Ministers (the inner circle consisting of ministers holding important portfolio like defense, education, finance, home affairs, external affairs etc.)
 - Ministers of State – can have independent charge or could be attached to cabinet ministers. (outer circle consisting ministers holding portfolios which are of not so importance or are subsidiary in nature)

Union Executive

Functions of the Prime Minister

- Recommends members to be appointed as Council of Ministers to the President.
- Allocates and reshuffles the portfolios/Ministries among the ministers.
- He can ask a minister to resign or give President the advice to do so.
- Council of Minister exists till PM exits meaning with resignation or death of a PM, his COM also dissolves/resigns.
- The President cannot act without the advise of Council of minister headed by PM (42nd and 44th CA act 1976 and 1978 respectively.)
- He is the leader of Lok Sabha by default.
- Political head of the services and chief spokesperson of Union Government.

Introduction to Politics, with reference to India

Legislature

Legislature

Parliament of India

- **Part V** of the Constitution (Article 79 to 122).
- Parliament consists of Lok Sabha (House of People), Rajya Sabha (Council of States), and the President.

Legislature

Lok Sabha

- Members of LS are elected directly by the people. They have a tenure of 5 years.
- Maximum strength – 552 (out of which 530 seats represent states and 30 seats represent union territories). At present, the Lok Sabha has 543 seats filled by elected representatives.
- Earlier, 2 members from Anglo-Indian community were nominated by the President. But it has now been removed.
- Each state is divided into different territorial constituencies.
- Presiding officer – Speaker of the Lok Sabha (elected by the MPs amongst them after its first sitting)

Legislature

Lok Sabha

- The **president** from time to time **summons** each House of Parliament to meet. But, the maximum gap between two sessions of Parliament cannot be more than six months. In other words, the Parliament should meet at least twice a year.
- There are usually three sessions in a year, viz,
 1. the Budget Session (February to May);
 2. the Monsoon Session (July to September);
 3. the Winter Session (November to December).

Legislature

Lok Sabha – parliamentary proceedings

- **Question Hour** – The first hour of the session is slotted for the question hour in which the MPs ask questions and the ministers or to whom the question is directed answers.
- The questions are of three kinds, namely, **starred**, **unstarred** and **short notice**.
 - A starred question (distinguished by an asterisk) requires an oral answer and hence supplementary questions can follow.
 - An unstarred question, on the other hand, requires a written answer and hence, supplementary questions cannot follow.
 - A short notice question is one that is asked by giving a notice of less than ten days. It is answered orally.
- The **zero hour** starts immediately after the question hour and lasts until the agenda for the day (i.e, regular business of the House) is taken up. It is an Indian innovation in the field of parliamentary procedures and has been since 1962.

Legislature

Lok Sabha – Parliamentary Proceedings

- **Motion** – A motion is a formal proposal made by a member in a House of Parliament to initiate a debate or a decision on a matter. MPs show their decision to the motion by either adopting or rejecting the motion i.e. through voting.
- **No-Confidence Motion** – Article 75 of the Constitution says that the council of ministers shall be collectively responsible to the Lok Sabha. It means that the ministry stays in office so long as it enjoys confidence of the majority of the members of the Lok Sabha.
- **Privilege Motion** – It is concerned with the breach of parliamentary privileges by a minister. It is moved by a member when he feels that a minister has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts. Its purpose is to censure the concerned minister.
- **Calling Attention Motion** – It is introduced in the Parliament by a member to call the attention of a minister to a matter of urgent public importance, and to seek an authoritative statement from him on that matter.
- **Adjournment Motion** – When there is an urgent matter of public importance then a member may propose that the business of the house be adjourned for discussing that matter.

Legislature

Rajya Sabha

- Maximum strength – 250 out of which 238 are representative from the States and UTs and 12 are nominated by President from the field of arts, literature, science, and social service.
- The representatives of the state and UTs are elected indirectly via system of proportional representation by means of single transferable vote.
- Seats are allocated to the states in the Rajya Sabha on the basis of its population and hence it varies.
- Duration of Rajya Sabha – It is a permanent and continuing House i.e. it cannot be dissolved. However, one-third of its members retire every second year. Their seats are filled up by fresh elections and presidential nominations at the beginning of every third year. The retiring members are eligible for re-election and renomination any number of times.
- The Parliament in the Representation of the People Act (1951) provided that the term of office of a member of the Rajya Sabha shall be six years

Legislature

Rajya Sabha

- Presiding officer – the Chairman of Rajya Sabha (The vice president of India is the ex-officio Chairman of the Rajya Sabha.)

Legislature

Parliamentary Committees

- Are smaller units of MPs from both Houses, across political parties and they function throughout the year. They study and deliberate on a range of subject matters, Bills, and budgets of all the ministries.
- Appointed or elected by the house or nominated by the Speaker or the Chairman.
- A source through which the actions of the executive i.e. the government is scrutinized, investigated, or examined time to time. It is a way through which checks and balances are maintained over the activities of the executive.
- A Parliamentary Committee can either be a Standing Committees or an Ad hoc Committee. Standing Committees are permanent committees and are constituted for a fixed tenure.
- Ad hoc Committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them after submitting the report. These committees include Advisory Committees and Inquiry Committees. They can be Joint or Select Committees.

Parliament of India

Procedure to Pass Ordinary Bill

- An Ordinary Bill is introduced in either house of the Parliament. It must be passed by both the Houses by a simple majority of voting. There are five stages through which a bill has to go through before it finally becomes an act:

First Reading – A minister or a member introduces the bill in either house of the Parliament. The title and objective of the bill is read by the minister.

- After the introduction, the bill is published in the Gazette of India
- In this stage there is no discussion on the bill

Second Reading– This is the Stage of General Discussion. Four actions can be taken on the bill:

- It may take the bill into consideration immediately or on some other fixed date
- It may proceed the bill to a select committee of the House
- It may proceed the bill to a joint committee of the two Houses
- It may spread the bill to elicit public opinion

Third Reading –Here one of the two actions take place:

- Acceptance of the Bill (If the majority of members accept the bill, the bill is regarded as passed by the House)
- Rejection of the Bill

Parliament of India

Procedure to Pass Ordinary Bill

Bill in the Second House – The first three stages are again repeated here i.e.:

- First Reading
- Second Reading
- Third Reading

The second house can take one of the following actions:

- It may pass the bill by the first house without any changes.
- It may pass the bill after making amendments and return it back to the first House for reconsideration.
- It may reject the bill altogether.
- It may not take any action and therefore keep the bill pending as it is.

Assent of the President – President can take one of the three actions :

- May give his assent to the bill where the bill becomes an act and is placed on statute book.
- May withhold his assent to the bill where the bill ends and does not become an act.
- May return the bill for reconsideration where the houses can/cannot make amendments and send it back to the President after which he has to give assent.

Parliament of India

Procedure to Pass Money Bill

A Bill is said to be a Money Bill if it contains particular Acts related to taxes, borrowing of money by the government, expenditure from or receipt to the Consolidated Fund of India. A Money Bill is only introduced in Lok Sabha, on the recommendation of the President.

- Money Bills passed by Lok Sabha are sent to the Rajya Sabha. The Rajya Sabha do not have power to amend money bill.
- A money bill should be returned to the Lok Sabha by the Rajya Sabha within 14 days of commencement of procedure , or else the bill is regarded to have passed both houses as it was originally passed by the Lok Sabha.
- It is then presented to the President, who gives his assent and it then becomes a law

Parliament of India

Procedure to Pass Constitutional Amendment Bill

Bills seeking to amend the Constitution are of three types:—

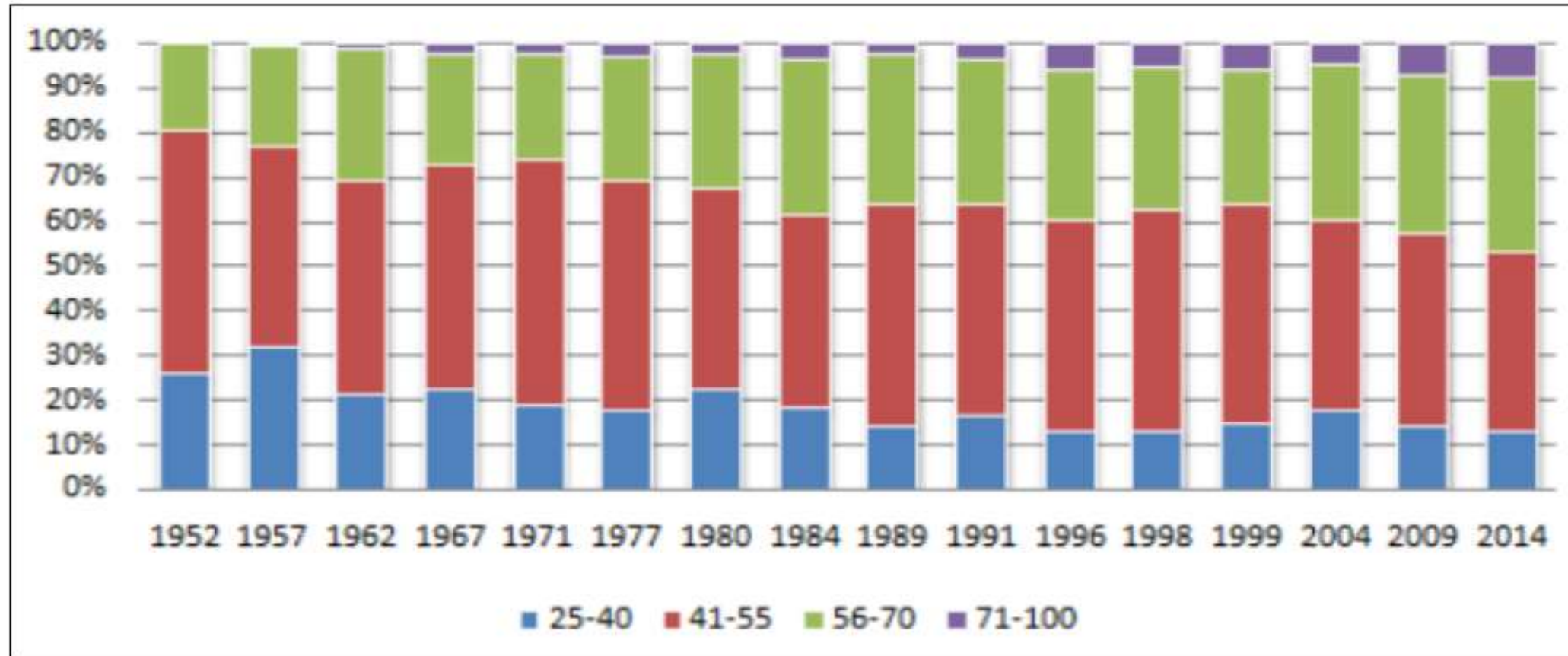
- (1) Bills that are passed by Parliament by simple majority;
- (2) Bills that have to be passed by Parliament by the special majority;
- (3) Bills that have to be passed by Parliament by the special majority as aforesaid and also to be ratified by at least half of the state legislatures

Legislature – Practice

Changes in social composition in Lok Sabha

- The current parliament is very different from the ones during the early years of the Indian republic. The parliament is now much more diverse as well as more representative of Indian society.
- Members unsurprisingly have much higher educational qualifications, but they are also older.
- The parliament has more women members, compared to the early years, but women continue to be grossly under-represented.
- Perhaps the most important changes are the caste composition and the occupational background of the MPs.
- There are many more OBC and lower caste representatives in the parliament, along with fewer lawyers. At the same time, the number of agriculturalists, businesspersons and political workers has increased significantly.
- Although the Indian Parliament has witnessed progressive democratization in terms of representation of various sections of society, it has declined as an effective institution of accountability.

Figure 1: Age Profile of Members of Lok Sabha



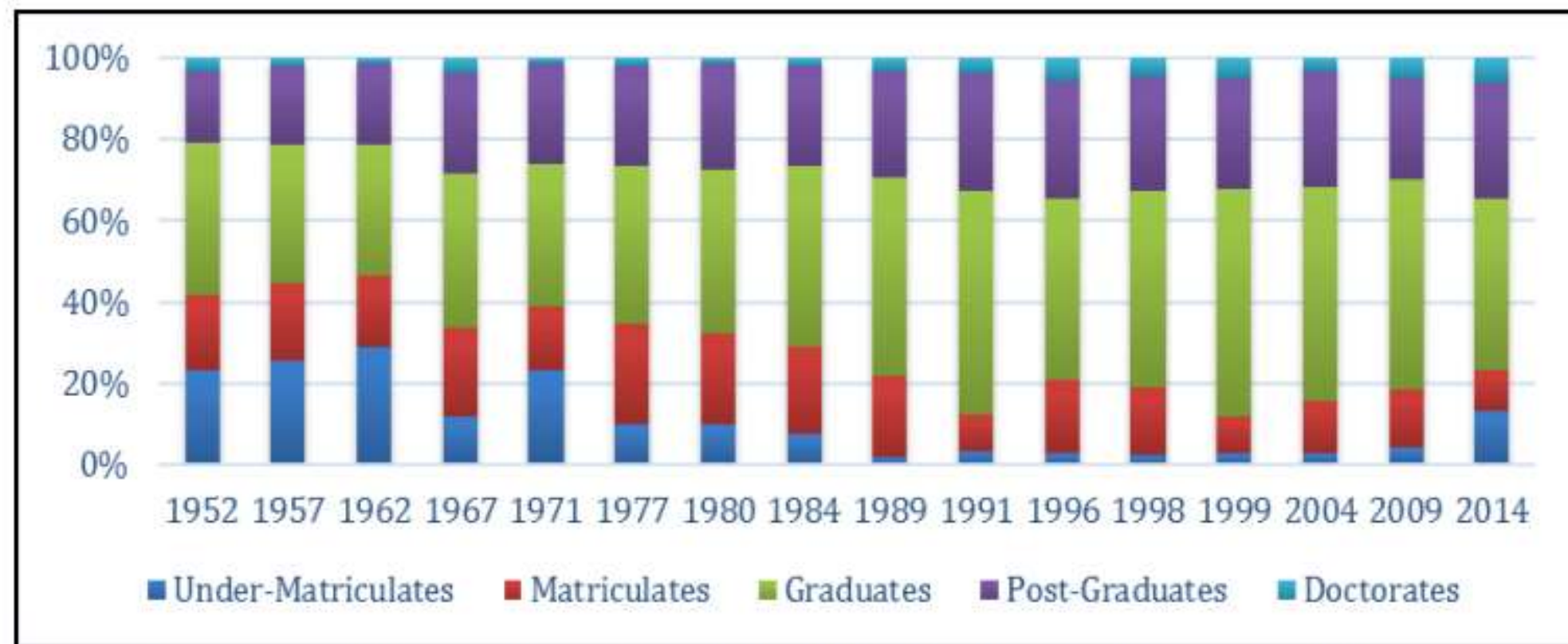
Source: PRS Profile of 16th Lok Sabha. Link: <http://www.prsindia.org/media/media-updates/profile-of-the-16th-lok-sabha-3276/>

Figure 2: Average Age of Members of Lok Sabha



Source: PRS Legislative Research. Note: Data for 16th Lok Sabha is as of November 2016.

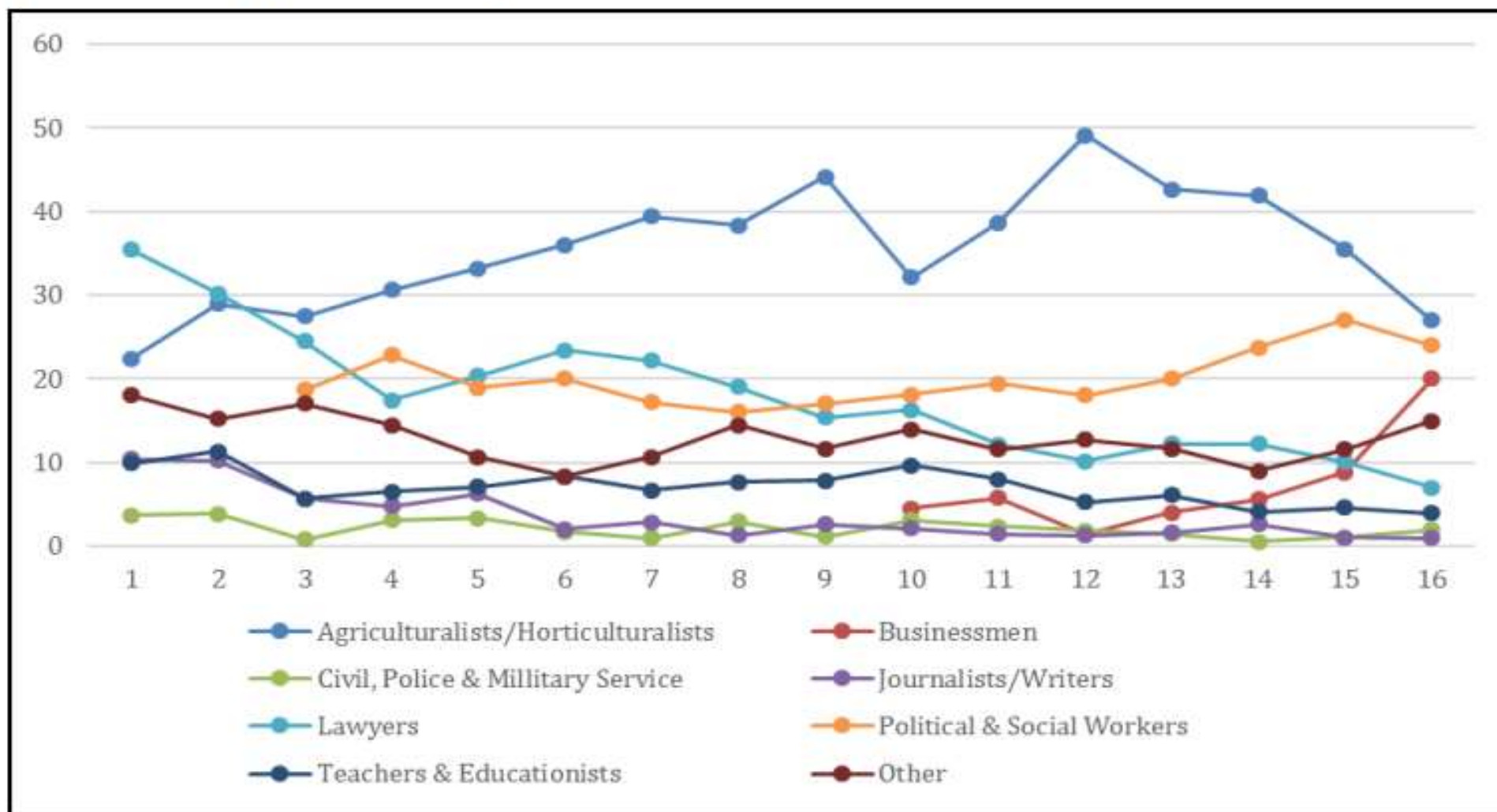
Figure 3: Educational Background of Members of Lok Sabha



Source: Parliament of India: The Fifteenth Lok Sabha (2009-2014); PRS Profile of 16th Lok Sabha.

Note: For 10th to 15th Lok Sabha, undergraduates and graduates have been taken together.

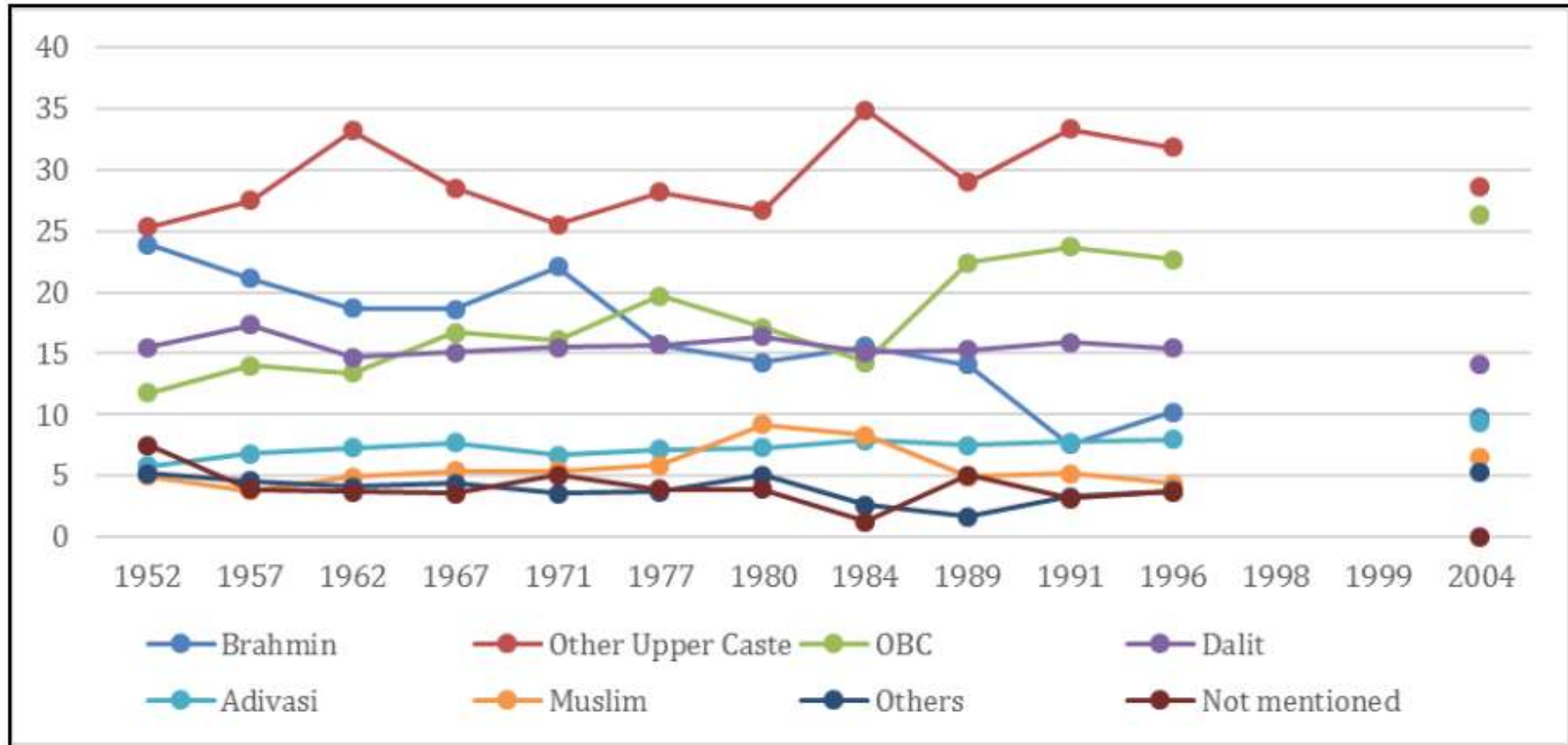
Figure 4: Occupational Background of Members of Lok Sabha



Source: Parliament of India: The Fifteenth Lok Sabha (2009-2014); PRS Profile of 16 Lok Sabha.

Note: The figures are in percentage.

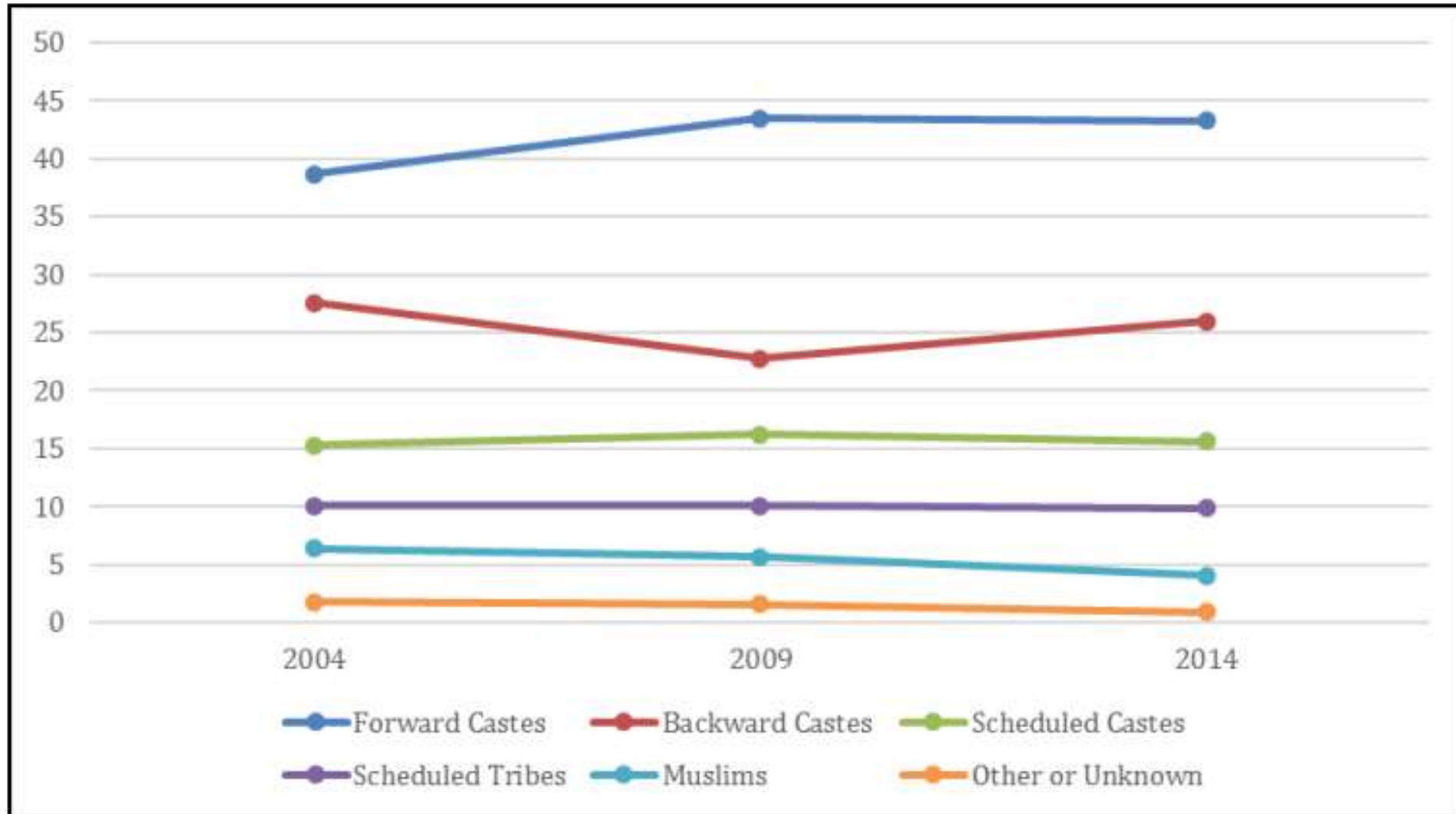
Figure 5: Caste of Members of Lok Sabha (1952-2004)



Source: CSDS.

Note: For the years 1998 and 1999, the caste of MPs are not available; all figures are in percentage.

Figure 6: Caste of Members of Lok Sabha (2004-2014)



Source: Chandra, Bohlken, and Chauchard 2014.

Note: Figures are in percentage.

Figure 7: Percentage of Women in Lok Sabha



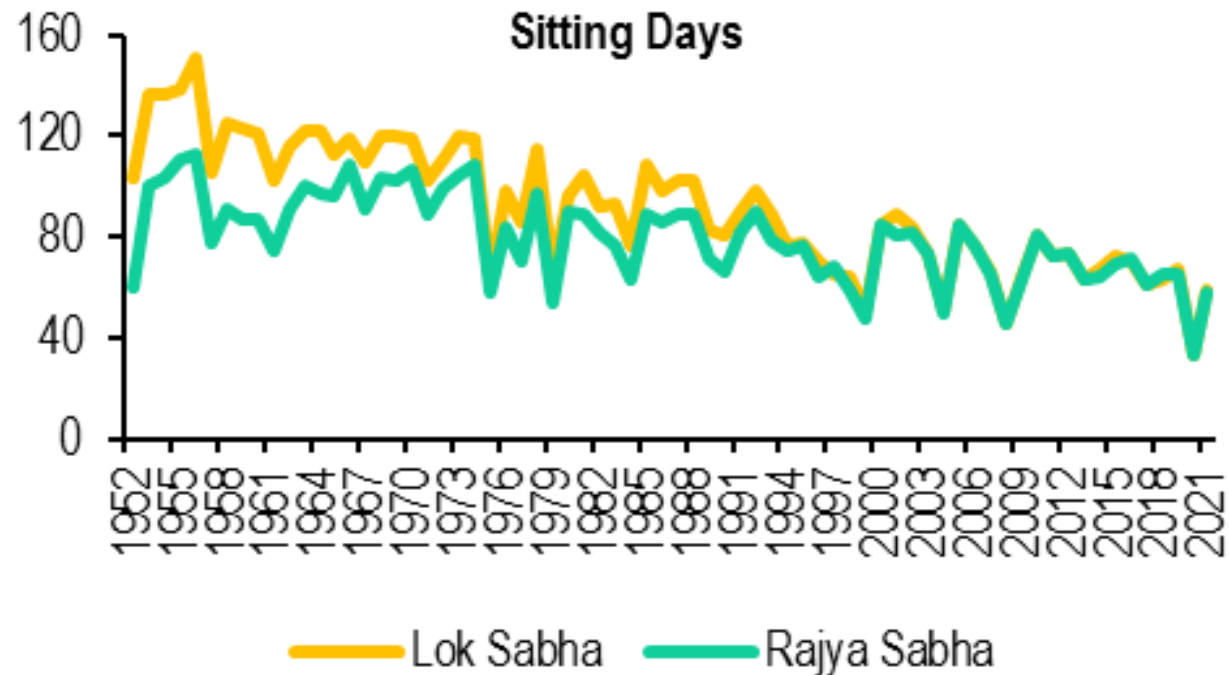
Source: Election Commission of India

Note: Including one nominated member

Legislature – Practice

Productivity

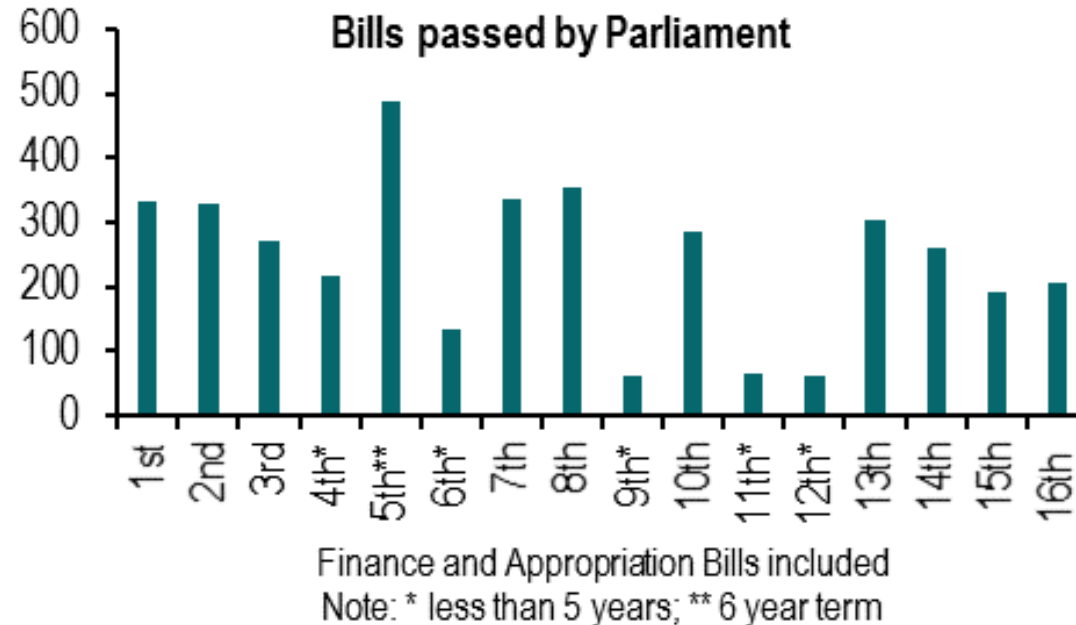
- Sitting days in LS have declined from an annual average of 121 days during 1952-70 to 68 days since 2000.



Legislature – Practice

Productivity

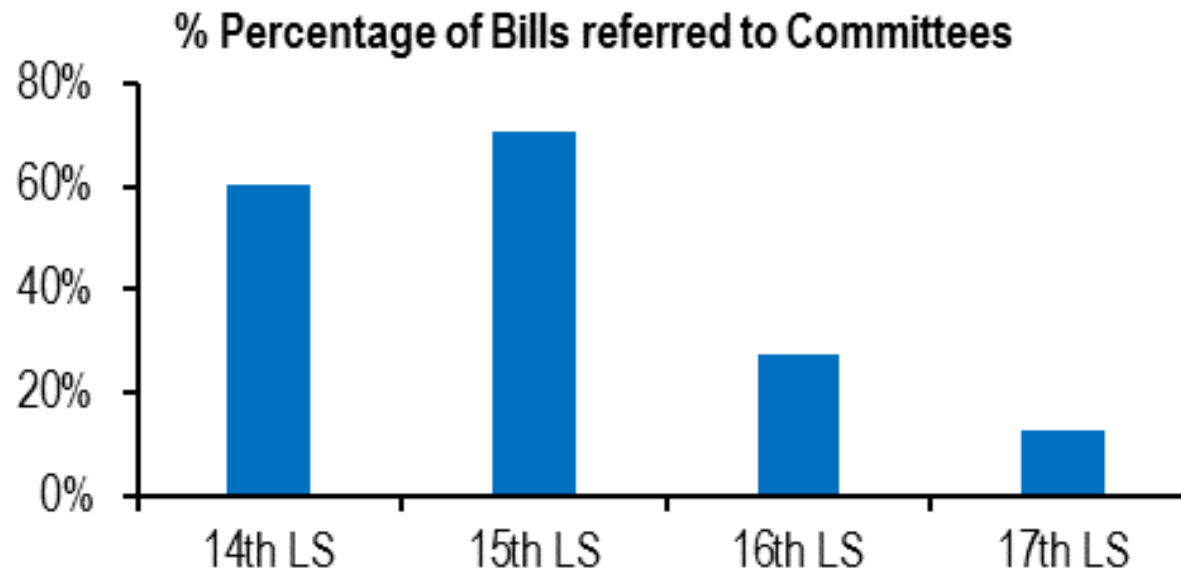
- Fewer Bills are being passed by Parliament over the past few years. Of all Lok Sabhas that have had a five year term, maximum number of Bills were passed during the 8th LS (355), the least during 15th LS (192).



Legislature – Practice

Productivity

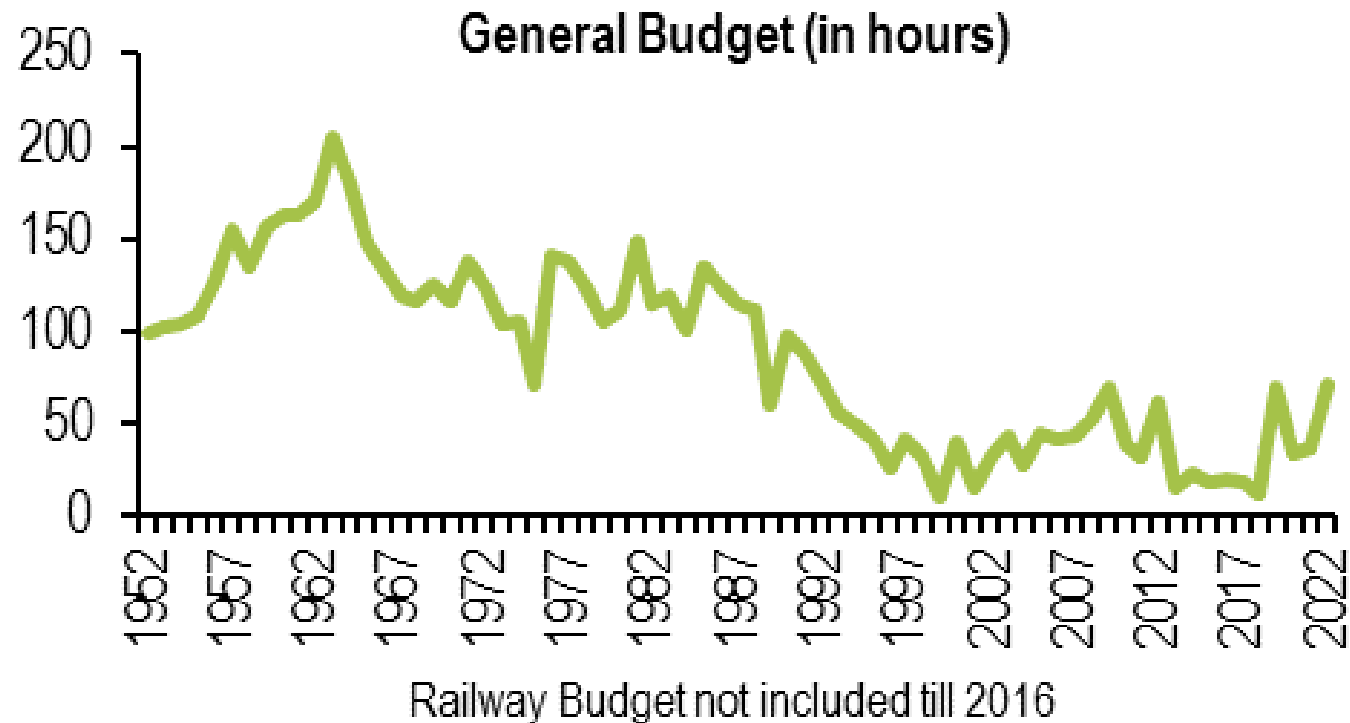
- Parliamentary Standing Committees were created in 1993 to assist Parliament in its legislative and financial business. Since 2004, of the total Bills introduced in the Parliament, only 45% have been referred to Committees. The decline has been more in recent years where 16th and 17th LS (ongoing) have seen lesser Bills being sent to Committees.



Legislature – Practice

Productivity

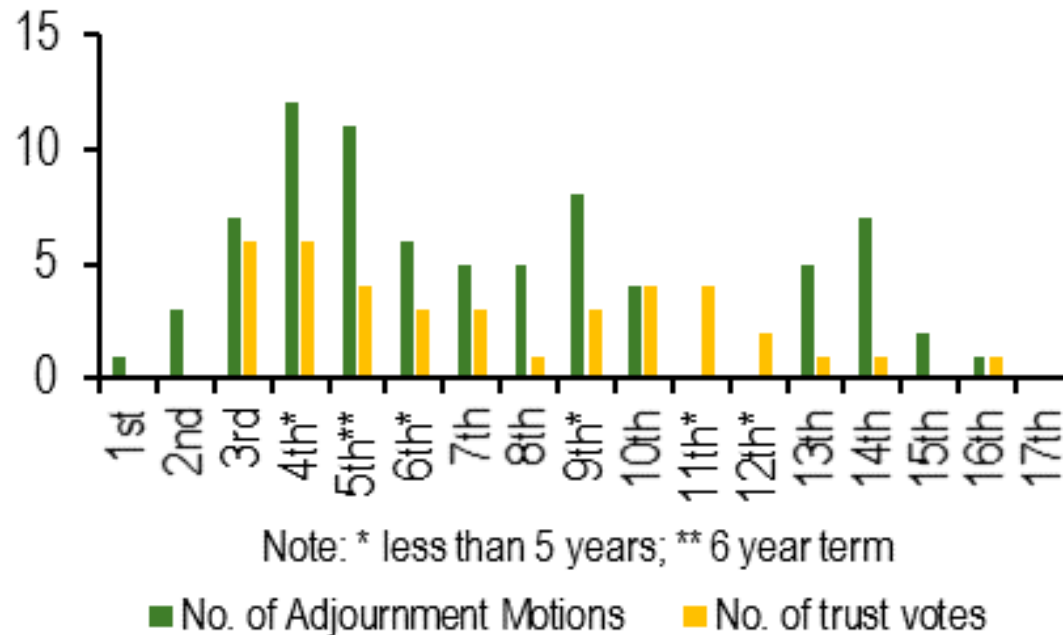
- Time spent by Lok Sabha on discussing the Union Budget (including ministry-wise allocations) has been declining since the 1990s. (Note that Parliamentary Standing Committees that were constituted in 1993 scrutinise funds allocated to all ministries.)



Legislature – Practice

Productivity

- Till date, 39 trust votes (includes No Confidence Motions and Confidence Motions) have been moved in Lok Sabha.



Legislature – Practice

Productivity

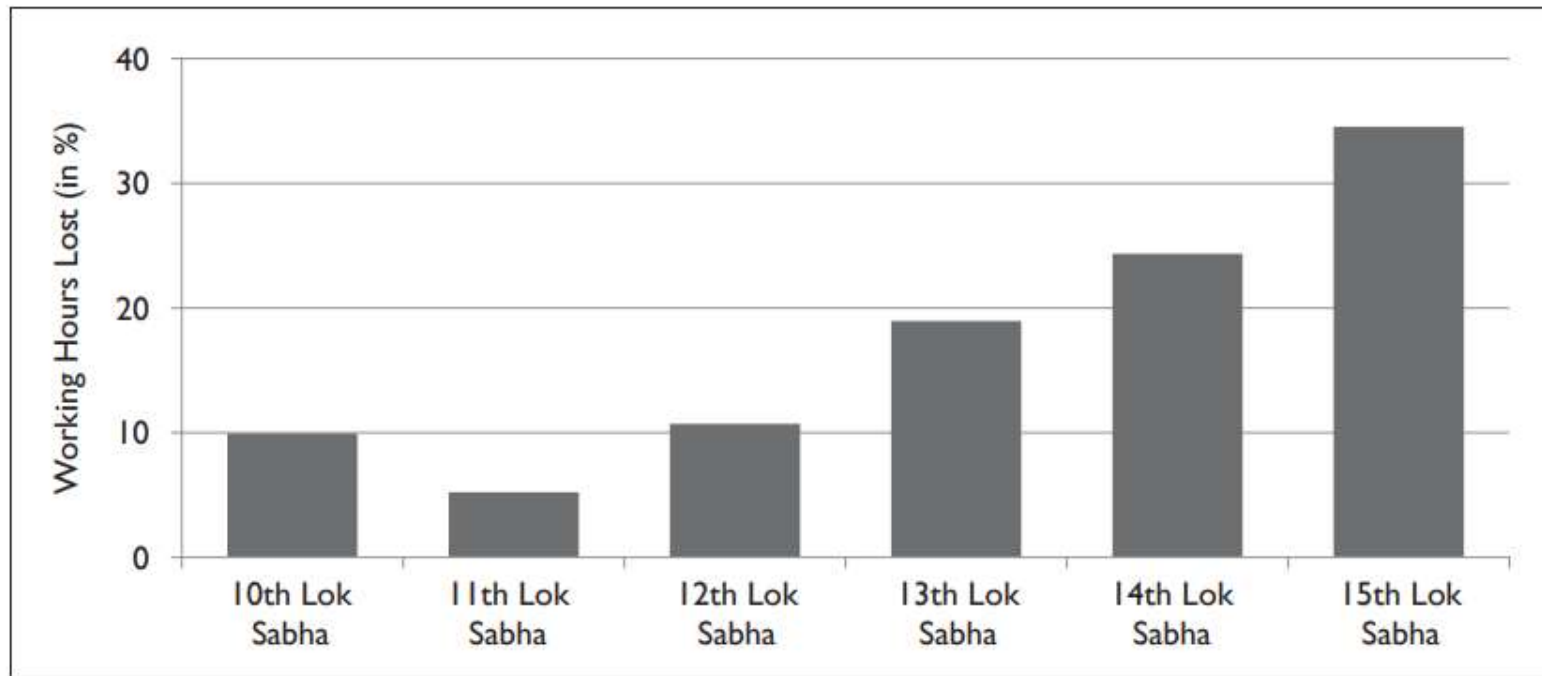


Figure 1. Percentage of Working Hours Lost by the Lok Sabha Due to Disruptions

Source: Report on 15th Lok Sabha (www.loksabha.nic.in)

Note: Lok Sabha secretariat started recording this data only in 1992. For the 15th Lok Sabha the data extends to 11th session that concluded on 11th September 2012.

Legislature – Practice

Symbolic versus Substantive Representation

- Even if the Lok Sabha has become more inclusive, this has not inevitably translated into equal participation; some groups still remain marginal.
- Substantially fewer questions are asked by MPs from historically marginalized groups (women and STs, but not SCs), and marginalized states (Northeastern states).
- To the extent that the volume of questions is a proxy for the extent of legislative oversight, we show that some groups—such as men, non-STs, MPs with prior legislative experience and MPs from certain states—seem to engage in greater oversight than others.

Legislature – Practice

Decline? Progressive democratisation?

- In terms of parliamentary autonomy, standard of debates and discussions, conduct of the members, participation and disruptions in parliamentary proceedings, there is arguably a decline in the effectiveness of the institution.
- Others argue that argue that ‘the signs of disorder that India’s Parliamentary System frequently displays are in fact the consequence of its progressive democratization’.