

CIVICS

(Parliamentary System)

CONTENTS

No.	Topic	Page No.
1.	Introduction to the Parliamentary System.	68
2.	The Indian Parliament.....	71
3.	The Union Executive	75
4.	The Indian Judicial System	79
5.	The State Government.....	83
6.	Bureaucracy.....	86

Learning Outcomes

Suggested learning process	Learning outcome
<p>To give opportunities to study Individually or in the group of two or more and to motivate the students in undertaking following activities</p> <ul style="list-style-type: none"> • To participate in the discussions on the concepts such as Constitution, Parliament, Judiciary, marginalisation • To make oral or written presentation and to prepare posters with sketches, drawings based on themes such as Constitution, Preamble, Parliamentary system, division of powers and federalism • To initiate debates on how principles of liberty, equality and fraternity are implemented in Classroom, School, home and society • To observe the maps of Lok Sabha Constituency of State and Union Territories • To organise model elections with the model code of conduct and youth parliament • To prepare the list of registered voters in our neighbourhood and surrounding • To organise awareness campaign on importance of voting in the surrounding area • To get information about public works undertaken by the representatives of people in our constituency • To examine and understand First Investigation Report • To give opportunity to express oneself through detailed and analytical writing on the role of judges in getting justice to the claimants. • To organise group discussions on the promotion violation and protection of human rights of women, scheduled castes and tribes, nomadic tribes, religious and linguistic minorities, handicapped, children with special needs and the other deprived classes. • Perform a role play about child labour, child rights and the criminal justice system in India. • To give opportunity to share experience with fellow students on inequality in public facilities - water, health facilities and electricity • To organise debates on how Government is responsible for providing public facilities 	<p>Students</p> <ul style="list-style-type: none"> • Can interpret the social and political problems in their surrounding in the light of/ with reference to Indian constitution. • Distinguish between union government and the government of the constituent states • Explain/elaborate the election process of Lok Sabha • Can find out/determine one's own constituency in the map of Lok Sabha Constituencies of State and Union Territories and can write the names of local representatives • Can describe the process of law making (for example Law for the protection against domestic violence, Right to Information Act, Right to Education Act etc.) • Can state the important judicial decisions and on the basis of it can explain the working of judicial system. • Can demonstrate how to file first investigation report • Can analyse the causes of why the weaker sections in our society are left out and its effects • They know the role of government in providing public services such as water, public cleanliness, roads, electricity etc. and the availability of these services • Explain the nature of governmental machinery in Maharashtra.

1. Introduction to the Parliamentary System

In this chapter, we will learn the machinery or the system of government as given in the Indian Constitution.

Have you thought of this ?

- What is a parliamentary system of government?
- In India we have Prime Minister but why is there no Prime Minister in the United States of America ?
- What is the difference between a Parliamentary and a Presidential system of government ?

These questions would lead us to conclude that every country has a different form of government. Before we go ahead to understand different types of Government systems, let us get information about the main branches of government.

The function of the Legislature is to make laws. The Executive implements the law and the Judiciary provides justice. The functions of these organs, their jurisdiction and limitations on their power and the interrelationship between these organs are decided by the Constitution. It is the nature of their interrelationship that determines the system of government adopted in a particular country.

There are two main types of government systems that are followed. (1) Parliamentary System (2) Presidential System.

Parliamentary System of government

The Parliamentary System of government developed primarily in England. The English Constitution is an unwritten Constitution. The governance is carried out in accordance with traditions and customs and conventions. The 'British Parliament' is an institution that

has evolved over a period of time. The Parliamentary system of Government having its roots in 'Parliament' is considered as a contribution of England. India has adopted this Parliamentary System. We can see some broad similarities in the Parliamentary system of England and the Parliamentary system of India. But when looked at an institutional level, the Indian Parliamentary system is different in its content.

Let us understand the characteristics of the Indian Parliamentary system of government in India.

- The Parliamentary system is a system of governance. The legislature of the Central government is known as the Parliament. The Indian Parliament is composed of President, Lok Sabha and Rajya Sabha.
- Members of the Lok Sabha are directly elected by the people. The number of members in the House is fixed.
- Elections to the Lok Sabha are held at regular intervals. All political parties contest these elections. The party which gets more than half of the seats is considered as the majority party. The majority party forms the government.
- Sometimes, when no party gets a clear majority, some parties come together to form a majority and they can establish the government. This kind of a government is known as a coalition government.
- In this way, candidates directly elected by people become members of the legislature and the party in majority gets a chance to form the government.

- The leader of the majority party becomes the Prime Minister. He/She selects candidates for ministerial positions from among his/her colleagues.
- The Prime Minister and the Council of Ministers chosen by the Prime Minister together forms the 'Executive' in the Parliamentary system of government. In Parliamentary system, the Executive has a dual responsibility : (1) As an Executive they have to implement laws. (2) As they are the members of the legislature, they also have to fulfill responsibilities of the Legislature.

The Prime Minister and the Council of Ministers is responsible to the legislature for all their actions and policies. It means that the Council of Ministers has to work with the legislature. It is for this reason that the parliamentary system is known as 'responsible system of government'. Another distinct characteristic of parliamentary system of government is collective responsibility. Decision taken by any ministry/department is considered as decision of the government. The entire council of ministers is responsible for the decision. In the next two chapters, we will see with examples, how the principle of collective responsibility is brought into practice.

In the Parliamentary System, the Executive is dependent upon the confidence of the legislature in them. This means that the Council of Minister remains in power till it enjoys the support or confidence of the legislature. If the legislature feels that the Executive does not work in accordance to its wishes, it removes the executive from power by passing a no-confidence motion against the executive. No-confidence motion is an effective tool of keeping a check over the

executive.

In the Parliamentary form of government, the legislature is a supreme institution. Elected representatives of people express demands and aspirations of common people in the Parliament. The 'Parliament' decides upon issues of public welfare. Since it is the House of Representatives of people and expresses sovereign authority of the people, it is considered as the supreme body.

Why did India adopt a Parliamentary System of government ?

India adopted the parliamentary system of government for several reasons. The development of parliamentary institutions started during the British rule. The British rulers governed in accordance with this system. The parliamentary system of government in India is also in a way a product of the freedom movement. Indians were familiar to this system of government. Many discussions took place in the Constituent Assembly over the system of government. The framers of the Constitution made few changes in the parliamentary system to suit the Indian situation.

Discussions and deliberations are an integral part of the parliamentary form of government. Questions related to public welfare are discussed in the legislature. Members from the opposition party also take part in these discussions. Opposition parties may support the government wherever appropriate, point out shortcomings in policies and laws, put up studied arguments and questions etc. This helps the legislature to make proper laws.

Presidential system of government

Presidential system of government can be said to be another important system of government. This type of system exists in countries such as United States

of America. This system is different from the parliamentary form. In this system, the President is the Executive and is independent of the legislature and as the Head of the State (the President) is directly elected by people. Such a system is known as the Presidential system of government. Though the three organs are independent from each other, there are enough connections between them to work in harmony/coordination. The United States of America has adopted the presidential system of government.

These are some features of this system of government.

- In a presidential form of government, the legislature and the executive are not directly dependent on each other. The Houses of the Legislature and the

President are directly elected by the people. The President is the executive head and has lot of powers including power to implement laws.

- In spite of such a structure, the legislature and the executive keep a check on each other. This mutual control over each other can lead to a responsible government.

Apart from the parliamentary and presidential systems of government there are other forms of government systems that are followed in France, Switzerland, Germany, etc. Several countries owing to their unique circumstances have evolved different systems of government.

In the next chapter, we will study the structure, working and role of the Indian Parliament.

Exercise

1. Choose the correct option and rewrite the statements.

1. Parliamentary System of government developed in
 (a) England (b) France
 (c) United States of America (d) Nepal
2. In the Presidential system is the executive head.
 (a) Prime Minister
 (b) Lok Sabha Speaker
 (c) President (d) Governor

2. Complete the information in the following table.

Sr. No.	Name of the Institution	Functions
1.	Legislature	
2.	Executive	
3.	Judiciary	

3. Explain the following statements with reasons.

1. India adopted the parliamentary system of government.

2. Discussion and deliberations are important in a parliamentary system of government.

4. Answer the following in 25 to 30 words.

1. What is a responsible government?
2. Enumerate the characteristics of the presidential system of government.

5. Why is the role of opposition parties important? Write your opinion.

Project

Watch the live telecast proceedings of the Lok Sabha and Rajya Sabha on the national channel Doordarshan and write your observations.



2. The Indian Parliament



Parliament House, New Delhi

We have studied that the parliament plays an important role in parliamentary system of government. In this chapter, we will discuss the Parliament of India.

The Constitution of India has created the Parliament of India. The Legislature at the national level, that is the level of the central government, is called the Parliament. It consists of the President and the two Houses of Parliament - Lok Sabha and Rajya Sabha. Though President is an inseparable part of the Parliament, he/she cannot participate in the discussions in either of the house of the Parliament.



Can you find out?

The constituent States in India get seats on basis of their population. For the purpose of elections, the State is divided into territorial constituencies. The population of these territorial constituencies is approximately equal. Use the Internet to find out the number of seats each constituent State has in the Lok Sabha. For example,

Maharashtra	: 48 seats
Gujarat	:
Madhya Pradesh	:
Goa	:

The two houses of the Parliament are called the Lok Sabha and the Rajya Sabha.

Lok Sabha : Lok Sabha is the lower and the first house of the Parliament of India. Lok Sabha is the House of Representatives directly elected by the people. Hence, the Lok Sabha is called the 'First' house. The members of Lok

Sabha are elected directly by people from the 'territorial constituencies'. The tenure of Lok Sabha is five years. The elections take place after every five years. These elections are known as General Elections. However, there are examples when, the Lok Sabha was dissolved before the completion of five years. Elections held in such a case are called mid-term elections.

Lok Sabha is the representative body of the citizens of the country. As per the constitution there can be a maximum of 552 members in the Lok Sabha. To ensure equal representation to all sections of the community, some seats are reserved for members belonging to Scheduled Caste and Scheduled Tribes. In case there are no representatives from the Anglo- Indian community, the President can appoint two members from this community to the Lok Sabha.

Rajya Sabha : The upper and the second house of Parliament is the Rajya Sabha. The members of Rajya Sabha are indirectly elected. As the name suggests, Rajya Sabha gives representation to 29 states and 7 Union territories in India. Thus, members of Rajya Sabha work as representatives of the constituent states.



Understand it.

- Mary** : Can I contest Lok Sabha elections after I pass my tenth standard?
- Radhika** : No! You can vote after you attain 18 years of age, but you cannot contest elections!
- Ranveer** : Don't you know that for contesting Lok Sabha elections one needs to complete 25 years of age?
- Shabana** : What if a person from neighbouring country decides to contest Lok Sabha election?
- Muskaan** : How is it possible? Is that person an Indian citizen?
- Pranav** : If I want to contest elections from Kerala, is that possible?
- Radhika** : Yes! Because our teacher said that the Lok Sabha election can be contested from any constituency of a particular state.
- Mrunal** : I understood conditions regarding the age and nationality. But who can be considered as non-qualified for contesting elections?
- Mary** : Like the criteria for qualification, there are conditions for disqualifications as well. Let us understand it with the help our teachers.

The total membership of Rajya Sabha is 250 members. Amongst them, 238 members are elected from the constituent states and Union Territories. All the constituent states do not get equal representation in the Rajya Sabha. It is proportionate to the total population of each of the state. Remaining 12 members are appointed by the President. These members are usually experienced and distinguished personalities from the fields of literature, arts, science, sports and social work. The members of Rajya Sabha are elected through the system of proportional representation.

Rajya Sabha is never dissolved completely hence it is called a permanent House. 1/3rd members of total membership of Rajya Sabha who have completed their tenure of six years retire after every two years and equal number of new members get elected. Because the limited members of Rajya Sabha retire step by step, Rajya Sabha can function continuously. Any person contesting for the elections of Rajya Sabha must be an Indian citizen and he must have completed 30 years of age.

Members of Lok Sabha and Rajya Sabha are known as Members of Parliament (MPs). MPs try to resolve the

queries and complaints of their constituencies by raising questions in the Parliament. Government allocates them funds to carry out development activities in their respective constituencies.

Functions of Parliament : After understanding the basics of Lok Sabha and Rajya Sabha, we will now review their functions.

Formulation of laws : In order to achieve welfare of the people and the objectives of the Constitution, the Parliament has to formulate new laws. Also, outdated laws are repealed, necessary changes are made in some laws. The process of the formulation of laws has been described in the constitution. In accordance to the procedures, the Parliament fulfills this primary and important responsibility.

Control over Council of Ministers: The Prime Minister and the Council of Ministers are drawn from the Parliament



Can you tell?

Certain laws which become out-of-date (obsolete) are abolished. Can you give examples of such obsolete laws? For example, Privy purses.

and Parliament exercises control over them. There are multiple ways through which this control can be exercised. It is the responsibility of the Parliament to see that the Council of Ministers does not disregard the Parliament and functions under its supervision.

Amendments to the Constitution :

The Parliament decides whether to make any amendment to the Indian Constitution. The constitution amendment bill is considered to be an important bill. The Parliament discusses why the amendment is required and decides whether to accept it or not. The Constitution mentions various ways of amending the Constitution. They are as follows- (i) Few provisions in the Indian Constitution are amended by simple majority of the Parliament (ii) Some provisions require special majority (2/3rd) of the Parliament. (iii) Few other provisions are amended by special majority plus consent from more than half of the constituent states.

Speaker of Lok Sabha : In the very first meeting after the elections of Lok Sabha, the members of Lok Sabha elect

Understand it.

Both Houses, the Lok Sabha as well as the Rajya Sabha have same set of rights. But there are certain rights that are enjoyed by the Lok Sabha and are not available to the Rajya Sabha. For example, Bills related to taxes are related to finance. Bills related to finance are considered as 'Money Bills' and such bills are introduced and passed in the Lok Sabha. Rajya Sabha has limited powers with respect to money bills.

Meanwhile, the Rajya Sabha has certain rights which are not available to the Lok Sabha. For example, If Rajya Sabha feels that as a matter of national interest, the Parliament should make a law on the subject in the State List it can pass a resolution to that effect.

a 'Speaker' and 'Deputy Speaker'. Lok Sabha functions under the guidance and control of the speaker.

Lok Sabha represents the citizens and the Speaker represents the Lok Sabha. After getting elected as Speaker, he/she has to conduct the business of the House in an unbiased manner. Lok Sabha members have some rights and privileges as the representatives of the people. These are taken care of by the Speaker. Apart from this, the Speaker has to maintain the decorum and dignity of the house as well as interpret the rules of daily functioning of the house and work accordingly.

The Chairman of Rajya Sabha :

The Chairman exercises a control over the functioning of Rajya Sabha. The Vice President is the ex-officio Chairman of Rajya Sabha. The functions of Rajya Sabha Chairman also include maintaining the discipline in the house, facilitating discussions, giving members a chance to speak etc.

How does the Parliament make laws?

In our country, the parliament is empowered to make laws. To formulate them, a certain system has been adopted. This system is known as the law-making process. A rough draft of the law is prepared initially. This draft or outline is known as draft proposal of the law or Bill of law.

There are two types of bills that are primarily introduced in House of the Parliament. (1) Money Bill (2) Ordinary Bill.

In order to be converted into an Act (Law), the Bill undergoes following process.

First reading : The minister of the concerned department/ministry or member of the parliament presents the bill and briefly explains its structure while presenting it. This is called as 'first reading'.

Second reading : There are two stages of second reading. In the first stage, the objectives of the proposed Bill are discussed and members in the house express their opinions on it. The supporters of the bill give favourable opinions while the opponents discuss the defects and faults in the bill. After the discussion within the house, as per the requirement, the bill is sent to a committee of the House. The committee report consisting of instructions and recommendations is sent to the House in order to make the bill flawless.

Now, the second phase of the second reading begins. In this phase, the bill is discussed clause by clause. Members can suggest changes. After this, voting is taken in the house.

Third Reading : The bill is discussed briefly again during the third reading. Voting is taken for approving the Bill. If the bill gets an assent by the required

majority, then the bill is considered as passed by the House.

The bill undergoes the same procedure even in the other house. After getting an approval by both the houses, the bill is further sent for assent by the President.

If there occurs a difference of opinion between Lok Sabha and Rajya Sabha over a specific bill, the future of this bill is decided in a joint meeting of both the houses.

After the final assent and signature of the President, the bill is converted into the law and the law is made.

Know this too!

- Every year in the month of February, the Finance Minister presents the national Budget to the Lok Sabha.
- The State Legislatures also follow the same procedure of law making as in the Parliament. The Bill passed by the State Legislature can become a Law only after it receives the assent of the Governor.

Exercise

1. Complete the following sentences by choosing the correct option.

- (1) Candidates to the Lok Sabha are elected through
 - (a) Territorial constituencies
 - (b) Religious constituencies.
 - (c) Local bodies
 - (d) Proportional Representation System
- (2) India's is the ex-officio Chairman of the Rajya Sabha.
 - (a) President
 - (b) Vice-President
 - (c) Prime Minister
 - (d) Chief Justice

2. Find and write.

- (1) Members of Lok Sabha and Rajya Sabha are known as
- (2) The responsibility of making laws is with

3. Explain following statements with reasons.

- (1) Rajya Sabha is a permanent House.

- (2) Lok Sabha is known as the first House.

4. Answer the following in 25 to 30 words.

- (1) How are members of the Lok Sabha elected?
- (2) Explain the functions of the Speaker of Lok Sabha.

5. Explain the steps involved in the lawmaking process.

Project

The President nominates 12 members to the Rajya Sabha. Collect information on what are the criteria for their selection.

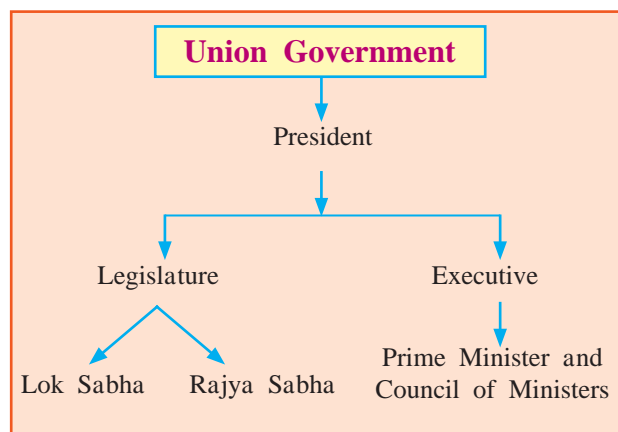


3. The Union Executive

In the last chapter, we learnt about the Union legislature which included the structure and functioning of the Parliament. In this chapter, we are going to study the Union Executive.

Structure of the Union Government :

The Union government means the central government. The Union government is made up of the following constituents.



You know that the legislature, executive and judiciary are the three organs of the State and that they work for the welfare of people. In a parliamentary system, the executive is part of the legislature and is responsible to the legislature. When we learn about the Executive, it is important for us to understand who are included in Executive,

Rama : The President is the nominal head and the Prime Minister is the executive head. What type of relationship exists between persons holding these posts ?

Vidya : I think that the Prime Minister meets the President regularly and informs him about the conduct of administration.

Yes! This is right. The Prime Minister informs the President about the administration of the country and about new laws and policies. Rather, the President has a right to seek such information.

what are the constitutional provisions relating to Executive and what is the process of policy making for public welfare.

India's Union Executive comprises of the President, Prime Minister and the Council of Ministers.

President : According to the provisions in the Constitution of India, the President is the Supreme Head of the State. The office of the President has the highest honour and prestige and it represents the Republic of India. All executive powers of the State are vested in the President by the Constitution. The Government carries out its functions in the name of the President. However, in reality, the Prime Minister and the Council of Ministers run the government. Therefore, the President is the nominal and constitutional head whereas the Prime Minister is the executive head.

Election of the President : The President is indirectly elected by the people of India. The common people do not vote in the election of the President. He is elected by directly elected representatives of the Central and State legislatures. The group of these parliamentarians and members of the state legislatures is known as the Electoral College.

The tenure of the President is five years. The person contesting the presidential elections should be an Indian citizen whose age should be at least 35 years. The person elected to the position of the President has to take an oath while accepting the post. According to the oath, the President bears the responsibility of protecting the Constitution and ensuring that the government runs as per the constitution. The President governs in accordance with

the advice given by Prime Minister and the Council of Ministers.

The responsibility of protecting the Constitution is shouldered by the President. But if any act of President violates the Constitution then the Parliament has the authority to remove the President. This process is known as process of Impeachment. Any one House can lay the charge of violation of the Constitution and the investigation of the charge is carried out by the other House. The resolution has to be passed by special (2/3rd) majority of both the Houses of Parliament.

Powers and Functions of the President : The Constitution has entrusted several powers and functions to the President. A few functions are enumerated as follows:

(1) The President summons the meeting of Parliament, prorogue the session of Parliament, sends messages to both Houses, dissolves the Parliament after the tenure is over or even before the tenure gets over.

(2) Bill passed by the Lok Sabha and Rajya Sabha must be signed by the President. Without his signature, the Bill cannot become a law.

(3) President appoints the Prime Minister and other ministers on the recommendation of Prime Minister.

(4) The President appoints the judges of the Supreme Court and the High Courts. The President also appoints the Governors of States, Chief Election Commissioner and other important officers.

(5) The President is the commander-in-chief of the armed forces. Decisions regarding war and peace are made by the President.

(6) The President has some judicial powers too. For instance, the President has the power to reduce the punishment, grant a respite or commute a sentence of

a person or in special circumstances grant pardons or reprieves on humanitarian grounds.

(7) President has the power to declare emergency in case of a crisis situation arising in the country. There are three kinds of emergencies mentioned in the Constitution. (1) National Emergency (2) State Emergency (3) Financial Emergency

In the absence of the President, his functions are carried out by the Vice-President. The Vice-President is elected by members of both the Houses.



Do it.

Find out the text of the oath taken by the President. Understand its meaning with the help of your teachers.

Prime Minister and the Council of Ministers : The President is the constitutional head. However, in reality, his powers are nominal and the Prime Minister along with his Council of Ministers is responsible for the administration. We will now see the role and functions of the Prime Minister.

The party which attains a majority in elections nominates their leader as the Prime Minister. The Council of Ministers is then formed of trustworthy colleagues from within the party. The Prime Minister and the Council of Ministers must be members of the parliament. In case they are not members, they are required to get elected to the Parliament within six months of their appointment. The government in reality is run by the Prime Minister and the Council of Ministers. This means that the real executive powers are vested in the Prime Minister and the Council of Ministers.

Functions of the Prime Minister

(1) The foremost task of the Prime

Minister is to form his Council of Ministers. While doing this, the Prime Minister gives priority to trustworthy colleagues while considering their administrative experience, governance skills, efficiency and technical expertise.

(2) After deciding upon the members of the council of ministers, the Prime Minister allocates portfolios to them.

(3) The Prime Minister leads the Council of Ministers. The Prime Minister chairs all the meetings of the Council of Ministers.

(4) After allocation of portfolios, the Prime Minister has to maintain coordination in the working of various departments, facilitate cooperation amongst the departments, supervise the working of these departments in order to maintain efficacy and efficiency etc.

(5) The Prime Minister also has various other responsibilities such as to raise the image of the country in the international arena and work towards achieving a favourable opinion globally, to develop trust among people and to provide strong support to people who are victims of any disaster etc.

Functions of Council of Ministers

(1) In a parliamentary form of government the Council of Ministers takes



Do you know ?

Have you heard about 'Jumbo Ministry' ?

This refers to huge Council of Ministers. There was a trend to keep large Council of Ministers in our country. Later, a constitutional amendment was made to limit the size of the Council of Ministers. As per this amendment, the number of ministers in the council should not be more than 15% of the total number of members in the Lok Sabha.

initiative in the process of Law-making. The scheme, policy plans etc. are drafted and discussed and then introduced in the House. The Council of Ministers discusses important questions before making a decision.

(2) Education, agriculture, industry, health, foreign relations among others are subjects upon which the Council of Ministers has to decide specific policies or direction of work. The Parliament needs to be taken into confidence about the policy decisions taken by the government. Therefore, the Ministers of respective departments lay their policy plans in the House to bring about a discussion on it.

(3) Implementation of policy is the foremost responsibility of the Council of Ministers. Once the Parliament approves the laws, the Council of Ministers implements them.

How does the Parliament keep a check over the Executive?

In a parliamentary system of government the legislature tries to keep control over the executive i.e. the Council of Ministers. The control is exercised in the lawmaking or policy making process, implementation of policies and even after that. A few ways of exercising control are:

(1) Discussions and Debates : Debate and discussion among the members of the House are an integral part of the law-making process. These debates and discussions help the members to scrutinise the policy proposals and laws and point out the shortcomings. These discussions are essential for creation of healthy laws.

(2) Question Hour : During parliamentary sessions, the proceedings of the House begins with questions asked by the members of the House. The concerned ministers are supposed to give satisfactory answers to these questions. Question Hour

is one of the most effective ways of keeping a check over the Council of Ministers. During question hour, members criticise the government and ask questions on various issues. Sometimes, when a member is not satisfied with the answer of the minister, arguments take place. Occasionally, members walk-out of the House or enter into the well of the House and give slogans to record their protest.

(3) Zero Hour : During the parliamentary sessions, the period around 12 noon is called 'Zero Hour'. During this period, any question of public importance can be raised and discussed.

(4) No-Confidence motion : This is one of the most effective ways to keep a check on the Council of Ministers. The government stays in power till it enjoys

the support of majority in Lok Sabha. If the members of Parliament withdraw the support, it may lead to loss of majority and the government cannot stay in power. The members of the House can move a no-confidence motion by simply expressing 'we do not have confidence in the government'. If the motion is passed with majority support then the Council of Ministers has to resign.



Can you tell?

What should the members of the Parliament do to participate effectively in debates and discussions?

There is an extensive bureaucracy that works under the executive. We will study this bureaucracy in the 6th chapter.

Exercise

1. Choose the correct option and rewrite the statement.

- (1) In India, the executive power is vested in the
(President, Prime Minister, Speaker)
- (2) The tenure of the President is of years.
(Three, Four, Five)
- (3) The Council of Ministers is led by the
(Party chief, Prime Minister, President)

2. Find and write.

- (1) The President, the Prime Minister, the Council of Minister are called the -
- (2) During the parliamentary session the period around 12 noon is known as -

3. Write on following concepts in your own words.

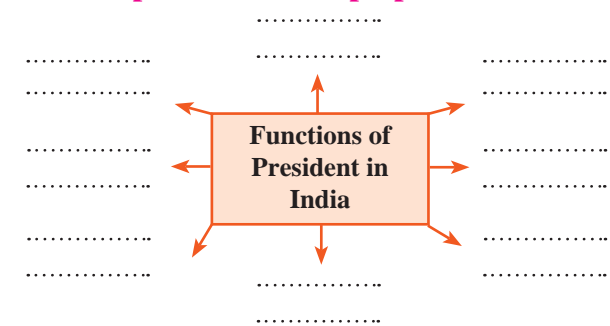
- (1) Impeachment procedure (2) No-confidence motion (3) Jumbo ministry

4. Answer in brief.

- (1) Enumerate the functions of the Council of Ministers.
- (2) How does the Parliament keep a

check on the Executive?

5. Complete the concept picture.



Project

- (1) If you become the Prime Minister what works will you prioritise? Create a priority-wise list and present it in class.
- (2) Collect pictures and information of India's Presidents since independence.



4. The Indian Judicial System

Along with the legislature and the Executive, the judiciary too is an important organ of the government. While the legislature makes the laws and executive implements the laws, Judiciary gives justice. In this chapter, we will learn, how Judiciary works to give justice and thereby helps in removing injustice in a society and establishes a healthy society. But before that let us understand why giving justice is necessary.

Opinions, thoughts, perspective, beliefs, faith and culture differ from person to person. If people are tolerant they can avoid conflicts. But if differences of opinion are very sharp they may lead to conflicts. They should be resolved impartially and in accordance with the laws. For this purpose an unbiased judicial machinery is required.

- Conflict of interests may arise between individuals and the government. A decision or law made by the government may seem unfair to people and they may approach the court for justice.
- The government tries to implement the objectives of social justice and equality laid down in the Constitution. The judiciary through its decisions in certain cases or through active involvement can support the government. The court can help to bring the weaker sections of society, women, children, differently-abled and transgender into the mainstream of the society.
- When the common man benefits from the values of freedom, equality, and justice, it leads to the widening and deepening of democracy. This is necessary for the strengthening of

democracy.

- The Rule of Law is protected by the Judiciary. The law treats everyone equally. Rich, poor, forward-backward, men or women, all are equal before law and this is expressed clearly through judicial decisions.
- Judiciary helps to protect the rights of people. Conflicts are resolved in accordance with law and law prevents emergence of repressive and authoritarian groups and individuals.

Structure of the Judiciary : India is Union of States. The Centre and the Constituent States have a separate legislature and executive. But there is one judicial system for the whole of India. There is no division of courts between the Centre and the Constituent States. This means that judiciary in India is an integrated system. The Supreme Court is the apex court under which there are High Courts. The High Courts control the district courts following which there are lower courts which are at the bottom of this structure.

Supreme Court : The Chief Justice of India (CJI) heads the Supreme Court of India. The President appoints the Chief Justice of India and other Judges of Supreme Court. By convention, the senior most judge of the Supreme Court is appointed as the Chief Justice.

The judiciary should not work under any kind of pressure. The independence of the judiciary is maintained so as to enable the judges to fearlessly carry out the function of giving justice. For this purpose, the Constitution has made the following provisions.



Supreme Court of India, Delhi

- The Constitution lays down the eligibility criteria for the judges. A legal expert or one having served as the High Court judge or an experienced advocate is considered eligible.
- Judges are appointed by the President. This helps to avoid any political pressure.
- Judges enjoy security of tenure. They cannot be removed from the post for trivial reasons or for political motives. The retirement age of judges of the Supreme Court is 65 years, while for the High Court it is 62 years.
- The salaries of judges are drawn from the Consolidated Fund of India, no discussion takes place in Parliament.
- Personal criticisms cannot be made on judges for their acts and decisions. Contempt of Court is considered a punishable offense. This not only protects the judges from misguided/wrongful criticism but also preserves the independence of the judiciary.
- The Parliament cannot discuss the decisions of the judges. However, it has the right to remove the judges from their position through the impeachment procedure.

Judicial Activism :

Traditionally, the Courts settle the disputes whenever they are approached for that purpose. In the last few decades, this image of the court has undergone a change and they have become increasingly active. This means that the court now seeks to fulfill the constitutional goals of justice and equality. The court has tried to provide legal protection to the marginalised sections in society, women, tribal, workers, farmers, and children. Public Interest Litigations have played an important role in this regard.

Functions of the Supreme Court

- * As a federal court, it has the responsibility to settle disputes between the Centre and states; and States on one side and States on the other.
- * It may also give orders to relevant authorities for protection of the fundamental rights of citizens.
- * To review decrees and orders of lower courts and also review its own decisions.
- * In case the President asks for the advice of the Court to understand the legal aspects in matters of public importance and provide the necessary advice.



Can you tell?

Why does the President seek the advice of the Supreme Court on any issue of public importance?

Read the paragraph and write.

Judicial Review : One of the most important responsibilities entrusted to the Supreme Court is the protection of the Constitution. You are aware that the Constitution is the fundamental law of the Nation. The Parliament cannot pass any law that violates the Constitution. Every act or policy made by the Executive should also be consistent with the Constitution. If any law passed by the Legislature or any act of the Executive violates any provision of the Constitution, the said law or act is declared illegal and struck down by the court. This power of the court is known as Judicial Review.

- Should the Court have such a right?

See this example.

The Court had asked candidates contesting in elections to declare their property and income details and educational qualifications through an affidavit. The aim was to ensure that the voters will vote on the basis of accurate information about the candidates. Is this not an attempt to make our election process more transparent?

Are there any more such orders from the court with respect to this subject? Find out more on this.

Public Interest Litigation (PIL) refers to litigations filed on issues of public importance by individual citizens, social organisations or Non-Governmental Organisations on behalf of the all people. The court thinks over the questions raised and gives its decision.

High Court : The Indian Constitution confers the Parliament with the power to establish a High Court in each Constituent State in the Union. Currently, there are 24 High Courts in India.

There is a Chief Justice along with other judges in the High Court.

All judges of the High Court are appointed by the President.



Do it.

The Bombay High Court's jurisdiction covers the states of Maharashtra and Goa, and the Union Territories of Dadra and Nagar Haveli and Daman and Diu.

Find out two other such examples where the High Court has jurisdiction over more than one state.

Functions of the High Court

- * To supervise and maintain control over the lower courts in its jurisdiction.
- * Authority to give orders to protect fundamental rights.
- * The Governor seeks the advice of the High Court while appointing judges in the district courts.

District and lower courts : These are courts at the district and tehsil (taluka) level. The people generally go to these courts. Every District Court has one district judge.

The Branches of Law in India : There are two main branches of law: (1) Civil law and (2) Criminal law.

Civil law : This law deals with conflicts which affect or interfere with the rights of a person. For example, Conflicts

regarding land and property, rent agreement, divorce, etc. After filing a petition in the relevant court, the said court gives a decision.

Criminal law : Serious crimes are dealt under criminal law. For example, theft, robbery, dowry, murder, etc. In these cases, the first step is to file a First Information Report (FIR) with the Police. The police investigates the matter and then a petition is filed in the court. If the

charges are proved, there are provisions for severe punishment.

The Indian judiciary has made a significant contribution in development of the country. Common people have a lot of respect and trust in the judicial system. The judiciary in India has protected individual freedom, the federal system and the Constitution of India. Courts have played an important role in strengthening the democracy in India.

Exercise

1. Choose the correct option and complete the statements.

- (1) Laws are made by
 (a) Legislature (b) Council of Ministers
 (c) Judiciary (d) Executive
- (2) The Chief Justice of Supreme Court is appointed by
 (a) Prime Minister (b) President
 (c) Home Minister (d) Chief Justice

2. Explain the concepts.

- (1) Judicial Review
- (2) Public Interest Litigation

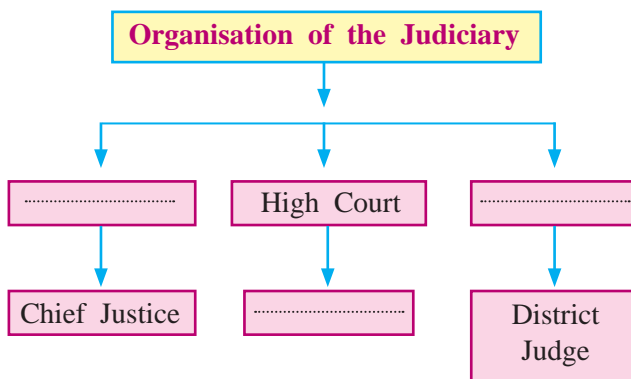
3. Write short notes on.

- (1) Civil and Criminal Law
- (2) Judicial Activism

4. Answer in brief.

- (1) Why are laws necessary in society?
- (2) Enumerate the functions of the Supreme Court.
- (3) Which are the provisions that preserve the independence of the judiciary?

5. Complete the table.



Project

- (1) Organise a 'Moot Court' in your school, prepare and ask questions related to Public Interest Litigations in this Moot Court.
- (2) Visit the nearest police station and understand the procedure of filing a First Information Report (FIR) with the help of your teacher.



5. The State Government

In the last chapters we understood the nature of Union Parliament and Union Executive. We were also introduced to the integrated Judicial System in India. In this chapter we will study the government of constituent states or State Government.

In the federal system, the government exists at two levels. Federal that is the Central Government works at the national level and the State government works at the regional or State level.

Background : India has a large geographic expanse with a multicultural population. There is diversity in language, religion, ways of life and regional characteristics. It would not have been possible to govern from a centralised place; therefore the Constitution has adopted a federal setup for India. It was decided to form the States on the basis of language. Accordingly, linguistic reorganisation of states took place.

The nature of government machinery in all states of India is same. However, Jammu and Kashmir is an exception. Let us now study the governments in states in with reference to Maharashtra.



Do you know ?

India has 29 Constituent States and the State Governments have the responsibility of the governance of these States.

State Legislature : Like the Parliament at the central level, every State has its own legislature. But only seven states in India have two Houses i.e. Bicameral legislatures. Maharashtra has a bicameral legislature. The members of State legislatures are known as Members of Legislative Assembly (MLA) or

Members of Legislative Council (MLC).

Legislature of Maharashtra : Legislature of Maharashtra has two Houses, namely - Vidhan Sabha (Legislative Assembly) and Vidhan Parishad (Legislative Council).



Vidhan Bhavan, Mumbai

Vidhan Sabha (Legislative Assembly):

This is the first House of the Maharashtra legislature and comprises of 288 members. In case there is inadequate representation of the Anglo-Indian community the Governor nominates one member from this community in the Vidhan Sabha. Some seats are reserved for the Scheduled Castes and Scheduled Tribes. Maharashtra is divided into territorial constituencies for the purpose of elections. One member is elected from each of the constituencies.

Tenure of Vidhan Sabha is 5 years. However, in exceptional circumstances elections can be held before the completion of 5 years. Any citizen residing in Maharashtra and who has completed 25 years of age can contest the elections to the Vidhan Sabha.

Speaker of Vidhan Sabha : The proceedings of the Vidhan Sabha are carried out under the supervision and guidance of the Speaker. The elected members of the newly constituted Vidhan

Sabha elect the Speaker and Deputy Speaker of the Vidhan Sabha from amongst themselves. The Speaker has many responsibilities which range from the power to prepare the order of business, to carry out the proceedings of the House in a disciplined manner, or to suspend members for misbehaviour or misconduct. In absence of the Speaker, the responsibility is taken over by the Deputy Speaker.

Maharashtra's legislature conducts minimum three sessions in a year. The budget session and monsoon session is conducted in Mumbai while the winter session is conducted in Nagpur.

Vidhan Parishad (Legislative Council) : It is the second House of the Maharashtra legislature and members are indirectly elected from various sections of society. There are 78 members in the Vidhan Parishad of Maharashtra. Of these some members who are distinguished personalities from the fields of literature, science and social service are nominated by the Governor; remaining representatives are elected by the members of Vidhan Sabha, local government institutions, teacher-constituencies and graduate constituencies.

The Vidhan Parishad is never fully dissolved. A specific number of members retire every 2 years and these vacant seats are filled again by conducting fresh elections for those seats. The proceedings of the Vidhan Parishad are conducted under the control and guidance of the Chairman. In absence of the Chairman, the Deputy Chairman takes over the responsibility.

Executive of Maharashtra : The Governor, Chief Minister and the Council of Ministers together form the executive of Maharashtra.

Governor : The President is a nominal head at the Centre while the

Governor is the titular/nominal head at the state-level.

Governor is appointed by the President and holds the office during the pleasure of the President. The Governor also enjoys certain legislative powers. For example, the Bills passed by the Vidhan Sabha and Vidhan Parishad are converted into laws only after receiving the assent of the Governor. The Governor has the right to summon the session of the state legislature. When the legislature is not in session but the need arises to make the law, then the Governor can issue an Ordinance for the same.

Chief Minister and Council of Ministers : The leader of the majority party in Legislative Assembly becomes the Chief Minister. The Chief Minister includes his/her trustworthy colleagues in the Council of Ministers. Like the Prime Minister who is the executive head of the Union, the Chief Minister is the head of the state executive. The government of the state is run in the name of the Governor. But in reality, the administration is carried out by the Chief Minister.

Functions of the Chief Minister

Creation of the State Executive : After proving the majority, the Chief Minister forms his/her Council of Ministers. This is a challenging task because in order to make the Council more representative, various regions and social groups (Scheduled Castes, Scheduled Tribes, Other Backward Castes, Women, and Minorities etc.) have to be accommodated. If no party secures a clear majority, different parties can come together to form the government. In such case, the Chief Minister has to perform the difficult task of giving a place to all the constituent parties in the alliance.

Distribution of portfolios : After the formation of the Council of Ministers, the

Chief Minister has to distribute portfolios among the ministers. While distributing portfolios, he/she has to consider the political experience, administrative skills, awareness of public opinion, leadership qualities etc.

Coordination between Ministries/ Departments : The Chief Minister along with his Council of Ministers are collectively responsible to the Legislative Assembly. The Chief Minister bears the ultimate responsibility of the efficient administration. Absence of cooperation and coordination between Departments can affect the working of the government. Therefore, the Chief Minister has to resolve conflicts between Departments and ensure that they work towards the same goal and in the same direction.

Leader of the State : Just as the Prime Minister leads the country, the Chief Minister leads the state. The Chief Minister has to make new policies by taking note of problems and concerns of people and work towards the welfare of the people of the state. The people look at the Chief Minister as a problem solver. The Chief Minister intervenes in issues facing the state and comforts the people.

Maharashtra is one of the progressive States in India. The State leads in sectors like education, industry, service sector, health and social security etc. Terror attacks and Naxalite (Left-wing extremist) movements active in certain regions are the two major challenges facing the State of Maharashtra.

 **Exercise**

1. Choose the correct option and complete the statements.

- (1) The Winter session of Maharashtra Legislature takes place at
 (a) Mumbai (b) Nagpur
 (c) Pune (d) Aurangabad
- (2) The appoints the Governor.
 (a) Chief Minister (b) Prime Minister
 (c) President (d) Chief Justice
- (3) The right to summon the state legislature lies with the
 (a) Chief Minister (b) Governor
 (c) President (d) Speaker

2. Complete the table.

Sr. No.	Houses	Tenure	No. of Members	Type of Election	Head
1.	Vidhan Sabha				
2.	Vidhan Parishad				

3. Write short notes on.

- (1) Governor

- (2) Functions of the Chief Minister

4. Answer the following in brief.

- (1) Enumerate the functions of the Speaker of the Vidhan Sabha (Legislative Assembly).
- (2) Why did the Constitution adopt a federal system for India?
- (3) What are the considerations of the Chief Minister while allocation of portfolios?

Project

Visit official website of the Maharashtra Government and collect information of various ministers and the working of their respective departments.



6. Bureaucracy

District Collector orders curfew.

Municipal Commissioner presents the budget.

Finance Secretary resigns.

Divisional Commissioner will review the revenue collection.

In the above box, a few posts like District Collector, Municipal Commissioner, Finance Secretary, and Divisional Commissioner are mentioned. These are civil servants in the government's administrative system. You might be thinking, what are their functions?

In the chapter which explained the role of the Union Executive we learnt that the Prime Minister and his Council of Ministers make proposals for new laws and also decide upon policies. 'Bureaucracy' is the administrative system which works under the Union Executive and has the responsibility of actual implementation of government's policies. In this chapter, we will understand the importance of bureaucracy.

In any country, the government carries out two fundamental types of functions.

- (1) To defend the country from external aggression and internal threats
- (2) To provide various services to citizens and ease their daily lives which will enable them to develop themselves and the society.

The first function is to ensure security of the country. This is carried out by the service called the armed forces. The role of internal security is carried out as aid

to civil authority. For the second function, an administrative system is developed. We call it the 'civil services'. The system of civil servants is also known as bureaucracy.

In Parliamentary democracy, representatives elected by the people and the ministers have the responsibility of administration. The functions of government are discharged by various departments. Every department has a minister who is the political head of that department. As a representative of people the minister has to carry out the work of the department by giving priority to public welfare. The minister may not be expert in a particular subject but he/she is conscious of broad public interest. The Secretary of the department gives expert advice to the ministers. The secretaries are appointed from the civil service. The aspirations of the people and administrative expertise are thus put in harmony in the parliamentary system.

Characteristics of Bureaucracy

Permanent mechanism : Tax collection, environment protection, maintenance of law and order, provisions regarding social security are certain important tasks that have to be consistently undertaken by the bureaucracy. This is possible because bureaucracy is a permanent mechanism. The Prime Minister and their Council of Ministers change after every election but the bureaucracy under their control remains constant. It is permanent in nature.

Political neutrality : The bureaucracy is politically neutral. This means that regardless of the political party in power, the bureaucracy is supposed to carry out

the implementation of their policy decisions with the same efficiency and commitment. In this regard, the civil servants should abstain from taking a political stand or act according to their political views. If a political party fails to win elections, it has to leave government and another party that wins elections comes to power. The new government may change some policies of the earlier government. Even in such case, the bureaucracy is expected to remain neutral while discharging its duties.

Anonymity : Anonymity means that a civil service should not be held directly responsible for any success or failure of policy. It is the Minister who is responsible for the efficient and smooth functioning of the concerned departments. It is the minister who, as the head of that department, is accountable for any inefficiency. Civil servants are never publicly criticised. The Parliament holds the Minister responsible for malpractices. In such case the Minister bears the responsibility and protects the bureaucracy.

Significance of Indian bureaucracy

The structure of the Indian bureaucracy is extensive and complex. Several important reforms that were introduced during the post-independence period have been effectively implemented by the bureaucratic structure. Today we see many positive social changes reaching to a common people. These changes have been brought by the Indian Bureaucracy by implementing the policies made by the Government. Bureaucracy gives stability to the political system. Water supply, public cleanliness, transport, electricity, public cleanliness, health, agricultural reforms, prevention of pollution and such other services are every day needs of the people and need to be consistently provided to them. This brings stability in

the day-to-day life of the people.

Secondly it is important to understand that bureaucracy is an important instrument of social transformation. The laws enacted by the government for empowerment of women, child security, plans for the marginalised sections are implemented by the bureaucracy. Social change is brought through the implementation of such policies.

The Bureaucracy also plays an important role in the democratisation of society. Marginalised sections of society have been brought into mainstream by implementing the reservation policy. Their participation has been increased in the process of decision making. Democratisation of society not only requires progressive laws and policies it also needs the effective participation of bureaucracy.

Types of civil services : In India, there are three main types of civil services

All-India Services : They include the Indian Administrative Service (IAS), Indian Police Service (IPS) and Indian Forest Service (IFS).

Union or Central Services : They come under the Union Government. They include Indian Foreign Service (IFS), Indian Revenue Service (IRS) etc.

State Civil Services : They come under the State Government. They include Deputy District Collector, Block Development Officer, Tehsildar (Executive Magistrate) etc. They are recruited through competitive examinations held at the State-level.

Indian constitution has established autonomous institutions like the Public Service Commissions to ensure that the civil servants are selected on the basis of criteria of merit and efficiency. The Union

Public Service Commission (UPSC) conducts examinations for recruitment and appointment of candidates for All-India Services and Central Services. The Maharashtra Public Service Commission (MPSC) selects candidates through competitive examinations and recommends them to the government to be recruited in the state administration.

In order to provide opportunities to all sections of society to enter in bureaucracy and civil services, there is a provision for reservations for the Scheduled Castes, Scheduled Tribes, Women, Other Backward Castes and specially-abled. This provision ensures that weaker sections of the society are not left out of civil services due to social inequality.

Minister and Secretaries : The

efficiency of a particular government department depends upon the inter-relationship between the Minister and Department Secretaries and Deputy Secretaries. The decisions relating to the department are made by concerned minister but necessary information to make such decisions is given by the civil servants. Civil servants, meaning bureaucracy, has complete control over information. It is the civil servant who knows the financial provisions for a particular scheme or plan. Civil servants are aware of the history of successes and failures of policies. Hence, ministers are dependent upon the civil servants. If ministers maintain a dialogue with civil servants and develop mutual trust and transparency, it will help the departments.

Exercise

1. Identify if the following statements are correct or wrong and rewrite the wrong sentences in their correct form.

- (1) In a parliamentary democracy, representatives elected by people and ministers bear the administrative responsibility.
- (2) Union Public Service Commission (UPSC) recruits candidates for civil services in Maharashtra.

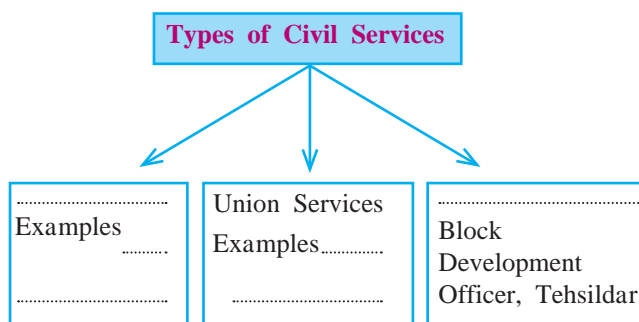
2. Explain the following statements with reasons.

- (1) Reservation policy is followed even in civil services.
- (2) It is necessary for civil servants to be politically neutral.

3. Answer the following in 25-30 words.

- (1) Explain the role of the ministers and civil servants in the efficient administration of the department.
- (2) Explain how the bureaucracy provides stability to the political system.

4. Complete the Concept picture.



5. Discuss characteristics of bureaucracy.

Project

Prepare a questionnaire and interview a civil servant in your locality

