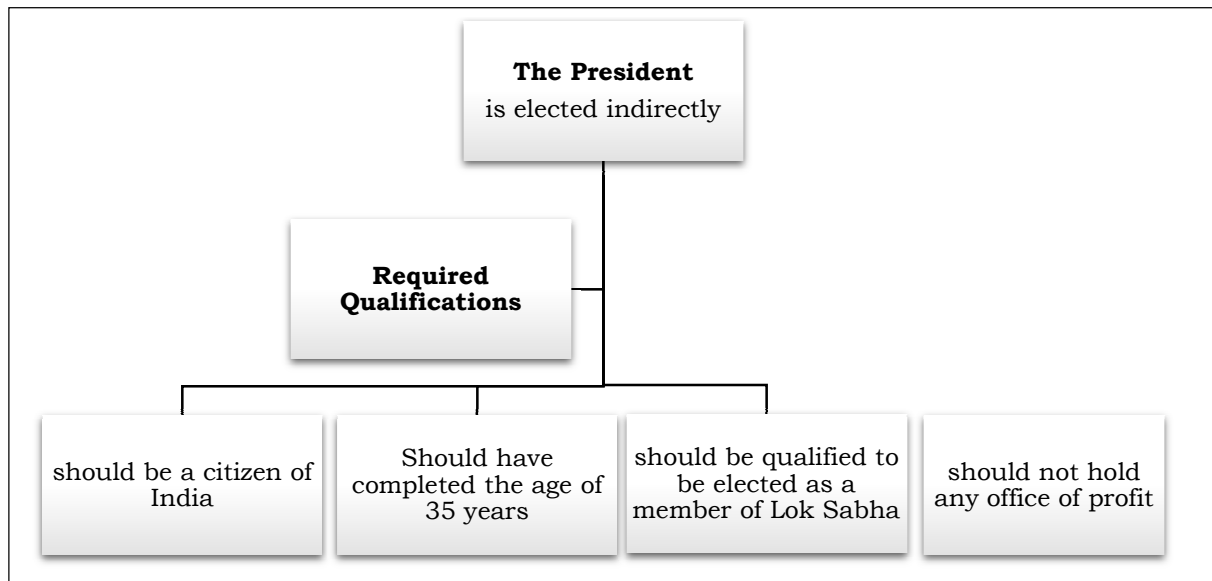


Lesson – 10

Union Executive

Summary –

India is having the parliamentary form of government. The government at the Central level is called Union Government and at the State level it is known as State Government, the Union Government has three organs the Executive the Legislature and the Judiciary. The President, the Prime Minister and his Council of Ministers collectively constitute the Union Executive.



Election Procedure –

- ✚ Elected by an Electoral College consisting of the elected members of both Houses of Parliament.
- ✚ Single transferable vote system of proportional representation. The voting is done by secret ballot.

Single Transferable Vote System –

- ✚ Names of all the candidates are listed on the ballot paper and

- ✚ the elector gives them numbers according to his/her preference.
- ✚ The elector shall place the figure 1 opposite the name of the candidate whom he/she chooses for first preference and putting the figures 2,3,4 and so on against the other candidates names.
- ✚ The ballot becomes invalid if first preference is marked against more than one candidate or if the first preference is not marked at all.

Counting of Votes & Declaration of Result -

- ✚ First preference votes of all the candidates are sorted out and counted.
- ✚ To be declared elected a candidate must get more than 50% of the total valid votes polled.
- ✚ This is known as Quota that is determined by totalling the total number of votes polled divided by the number of candidates to be elected plus one.
- ✚ The President is to be elected so division is done by 1+1. One (01) is added to the quotient to make it more than 50%, At the first count only first preference votes are counted.
- ✚ If any of the candidates reaches the quota, he/she is declared elected, if no candidate reaches the quota, then the 2 preference votes of the candidate getting the least number of first preference votes are transferred to other candidates.
- ✚ The candidate getting the least number of votes is eliminated.
- ✚ If no candidate reaches quota even at this stage, then the votes of next candidate getting the least number of votes are transferred to the others, It continues till any one

Tenure and Removal -

(1) Elected for a term of five years, (2) Eligible for re-election, (3) S/he may resign before the expiry of her/his term, (4) May fall vacant due to her/his death, (5) Term of office commences from the date takes the oath of office.

- ✚ Can only be removed through impeachment for violation of the Constitution.

Privileges and Immunities -

(1) not answerable to any court of law for the exercise of his functions (2) can neither be arrested nor any criminal proceedings be instituted against her/him in any court of law during his tenure, (3) A prior notice of two months' time is to be served before instituting a civil case against him.

Vacancy in the Office of the President -

- ✚ The Vice-President officiates, in case of death or resignation or impeachment of president.
- ✚ If vice president not available, then the chief justice of India officiates.
- ✚ Election for a new President must be held within six months.
- ✚ If a President is ill, the Vice-President may discharge the functions of the President without officiating as the President.

Powers of The President -

Executive Powers - a) the head of the Union Executive, (b) the President appoints the Governors, Supreme and the High Court's judges, the Auditor General of India etc, (c) appoints the Prime Minister and with his advice Ministers of the Union Council of Ministers, (d) supreme Commander of the Armed Forces of India.

Legislative Powers - a) president is a part of Parliament, (b) Summons and Addresses Parliament, (c) nominates several members in both Houses, (d) has certain functions in respect of passing of a Bill, (e) bill passed by a State Legislature may reserve for the consideration of the President by the Governor.

Financial Powers - a) he recommends the money bills, (b) the Annual Financial Statement is placed by the President before both the Houses of Parliament, (c) No proposal for spending money or raising revenues for purposes of government can be introduced in Parliament without previous permission of the President.

Judicial Powers (1) grants, pardons, reprieves, or remissions of punishment to any person who has been convicted by a Court of Law.

Position of the President - The office of the President is of high dignity and eminence, not of real powers, the powers formally vested in her/him are exercised by the Union Council of Ministers in her/his

The Vice-President- of India is elected indirectly by an electoral college consisting of members of both Houses of Parliament, the voting is held by secret ballot. The Vice-President cannot be a member of either Houses of Parliament or of a State Legislature.

Qualifications - 1) He/she must be a citizen of India, 2) not be less than 35 years of age, 3) should not hold any office of profit 4) should be eligible to be elected as a member of the Rajya Sabha.

✚ Vice-President is elected for a term of five years. He/she may resign from the office even before the expiry of five years by writing to the President. He/she can be removed before five years if a resolution to this effect is passed by a majority of members of Rajya Sabha and agreed to by the Lok Sabha.

Functions of the Vice-President -

1. He is the ex-officio Chairman of Rajya Sabha. 2. presides over the sessions of the Rajya Sabha and has the right of casting vote in the case of an equality of votes. 3. any vacancy in the office of the President by reason of his death, resignation, unable to discharge his functions, owing to absence, illness or otherwise, shall act as President, 4. when Vice-President acts as the President, he gets the emoluments, powers, and immunities of the President.

Prime Minister & The Council of Ministers –

- ✚ The executive powers of the President are exercised by the Council of Ministers.
- ✚ The President is the constitutional head of State, but the real Head of the government is the Prime Minister.

Appointment -

- 1) Prime Minister need not be always from Lok Sabha,
- 2) Prime Minister need not be a sitting member of the Parliament,
- 3) No Formal Qualifications.

Tenure –

Prime Minister holds office during the pleasure of the President, he enjoys the confidence of majority in Lok Sabha. Lok Sabha can pass a vote of no-confidence against him and in this case the Prime Minister either submits his resignation to the President or gets dismissed by the President.

Powers & Functions -

- 1) Formation of the Council of Ministers,
- 2) Allocation of Portfolios,
- 3) Chairman of the Cabinet,
- 4) Removal of Ministers,
- 5) Chief Link between the President and the Cabinet,
- 6) Chief Coordinator,
- 7) Leader of the Parliament,
- 8) Power to get the Parliament Dissolved,
- 9) Director of Foreign Affairs,
- 10) Leader of the Nation.

Council of Ministers & The Cabinet -

- 1) The Council of Ministers consists of all categories of Ministers Cabinet Ministers and Ministers of State,
- 2) Cabinet consists of Senior Ministers,
- 3) Cabinet number varies from 15 to 30,
- 4) Council of Ministers consist of more than 70,
- 5) Council of Ministers rarely meets,
- 6) Cabinet meets as frequently as possible,
- 7) Cabinet determines the policies and programmes of the Government,
- 8) Cabinet is an inner body within the Council of Ministers.

Powers & Functions of the Cabinet –

- 1) executive powers of the President are exercised by the Cabinet headed by the Prime Minister,
- 2) formulates the internal and external policies of the country,
- 3) major decisions regarding defence and security of the country,
- 4) responsible for expenditure as well for raising necessary revenues,
- 5) pass the ordinances by the President when the Parliament is not in session,
- 6) Cabinet prepares the agenda of the sessions of the Parliament.

Responsibility of Ministers – Collective Responsibility–

- 1) Responsible to House of the People.
- 2) If any decision taken by the Cabinet, every Minister must stand by it.
- 3) Minister should vote & speak in defence of the government.

Individual Responsibility –

- ✚ When an action taken by a Minister without the concurrence of the Cabinet, or the Prime Minister, is criticised and not approved by the Parliament.
- ✚ If personal conduct of a Minister is questionable and unbecoming, he may have to resign without affecting the fate of the Government.
- ✚ If a Minister becomes a liability or embarrassment to the Prime Minister, he may be asked to quit.

