

POLITICAL SCIENCE NOTES - PART IV

14. COUNCIL OF MINISTERS

Council of Ministers consists of

Cabinet Ministers

Minister of States with Independent charge

Minister of state

- PM is appointed by President & on Prime Minister's advice Council of Ministers are also appointed by the President.
- Strength of Council of Ministers is not fixed, but depends on PM but shall not increase 15% of total strength of the Lok Sabha as per 91st amendment
- A Council of Ministers must be a member of either of the house of parliament. If a person who is not a member of either house of the parliament, is appointed as minister, he shall cease to be a minister after 6 months, unless, he manages to get elected to either of the Houses.
- Ministers are required to take oath of secrecy administered by President
- A Council of Ministers may be chosen from either house of the Parliament. A Council of Minister who is member of one house, has the right to speak in & take part in proceedings of other house without any right to vote if he is not the member of that house

Cabinet

- An informal body of senior ministers who forms the inner circle. It is the cabinet, which meets as & when summoned by PM, for taking important decisions of the government.
- Cabinet is the real policy making body of Council of Ministers.
- A Cabinet Minister always heads a Ministry & is given independent charge of it, unless he is appointed as a minister without portfolio
- Generally assisted by minister of state (but not bound constitutionally) or a deputy minister or both
- A Cabinet Minister attends meetings of Cabinet and discuss on all issues and not restricted to issues of his ministry.
- A minister of State is given an independent charge but generally assist a cabinet minister in running the ministry
- A minister of state cannot attend meeting of cabinet on his own right but can attend if invited. He is normally invited when given independent charge of a ministry
- A deputy minister is a junior member of the Council of Ministers. He always functions under a Cabinet Minister or Minister of State. He does not attend a cabinet meeting

Original constitution did not specifically mention the word Cabinet anywhere.

It was through 44th amendment, 1978 word cabinet was used under article 352. But it is not defined anywhere & is based on understanding & conventions.

Primary function of Cabinet is to formulate policies of government for the good governance and development of the country.

Principle of collective responsibility

- Basic principle of parliamentary or cabinet form of government is principle of collective responsibility.
- Council of Ministers is collectively responsible to Lok Sabha for the policies & decisions of the government, even though a decision taken may pertain to a single ministry
- If a decision of a particular ministry on a political matter is defeated in Lok Sabha, it is not the ministry who resigns, but the whole Council of Ministers resigns, But if

a minister has implemented a decision without the approval of cabinet & it is defeated in Lok Sabha, minister concerned only has to resign, not the whole cabinet

All ministers are individually responsible to the President. Ministers hold office during the pleasure of the President & can be removed from Council of Ministers by the President at any time but only on the advice of PM. Hence, this power is mainly exercised by the Prime Minister.

PM (1st among equals) is keystone in cabinet arch which means if he resigns or dies, whole Council of Ministers goes out with him. Council of Ministers does not exist without the PM

PM acts as a connecting link between Cabinet & President in communicating all decisions of Council of Ministers & administrative or legislative affairs to the President

He is leader of majority party in Lok Sabha & the main link between cabinet & Parliament, acts as government chief spokesperson in Parliament.

15. LOK-SABHA

- Also known as lower House of parliament or House of the People
- Members are directly elected by the people for 5 years
- Lok Sabha can be dissolved by the President
- Total strength is 552
- 530 - Representatives of the state,
- 20 - Representatives of UT's
- 2 - Nominated from Anglo Indian community by President
- Parliament has frozen the representation of states & UTs at 543 till 2026 by 84th amendment in 2001
- Seats are allotted to every state on the basis of population as far as possible
- Seats were decided based on 2001 census i.e. in ratio between number of seats to its population
- Certain seats are reserved for SCs & STs According to 87th amendment 2003 viz.
- State legislative assemblies within the state for SC / ST population
- 42nd amendment 1976, extended the normal life of Lok Sabha to 6 years but 44th amendment 1978 again reversed it to a period of 5 yrs
- Duration of Lok Sabha can be extended by a maximum of 1 year at a time during proclamation of national emergency – Article 352, But if proclamation comes to end then not more than 6 months

Qualifications

- Must be a citizen of India & must have attained the age of 25 years
- Must be a registered voter in parliamentary constituency of India
- Must subscribe by an oath administered by Election commission as mentioned in 3rd Schedule

Special Powers

- Motion of no confidence can only be initiated & passed in Lok Sabha
- Money bill & Financial bill can only be originated in Lok Sabha
- Rajya Sabha cannot amend or reject Money Bill
- Under article 352, Lok Sabha in special sitting, can disapprove the proclamation of President, regarding continuance in force of national emergency. Hence, President has to revoke the emergency in this case

16. SPEAKER OF LOK SABHA

The Speaker of the Lok Sabha is the presiding officer of the Lok Sabha. The speaker is elected in the very first meeting of the Lok Sabha following general elections. Serving for a term of five years, the Speaker chosen from amongst the members of the Lok Sabha, and is by convention a member of the ruling party or alliance.

Speaker & Deputy Speaker of Lok Sabha

- Elected by members of LS among themselves & do remain in office as long as they are members of the house
- **Speaker continues in his office even after LS is dissolved, till newly elected LS is constituted.**
- In normal situations, Speaker does not vote but he cast his vote in case of tie
- He is representative & spokesperson of the house in its collective capacity & chief custodian of its powers & privileges

Removal of Speaker

- Speaker & deputy speaker may resign by writing to each other
- Can be removed by a resolution passed by effective majority after giving a 14 days prior notice
- When such a notice is in consideration against the speaker, He cannot preside over the proceedings of the house. He can, however, participate in proceedings of the house & can even vote in 1st instance, though not when there is an equality of votes

Impartiality & Independence of office of speaker

- His salary & allowances are fixed by Parliament by law & Charged to Consolidated Fund of India & are not subjected to annual vote of Parliament
- His work & conduct cannot be discussed & criticized in Lok Sabha
- Cannot be removed from the office except a resolution passed by effective majority

Powers of Speaker

- Presides over joint sitting of 2 houses of the Parliament
- When a Money Bill is introduced in Parliament, power to certify it as Money bill is given to speaker & his decision whether a bill is Money Bill or not, is final
- His permission is compulsory on question of bringing adjournment motion
- Adjournment of business of the house for purpose of discussing a definite matter of urgent public importance.
- Appointment of primary committees & himself as ex – officio chairman of certain committees of the parliament
- Speaker's conduct in regulating the procedure of maintaining order in house is not subjected to jurisdiction of court
- Under Anti Defection Law, authority of Speaker is final, though open to judicial review

17. Chairman / Deputy chairman of Rajya Sabha

- Vice President - Chairman of RS presides over the proceedings of RS except when he is acting as President of India
- In absence of Chairman, Deputy Chairman presides over the proceedings of RS
- Deputy Chairman is elected by members of RS among themselves
- Deputy Chairman's salary is equivalent to speaker of Lok Sabha
- Presiding officer of each house has the final power to interpret the rules of procedure of the house
- Both chairman & deputy chairman cannot preside over a sitting of the house, when resolution of their removal is under consideration.
- However they can be present, can speak for themselves & take part in proceedings of the house but without right to vote

Removal of Deputy Chairman

- If he resigns, or
- Ceases to be member of RS, or
- Can be removed by passing a resolution by majority, but such a resolution can only be moved after giving 14 days prior notice to him
