Revision Notes for Class 9

Social Science - Civics (Democratic Politics)

Chapter 4 - Working of Institutions

How are Major Policy Decisions Being Taken?

On August 13, 1990, an Order was issued by the Government of India. The order concluded the Socially & Educationally Backward Classes (SEBC) were the third category for 27% of reservations other than the SC and ST communities. People belonging to backward classes only were eligible for this quota.

The Decision Makers

The major functionaries in India, that decide the above memorandum involves the following points:

- The highest formal authority in India is the President, who is the head of the state.
- The head of the government who takes most of the decisions in the Cabinet meetings is the Prime Minister.
- The President & two Houses, Lok Sabha and Rajya Sabha constitute the Parliament. To pass a memorandum, the Prime Minister must have the support of a majority of Lok Sabha members.
- In India, the passing of the Office Memorandum became an issue of hot debate. Some felt that it would deny equality of opportunity to those people who did not belong to backward communities whereas others felt that it would give a fair opportunity to those communities in government employment.
- In 1992, the Supreme Court resolved this case by hearing the 'Indira Sawhney & others Vs Union of India case'. The order was then declared valid by the court and thus the policy was followed thereafter.

Need for Political Institutions

- Institutions are various arrangements which are made in modern democracies. Institutions also perform functions assigned to them to make democracy work fairly.
- The Civil Servants work with the ministers and the cabinet, to take steps to implement the ministers' decisions.
- The Supreme Court is an institution where disputes b/w citizens & the government are finally settled.
- Institutions when involved in meetings, and the committees associated with it often lead to delays and complications. But these delays are also very useful as they provide an opportunity for consulting more people. Just like good decisions cannot be taken quickly, bad decisions are also not rushed into.

The Parliament

An assembly of elected representatives is referred to as Parliament which is the supreme political authority representing the people. Parliamentary discussions also influence the decision of the government and bring pressure to act. No decision can then be implemented without the favour of the parliament.

Role of the Parliament

- The following list reflects the powers of the Parliament and the reason why it is the most significant political institution in India.
- Parliament is the final authority that makes laws in any country.
- Every order that needs to be passed by the government needs the support of the two houses of the Parliament or at least the Lok Sabha.
- The Parliament has total control over the funds of the Government and acts as a limiter to the access to monies the government has.
- It influences public policy and is the highest forum available for the hearing and cognizing of issues that the public has.

Why Do We Need a Parliament

- For making laws in any country, parliament is responsible.
- Support of Parliament is an ultimatum for the government to take any decision.
- The government's money also is controlled by the parliament
- It is called the supreme forum of argument on public issues and national policy in any country.

In India, Parliament consists of two Chambers or Two Houses of Parliament:

Parliament Houses:

1. **House of the People (Lok Sabha):** It is directly elected by the people and has the power to represent on behalf of the people.
2. **Council of States (Rajya Sabha):** Elected indirectly to look after the interests of different states, regions or federal units.

- The President is not a member of any of these Houses. All the laws made in the Houses need the assent of the President to become an Act.
- However, the Indian Constitution does not allow the Rajya Sabha any superior powers but the Lok Sabha holds power in some of the matters like:
- Both Houses need to pass any ordinary law. In case of difference between the two Houses, a joint session with members of both Houses together takes the final decision. Being more populous, the view of Lok Sabha generally prevails.
- Powers in money matters are mainly exercised by Lok Sabha.
- Lok Sabha controls the Council of Ministers and makes daily decisions at different government levels. They take care of the execution of government policies.

In a democratic country, there are two categories of executives:

- **Political executive:** Constitutes of political leaders elected by the people for a specific period who make big decisions.
- **Permanent executive:** People working in the civil services i.e. civil servants remain in office even when the ruling party changes and are permanently chosen. They work under political executives and support them in administration.

Is the minister more powerful than the civil servant? Why?

As the will of the people is supreme in a democracy, the elected representative of the people i.e. minister is empowered to exercise the will of the people on their behalf. Minister addresses people for any consequences of his/her decision. This is why ministers take the advice of experts on all technical matters and then make the final decision. The President also appoints the Prime Minister based on the following procedure:

Prime Minister and Council of Ministers

- The majority party's leader controls the majority in the Lok Sabha and is appointed by the President, as the Prime Minister of the country.
- In case of no single majority, the President then appoints the person most likely to secure majority support.
- The Prime Minister continues in power so long as he is the leader of the majority party or coalition.
- The Prime Minister can then advise the President on the appointment of other ministers from the majority party or the coalition that has the majority in the Lok Sabha: The Prime Minister is thus free to choose ministers if they are members of Parliament.
- A minister who is not a member of Parliament also has to get elected to one of the Houses of Parliament within 6 months of appointment as minister.

The Council of Ministers includes all the Ministers (60 to 80) of different ranks as given below:

- **Cabinet Ministers:** They are regarded as top-level leaders of either the ruling party or the parties along with those in charge of the major ministries, The inner ring of the Council of Ministers, comprises about 25 ministers.
- **Ministers of State/junior minister:** assigned to assist various cabinet ministers and the ministers of state with independent charge.

Most of the decisions in Parliamentary democracy are taken in Cabinet meetings. Every ministry has secretaries i.e. civil servants who provide important background information to the ministers to make decisions. The Cabinet Secretariat also assists the Cabinet.

The powers of the Prime Minister

- He is the head of the government and chairs cabinet meetings
- He keeps an eye on and Coordinates the work of all departments.
- In case of any disagreement b/w departments, his decision is final.
- Exercises general supervision of all ministries.
- Leader of all ministers.
- He is responsible for Distributing the work to the respective ministers.
- Has the power to dismiss ministers.
- The entire ministry will quit when the Prime Minister quits or resigns.

The President

- The President is called the head of the State who supervises the complete operation of all the political institutions in India, such that they function in accord to attain the aim of the State.
- The President is not elected directly by the people but he/she has to get a majority of votes from Members of Parliament (MPs) and the Members of the Legislative Assemblies (MLAs) to win the election.
- In the name of the President- Every government activity takes place.

- Laws and key policy resolutions of the government are issued.
- All the major appointments like that of the Chief Justice of India, Judges of the Supreme Court & the High Courts of the states, the Governors of any state, the Election Commissioners or Ambassadors to other countries, etc are made.
- All international treaties & agreements are done in his/her name.
- The President is also the commander in chief of the defence forces of India.
- The Council of Ministers advises the President to exercise these powers. The President can appoint the Prime Minister by their own will.

The Judiciary

- Supreme Court for the entire nation
- High Courts in states
- District Courts
- Local Courts

An integrated judiciary in India gives the Supreme Court control of judicial administration in the country. The other courts other than this are bound by its decisions.

Any disputes

1. between citizens of the country
2. between citizens and government
3. between two or more state governments
4. between the union and state-level governments

- The Judiciary of India is not under the control of the legislature or the executive in any manner. The judges do not act as per the government or the party in power.
- The President takes advice from the Prime Minister and consults with the Chief Justice of the Supreme Court who appoints judges of the Supreme Court. Such a judge cannot be removed unless an impeachment motion is passed separately by two-thirds members of the two Houses of Parliament.

Powers of Judiciary

- The power to interpret the Constitution of the country lies on the Supreme Court and the High Courts.
- The constitutional validity of any legislation or action of the executive can be determined by them through judicial review.
- According to the Supreme Court of India, the basic principles of the Constitution cannot be changed by Parliament.
- Indian judiciary is the guardian of the Fundamental Rights. According to public interest litigation, if the public interest is hurt by the actions of the government, then the public can approach the judiciary.

Working of Institutions and Policies

The working of the three mentioned institutions is necessary for a state to function in its optimal condition. India needs the implementation of laws and their enforcement, for which the institutions are used to refer to and make major policy decisions. This is also how enforcement of a government order takes place. To make it easier to understand how they function, notes on the workings of institutions will contain the importance of government orders and the decision-makers who help establish such government orders.

Government Orders

August 13, 1990, is when the court of India and the legislative assembly unanimously decided to issue an order called the Office Memorandum, containing legislation and statutes on job reservation benefits for the SEBC (Socially and Educationally Backward Classes). The statutes further state that other than SC and ST, 27% of job reservation benefits are guaranteed to people who fit the SEBC category. It works as a quota only for those individuals who are less privileged.

Decision Makers of India

In India's democratic system, decision-making is a complex process involving various key figures and institutions. Here's an overview of the primary decision-makers in India:

- **The President of India:** As the ceremonial head of state, the President plays a crucial role in the Indian political system. They are responsible for appointing the Prime Minister, giving assent to bills passed by Parliament, and representing India in diplomatic matters. The President's decisions, while largely ceremonial, can influence the political landscape.
- **The Prime Minister of India:** The Prime Minister is the head of government and holds significant executive power. They lead the Council of Ministers, make policy decisions, and represent India both domestically and internationally. The Prime Minister's role is central to the functioning of the government and the implementation of policies.
- **The Council of Ministers:** Appointed by the Prime Minister, the Council of Ministers includes various ministers responsible for different government departments. They play a key role in decision-making related to their specific areas, such as finance, education, and health.
- **The Parliament of India:** Comprising the Lok Sabha (House of the People) and the Rajya Sabha (Council of States), Parliament is responsible for making laws and shaping national policy. Members of Parliament (MPs) debate, propose, and pass legislation that impacts the country.
- **The Judiciary:** The judiciary, including the Supreme Court, High Courts, and lower courts, ensures that laws are interpreted and enforced fairly. It plays a crucial role in upholding the Constitution and resolving legal disputes, thus influencing decision-making through legal judgments.
- **State Governments:** Each state in India has its government, headed by a Chief Minister. State governments make decisions on matters that fall under their jurisdiction, such as education and local infrastructure.
- **Local Government Bodies:** Local bodies, including municipal corporations and panchayats, are involved in decision-making at the grassroots level. They address local issues and contribute to the implementation of policies and development projects.

The Role of Political Institutions

- The working of political institutions in India is equivalent to the machinery that helps the government of India function. Without such institutions, a democratic government is going to find it hard to perfectly reflect the interests of its citizens. So one must ask themselves the pertinent question, What is the role of institutions?
- Institutions facilitate meetings discussing the laws that are and should be/ should not be binding in India.
- Institutions involve deliberate complications & delays to include a wider audience that is available for consultation.
- Institutions are established to give the correct legislative powers the chance to properly discuss the potential extent to which law or order could affect society.