

Central Council of Ministers

The council of ministers is headed by the Prime Minister. There are three categories of Council of Ministers- cabinet ministers, Ministers of state and deputy minister.

Under article 74 of the Indian Constitution it is mentioned that the council of ministers should aid and advice the president of India. Article 75 of the Indian Constitution states that the council of ministers shall be appointed by the President on the advice of the prime minister. The Council of ministers are responsible collectively to the Lok Sabha. Article 75 also states that the council of ministers are also responsible individually. They hold the office in the pleasure of the president. If the president wants he can remove a minister from his rank even if he enjoys the confidence of the house. The Prime minister can ask a minister to resign or advice the president to dismiss him/her.

Role of Cabinet

- 1. Highest Decision Making Authority**
- 2. Chief Policy Formulating Body of the Central Government**
- 3. Supreme Executive Authority of the Central Government**
- 4. Advisory body to the President**
- 5. Chief Coordinator of Central Administration**
- 6. Foreign Policies are framed by the Cabinet Ministers**
- 7. Chief Crisis Manager**
- 8. Major legislative and financial matters are decided by it.**

Kitchen Cabinet

Kitchen cabinet is an inner cabinet which consists of the prime minister and some cabinet ministers who are closed to the prime ministers whom he can trust and discuss solution of every problem. Sometimes friends and family members of the prime minister are also part of the Kitchen cabinet. The practice became popular from the times of Indira Gandhi.

Important Articles regarding Council of Ministers

Article 74- Council of Ministers to aid and advice the president

Article 75- Other Provisions as to Ministers

Article 77 – Conduct of the business of the government of India

Article 78- Duties of Prime Minister in regards to the furnishing of information to the president

MCQ

- 1. Consider the following statements. Which among them are true?**

- 1) Article 75 provides information on the appointment and selection of Prime Minister
- 2) A person must always prove his majority in Lok Sabha BEFORE his appointment as Prime Minister by the President
- 3) A person may be appointed as Prime Minister by the President who must prove his majority LATER
- 4) A person who is not a member of Lok Sabha or Rajya Sabha can be appointed as Prime Minister

- a) Only 1 and 2
- b) Only 1, 3 and 4
- c) Only 1, 2 and 4
- d) Only 1

ANS : B

2. Consider the following 4 statements. Which among them are true?

- 1) Prime Minister of India must only be a member of Lok Sabha
- 2) Prime Minister of India can be a member of both Lok Sabha and Rajya Sabha
- 3) British Prime Minister must only be a member of the Lower House
- 4) British Prime Minister can be a member of the Lower House as well as Upper House

- a) Only 1 and 3
- b) Only 1 and 4
- c) Only 2 and 3
- d) Only 2 and 4

Ans : C

3. Which among the following is NOT within the power of the Prime Minister?

- a) The Prime Minister presides over the meeting of Council of Ministers
- b) Resignation of the Prime Minister means resignation of the entire Council of Ministers
- c) The Prime Minister directly appoints everyone in the Council of Ministers
- d) The Prime Minister allocates portfolios to the Ministers

Ans: C

4. What is the maximum allowed size of the Council of Ministers?

- a) Maximum 48
- b) No such upper limit

- c) cannot exceed 15% of the total members of Lok Sabha
- d) cannot exceed 10% of the total members of Lok Sabha

Ans: C

5. Consider the following statements. Which of them is/are false?

- 1) The central Council of Ministers shall hold office during the pleasure of the President
- 2) The Council of Ministers is collectively responsible to Rajya Sabha
- 3) The salaries of ministers are determined by the Parliament
- 4) If the Prime Minister resigns, the entire Council of Ministers is also dissolved

- a) Only 2
- b) Only 2 and 4
- c) Only 1, 2 and 3
- d) All are true

Ans: A

Chief Minister

The chief minister is regarded as the real head of the government. Chief Minister is the de facto executive while the governor is the de jure executive of the states.

Appointment of Chief Minister

The chief minister is appointed by the governor according to article 164 of the Indian Constitution. However the governor cannot appoint according to his wishes. The governor has to appoint the leader of the majority party in the state legislative assembly as the chief minister. The chief minister may be a member of the lower house of the state legislature or the upper house of the state legislature. But in most of the cases he belongs to the lower house. The governor may use his personal discretion in the selection and appointment of Chief Minister when no party has clear majority in the state legislative assembly.

Powers and Functions of Chief Minister

The powers and functions of Chief Minister are as follows:

1. The chief minister decides the persons to be appointed as the council of ministers and on the advice of the chief minister the governor appoints those persons as the council of ministers.
2. Allocates and Reshuffles portfolios among ministers.
3. The activities of all ministers are coordinated, guided and controlled by the chief minister.

4. The meetings of the council of ministers are presided by him
5. He influences the decision of the council of ministers.
6. He can ask the governor to dismiss any minister or he can ask a minister to resign.
7. If the chief minister resigns that the government also collapses.
8. He is the channel of communication between the council of ministers and the governor.
9. The government policies are announced by him in the floor of the house.
10. He advises the governor to summon the sessions of the state legislature.
11. Chairman of the state planning board
12. Member of the Inter State Council and the National Development Council both headed by the prime minister.
13. Vice chairman of the concerned zonal council by rotation.
14. Crisis manager in chief at political level during emergencies.

Important Article related to Chief Minister

- 1. Article 163 – The council of Ministers should aid and advice the governor**
- 2. Article 164- Other provisions as to minister**
- 3. Article 166- Conduct of the business of the house**
- 4. Article 167 - Duties of Chief Minister regarding furnishing information to the governor**

MCQ

1. Which of the following is/are true regarding the appointment of the Chief Minister (CM)?

- 1) Article 164 provides procedure for selection and appointment of the CM.
- 2) A person need not prove his majority before he/she is appointed as CM.

- a. Only 1
- b. Only 2
- c. Both 1 and 2
- d. Neither 1 nor 2

Ans : B

2. What is the minimum age to be appointed as the Chief Minister of a state?

- (A). 25 years**
- (B). 30 years**
- (C). 35 years**
- (D). 18 years**

Ans. A

3. Which of the following post is hold by the Chief Minister?

- (A). Chairman of the State Planning Board**
- (B). Member of National Development Council**
- (C). Chief Spokesperson of the State Government**
- (D). All of the above**

Ans. D

4. Which of the following is not matched correctly?
(A). **Article 167: Duties of the Chief Minister**
(B). **Article 163: sworn in of the Chief Minister**
(C). **Article 164: Provisions related to State Ministers**
(D). **Article 166: Operations by the State Government**

Ans. B

5. Who determines the salary and allowances of the Chief Minister?
(A). **Governor**
(B). **State Legislature**
(C). **President**
(D). **Parliament**

Ans. B

GOVERNOR

The chief executive head of the state is the governor. He plays a dual role one as the nominal executive head and the other as the agent of the central government. The appointment of the same person as a governor of two or more states was facilitated by the 7th Constitutional Amendment Act of 1956.

Appointment of Governor

The Governor is appointed by the President. He is not elected directly by the people nor is he indirectly elected by the Electoral College. His office is an independent constitutional office. He is not a subordinate to the Central Government.

Qualifications

1. He should be a citizen of India
2. He should have completed the age of 35 years.

Term of Governor's Office

The term of Governor's office is five years from the date of his appointment. However his term is subject to the pleasure of the President. A governor sometimes holds the office till the arrival of his successor. There must be a governor in the state without discontinuity.

POWERS AND FUNCTIONS OF GOVERNOR

Executive Powers

1. He is responsible for all the executive actions of the government.
2. The rules concerning the manner in which the orders and other instruments made and executed in his name shall be authenticated by him.
3. He makes rule for the efficient transaction of the business of the state government.
4. The chief minister and other ministers are appointed by him.

5. The advocate general of a state, the state election commissioner, the chairman and members of the state public service commission are appointed by him.
6. He can ask the president to impose constitutional emergency in a state.
7. He is also the chancellor of Universities in the state. Besides he appoints the vice-chancellors of Universities in the state.

Legislative Powers

1. The state legislative assembly is summoned or prorogued and dissolved by the Governor of the concerned state.
2. The first session of the state legislature after each general election is addressed by the Governor. He also addresses the first session of each year of the state legislature.
3. He is empowered to send messages to the house or houses of the state legislature, with respect to a bill pending in the legislature or otherwise.
4. One-sixth of the members of the state legislative council are nominated by him from amongst persons having special knowledge or practical experience in literature, science, art, social service and so on.
5. One member can be nominated by him to the state legislature from the Anglo Indian Community.
6. The questions related to the disqualification of the members of state legislature are decided by him in consultation with the Election Commission.
7. The Governor can give his assent to a bill, withhold his assent to a bill, can return the bill for reconsideration unless it is a money bill and can reserve the bill for the consideration of the President.
8. When the state legislature is not in session he can promulgate Ordinances.
9. When the office of the speaker and deputy speaker is vacant he can appoint any member of the state legislative assembly to preside over its proceedings. He can also appoint any member of the state legislature council to preside over its proceedings when the offices of both the Chairman and Deputy Chairman fall vacant.
10. The reports of the State Finance Commission, the CAG relating to state finance and the State Public Service commission are laid by the Governor before the state legislature.

Financial Powers

1. The prior recommendation of the Governor is must in order to introduce money bills in the state legislature.
2. He sees that the state budget is laid before the state legislature
3. His recommendation for demand for grand is must.
4. Any unforeseen expenditure is advanced by him from the Contingency fund of the state.
5. A finance commission is constituted by him every five years to review the financial position of the Panchayats and the Municipalities

Judicial Powers

1. The judges of the high court are appointed by the president in consultation with the Governor
2. He also appoints in consultation with the state high court persons to the judicial service of the state except district judges.

3. The governor can grant pardons, reprieves, respites and remissions of punishment or suspend, remit and commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends.

Certain Special Responsibilities

1. In the state of Maharashtra he is responsible for the establishment of separate development boards for Vidarbha and Marathwada.
2. In Gujarat the governor is responsible for establishment of separate development boards for Saurashtra and Kutch.
3. In Nagaland the governor is entrusted to maintain law and order in the state as long as the internal disturbances in the Naga Hills- Tuensang prevail.
4. The administration of the tribal area in Assam.
5. The Administration of hill areas in the state of Manipur
6. Maintaining law and order in the state of Arunachal Pradesh
7. Establishment of a separate development board for Karnataka-Hyderabad region
8. Economic improvement of the different section of people in Sikkim. Besides safeguarding peace and social solidarity.

MCQ

1. Which among the following is/are NOT a part of the State Executive?

1. Governor
2. Chief Minister
3. Council of Ministers (State)
4. Advocate General of the State

- a) Only 1
- b) Only 4
- c) Only 1 and 4
- d) All are true

Ans : B

2. Who among the following administers the oath of office to the Governor?

- a) Chief Minister
- b) President
- c) Chief Justice of India
- d) Chief Justice of concerned State High Court

Ans: D

3. Which among the following statements is/are NOT true about the executive powers of the Governor?

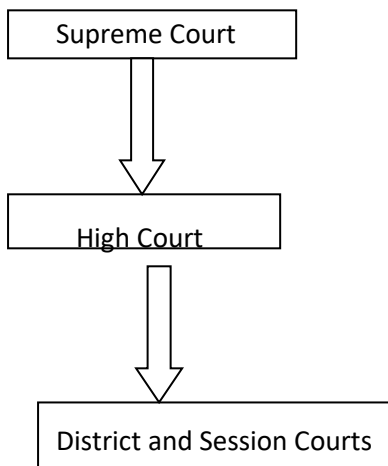
1. The Governor appoints the Vice-Chancellor of the Universities of the state
2. The Governor acts as the Chancellor of the Universities of the state

3. The Governor appoints the Chief Minister and other state ministers
4. The Governor appoints the advocate general of the state

- a) Only 1
- b) Only 2
- c) Only 4
- d) All are true

Ans:D

Judiciary



Supreme Court

Article 124 of the Indian Constitution provides for the establishment and Constitution of Supreme Court. The Supreme Court consists of thirty one judges including the chief justice of India. The parliament increased the number of judges from eight to ten in 1956. Again the number of judges were increased from ten to thirteen in 1960, to seventeen in 1977 and to twenty five in 1986. In 2009 the numbers of judges were increased to thirty one.

Appointment

The president appoints the judges of the Supreme Court. The chief justice is appointed by the president after consultation with other judges of the Supreme Court and High Courts. The other judges are appointed by the president after consultation with the chief Justice and other Judges of the Supreme Court and high courts.

Qualification of Judges

1. He should be a citizen of India
2. A) He should have been a judge of High Court for five years. B) He should have been an advocate of a High Court for ten years. C) He should be a distinguished jurist in the opinion of the President.

There is no minimum age prescribed in the Constitution for becoming a Judge of the Supreme Court.

Tenure: He holds the office until he attains the age Of 65 years.

The judges can be removed by the president on the recommendation of the Parliament.

Seat of the Court

Delhi has been described as the seat of the court by the constitution. However the chief justice of India is authorized with the approval of the president to appoint other place or place as the seat of the court.

Jurisdiction and Powers of the Supreme Court

1. Original Jurisdiction under article 131.

Disputes between:

- The centre and one or more states
- The centre and any state or states on one side and one or more states on the other
- Between two or more states

The above mentioned federal disputes fall under the original jurisdiction of the Supreme Court.

2. Writ Jurisdiction

The Supreme Court can issue writs including habeas corpus, mandamus, prohibition, certiorari and quo-warrento in order to safeguard the fundamental rights. Writs Jurisdiction falls under article 32 of the Indian Constitution.

3. Appellate Jurisdiction

The Supreme Court hears appeals against the judgments of the subordinate courts. The appellate jurisdiction of the Supreme Court can be classified into

- a) Appeals in constitutional cases
- b) Appeals in Civil matters
- c) Appeals in criminal cases
- d) Appeals by special leave.

4. Advisory Jurisdiction

Under article 143 of the constitution the president may ask for the advice of the Supreme Court. The president can seek advices when there is any question of law or fact of public importance which has arisen or which is likely to arise and on any dispute coming out of any pre constitutional treaty, agreement, covenant, sanad and so on.

5. A Court of Record

The Supreme Court records its own judgments, proceedings and acts for legal references. It can punish anybody for the contempt of court.

6. Power of Judicial Review

The Supreme Court has the power to review the workings of the legislature- law making power and Executives – law execution powers.

7. Other Powers

- The disputes regarding the elections of president and vice president are decided by the Supreme Court.
- It has the power to review its own judgments
- It can withdraw cases pending before the high courts and dispose them by itself

- Its law is binding in all courts of India
- It is the ultimate interpreter of the constitution.

High Court

In 1862 High Courts were set up in Bombay, Calcutta and Madras. A High Court was set up for each state under the Constitution of India. However the seventh Amendment Act of 1956 allowed the Parliament to constitute a common high court for two or more states or for two or more states and a union territory. There are 24 high courts at present in the country. Among them four are common high courts. The part VI of the Constitution under articles 214 to 231 deal with the organization, independence, jurisdiction, powers, procedures of the high courts. A high court consists of a chief justice and such other judges as the president seeks necessary from time to time.

Qualifications of Judges

- 1) He should be a citizen of India
- 2) A) For ten years he should have held a judicial office in the territory of India. Or He should have been an advocate of a high court for ten years.

Tenure: A judge of a high court holds office till he attains the age of 62 years.

Jurisdiction and Powers of High Court

1. Original Jurisdiction

The Original Jurisdiction extends to the following cases:

- a) Matters of marriage, divorce, company laws, and contempt of court
- b) Revenue matter
- c) Enforcement of Fundamental Rights of citizens.
- d) Disputes relating to members of Parliament and State Legislatures
- e) The transfer of a case from a subordinate court involving an interpretation of the constitution.

2. Writ Jurisdiction

Under article 226 of the Indian Constitution a high court can issue writs. The high court enjoys a wider writ jurisdiction than the Supreme Court.

3. Appellate Jurisdiction

The High court has got an appellate jurisdiction both in civil and criminal cases. Appeals against the judgments of subordinate courts are heard by the High Court.

The High Court also performs supervisory functions. It controls over subordinate courts. It also serves as a court of Records. Power of Judicial Review of the high court was curtailed by the 42nd amendment act of 1976. The 43rd Amendment Act of 1977 restored the original position.

Subordinate Courts

The subordinate courts are also known as lower courts are located below the high courts. They perform their functions under the high courts. The constitution provisions to regulate the organization of subordinate courts and their independence status from the executive are there under Articles 233 to 237 in Part VI of the Constitution. The highest judicial authority in the district is the district judge. He has the power to exercise both original and appellate jurisdiction in civil and criminal cases.

MCQ

1. Original jurisdiction of the Supreme Court is contained in
 - (a) Article 131 (b) Article 129
 - (c) Article 132 (d) Article 136
2. The power of the Supreme Court can be enlarged by
 - (a) Cabinet (b) Parliament
 - (c) President (d) Chief Justice
3. Judge of the Supreme Court can be removed from offices by
 - (a) Executive order (b) Impeachment
 - (c) Judicial order (d) Bureaucracy
- 4 Under which article of the Constitution the Supreme Court of India has been established
 - (a) 24 (b) 124 (c) 224 (d) 231
- 5 The High Court has the power to issue writ under article
 - (a) 32 (b) 220 (c) 226 (d) 344

Answers

1. A
2. B
3. B

4. B
5. C

Finance Commission

The finance commission is constituted under article 280 of the Indian Constitution.

Composition

The finance commission consists of five members including the Chairman. The members are eligible to hold office as long as the president specified in his order. Reappointment of the members is allowed. The Parliament is authorized to determine the qualifications of the members. Qualifications of the members as prescribed by the Parliament are as follows.

1. The Chairman should be an experienced person in public affairs.
2. The other four members should be selected from amongst the following:
 - a. A person who is qualified to be appointed as a judge of the high court or is a judge of a high court.
 - b. A person having special knowledge of finance and accounts of the government
 - c. A person having special knowledge of economics
 - d. A person having wide experience in financial matters and in administration.

Functions

The functions of Finance Commission are as follows:

1. Distribution of net proceeds of taxes to be shared between the Centre and the States and the states, and the allocation between the states of the respective shares of such proceeds.
2. The measures needed to augment the consolidated fund of a state to supplement the resources of the panchayats and the municipalities in the state on the basis of the recommendations made by the state finance commission
3. The Principles that should govern the grants-in-aid to the states by the Centre.
4. Matters referred to it by the president in the interests of sound finance.

The recommendations of the Commission are not binding on the government. It plays the role of an advisory agency.

MCQ

1. Finance Commission is constituted every 5 years by the
 - (a) President (b) Parliament
 - (c) Union Council of Ministers (d) Speaker
2. The qualification for the Chairman and the members of the Finance Commission are specified in

- (a) Finance Act of 1951 (b) Finance Act of 1952
(c) Finance Act of 1950 (d) Finance Act of 1953

Answers :

1. A
2. A

Delimitation Commission

The delimitation commission is also known as boundary commission was set up under Delimitation Commission act. The commission is responsible for redrawing boundaries of the constituencies of assembly and Lok Sabha under article 82. The orders of the commission cannot be question in any court of law. The Lok Sabha and the state legislative assembly cannot modify the orders of the commission when they are placed before them. Delimitation commissions have been constituted four times in India (1952, 1963, 1973 and in 2002). Election Commissioners of all the states and Union territories, the chief election commissioner of India are the members of the delimitation commission. The present delimitation is based on 2001 census and it will continue till 2026.

MCQ

Consider the following statements.

1. The duty of delimitation is assigned to a high power body called the Delimitation Commission.
2. It's order have the force of law and be called in question only before Supreme Court.
3. So, far Delimitation Commissions have been constituted 4 times.

Which of the statements given above is / are correct.

- a. 1 & 3 only
- b. 1 & 2 only
- c. 2 & 3 only
- d. All of the above

Ans : A

Consider the following statements.

1. 42nd Amendment Act laid down that there would be no delimitation till after the 2001 census.
2. 85th and 88th Amendment Acts extended the freeze on seats till 2031.
3. It is noted that Article 82 is related to the readjustment of seats after each census.

Which of the statement given above is / are correct.

- a. 1 & 2 only
- b. 1 & 3 only
- c. 2 & 3 only
- d. All of the above

Ans :B

Parliamentary Committees

- 1. Standing Committees**
 - a) **Financial Committees- Public Accounts Committee , Estimates Committee, Committee on Public Undertakings**
- 2. Departmental Standing Committees**
- 3. Committees to Inquire**
 - a. Committee on Petitions
 - b. Committee on Privileges
 - c. Ethics Committee
- 4. Committees to Scrutinise and Control**
 - a. Committee on Government Assurances
 - b. Committee on Subordinate Legislation
 - c. Committee on Papers Laid on the Table
 - d. Committee on Empowerment of Women
 - e. Joint Committee on Offices of Profit
 - f. Committee on Welfare of SCs and STs
- 5. Committees Relating to the Day to Day Business of the House**
 - a. Rules Committee
 - b. Committee on Absence of Members from Sitting of the House
 - c. Business Advisory Committee
 - d. Committee on Private Members Bills and Resolutions
- 6. House Keeping Committees**
 - a. Library Committee

- b. House Committee
- c. General Purposes Committee
- d. Joint Committee on Salaries and Allowances of Members

MCQ

1. The Public Accounts Committee submits its report to the
(a) President (b) Prime Minister
(c) Council of States (d) House of the People
2. The revenue estimate of a budget are prepared by
(a) Estimates Committee (b) Central Ministry of Finance
(c) Union Council of Ministers (d) Respective Ministers
3. The committee which examine the 'extravagance' Of the government
(a) Public Accounts Committee (b) Estimates Committee
(c) Public Undertaking Committee (d) Ad hoc Committee

Answers

1. D
2. B
3. B