

All Inclusive Static Crash Course Prelims 2022

Class-5 : Polity

PRIME MINISTER

Prelims 2014

Consider the following statements:

1. **President** shall **make rules** for more convenient transaction of business of Govt of India, and for allocation among Ministers of the said business.
2. All **executive actions** of Govt of India shall be expressed to be taken in name of **Prime Minister**

Which of the above statements are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Prelims 2015

Consider the following statements:

1. **Executive Power** of the Union of India is vested in Prime Minister
2. Prime Minister is ex-officio Chairman of **Civil Services Board**

Which of the above statements are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Prez → Nominal Executive (de jure)

PM → Real Executive (de facto)

Oath: given by President

Salary: Same as MP
▪ determined by Parliament
▪ Not 'charged' on CFI

Term: (no fixed 5 year term)

- ✓ Holds office during pleasure of Prez
- ✓ Resignation/Death:
 - ✓ CoM automatically dissolves
 - ✓ Party elects new leader

Appointment

- ✓ No specific procedure in **Constitution** (Art 75: PM shall be appointed by Prez)
- ✓ **Convention:** Prez appoints leader of majority party, proves majority within one month
- ✓ When no party has clear majority, Prez may use **discretion** to appoint PM
- ✓ Can be from **Rajya Sabha** also (1966 IG; 1996 Deve Gowda; 2004 MMS)
- ✓ **Non-MP** can also become PM, for six months

Prelims 2012

Prime Minister of India, at the time of appointment

- (a) need not necessarily be a member of one of the Houses of the Parliament but must become a member of one of the Houses within six months
- b) need not necessarily be a member of one of the Houses of Parliament but must become a member of Lok Sabha within 6 months
- c) must be a member of one of the Houses of parliament
- d) must be a member of Lok Sabha

Prelims 1997

If the Prime Minister of India belonged to the Upper House of Parliament

- (a) he will not be able to vote in his favour in the event of a no-confidence motion
- b) he will not be able to speak on the Budget in the Lower House
- c) he can make statements only in Upper House
- d) he has to become a member of the Lower House within six months after being sworn-in as the Prime Minister

PM:

- ✓ **Leader of House** of which he is member
- ✓ Advises Prez to **summon/prorogue** Parliament
- ✓ Can advise Prez to **dissolve LS** anytime
- ✗ Can advise Prez to dissolve RS anytime
- ✓ Advise Prez to appoint **ministers**, allocates them **portfolios**
- ✓ Can ask any **minister** to **resign** anytime
- ✓ He is channel of **communication** b/w President and CoM
- ✓ Advises President on **appointment** of AG, CAG, UPSC, EC, FC, etc.

Article 78

Duty of PM to communicate to Prez:

- ✓ all decisions of CoM
- ✓ info sought by Prez

PM is Chairperson of NITI aayog, NDC, National Integration Council, Inter-State Council, National Water Resources Council, National Board for Wildlife, President of CSIR, etc.

I read I forget, I see I remember

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<p>Prelims 1991 Article 78 of the Constitution deal with?</p> <ol style="list-style-type: none"> Emergency powers of the President PM's duty regarding keeping the President informed about govt's decisions, policies and actions President's power to send advisory messages to Parliament President's power to get information from Council of Ministers <p>Select the correct answer: (a) 1 and 4 (b) 2 and 3 (c) 2 and 4 (d) 2 only</p>	<p>Prelims 1996 Which one of the following statements is correct? The Prime Minister of India</p> <ol style="list-style-type: none"> is free to choose his ministers only from among those who are members of either House of Parliament can choose his cabinet colleagues after due counselling by President of India in this regard <input checked="" type="checkbox"/> has full discretion in choice of persons who are to serve as ministers in his cabinet has only limited powers in choice of his cabinet colleagues because of the discretionary power vested with the President of India
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CENTRAL COUNCIL OF MINISTERS

<p>Prelims 1980 Council of Ministers of Union of India is responsible to</p> <p>(a) Parliament (b) President (c) Prime Minister (d) Chief Justice</p>	<p>Prelims 2013 Consider the following statements:</p> <ol style="list-style-type: none"> Council of Ministers in the Centre shall be collectively responsible to Parliament Union Ministers shall hold office during pleasure of the President of India. PM shall communicate to President about the proposals for Legislation. <p>Which of the above statements are correct? (a) 1 only (b) 2 and 3 only (c) 1 and 3 only (d) 1, 2 and 3</p>
<p>Prelims 1982 Council of Ministers of Union of India is responsible to</p> <p>(a) Rajya Sabha (b) Prime Minister (c) President (d) Lok Sabha</p>	<p>Important:</p> <ul style="list-style-type: none"> Ministers hold office during pleasure of President A Minister has right to speak and take part in proceedings of both Houses, but can vote only in his own House.
<p>Article 74: ✓ CoM to aid and advise President ✓ Prez can send back advice once (44th amend)</p> <p>Article 75: ✓ CoM is collectively responsible to LS</p> <p>91st amend. 2003: ✓ CoM can be max 15% of LS (sets no min limit) ✓ CoM can be max 15% of SLA ✓ CoM should be minimum 12 in State ✓ MP/MLA/MLC disqualified for defection is also disqualified to be appointed as Minister (till he gets re-elected)</p> <p>Constitution specifies size of CoM ? No, it only tells limits.</p>	<p>Supreme Court ruled:</p> <ul style="list-style-type: none"> Wherever Constitution needs satisfaction of Prez, it means satisfaction of CoM. CoM continues even after dissolution of LS Prez acting w/o advice of CoM violates Art 74

Collective responsibility

↙

All ministers resign when LS passes NCM

↘

Must support cabinet decisions, or resign

- Ministers have **individual responsibility** (can be removed by Prez on advice of PM)
- Ministers don't have **legal responsibility** (laws are not countersigned by Minister)

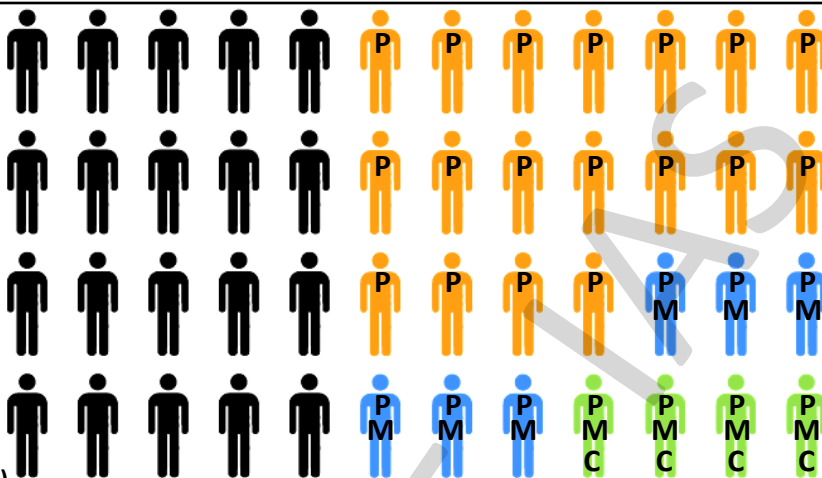
<p>Prelims 2003 Which one of the following statements is correct?</p> <ol style="list-style-type: none"> Only the Rajya Sabha and not the Lok Sabha can have nominated members There is a constitutional provision for nominating two members belonging to the Anglo Indian community to the Rajya Sabha <input checked="" type="checkbox"/> There is no constitutional bar for a nominated member to be appointed as a Union minister. A nominated member can vote both in the Presidential and Vice Presidential elections
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<p>Prelims 1995 Which of the following is not explicitly stated in Constitution of India but followed as a convention?</p> <ol style="list-style-type: none"> Finance Minister is to be a Member of the Lower House <input checked="" type="checkbox"/> PM has to resign if he loses majority in Lower House All the parts of India are to be represented in the Council of Ministers In the event of both the President and the Vice President demitting office simultaneously before the end of their tenure the Speaker of the Lower House of Parliament will officiate as President

CoM vs Cabinet

Cabinet Committees at present?

1. Security
2. Appointments
3. Political Affairs
4. Economic Affairs
5. **Parliamentary Affairs**
(generally PM not part)
6. **Accommodation**
(generally PM not part)
7. Investment and Growth
8. Employment and Skill development



P = Party in power

M = Minister (part of CoM)

C = Cabinet Minister (part of Cabinet)

Cabinet Committees:

- **Article 352** mentions 'Cabinet', not 'Cabinet committees'
- They are **extra-constitutional** bodies (i.e. not mentioned in Constitution)
- Formed under "Transaction of Business **Rules, 1961**"
- Set up / dissolved by **PM** as per need
- Two types - standing and ad-hoc.
- Can a **non-cabinet minister** be part of them? **Yes**
- Their decision can be **reviewed** by Cabinet
- Purpose: in-depth examination; reduce workload of Cabinet

Council of Ministers:

- Constitutional body
- mentioned in articles 74/75
- Responsible to Lok Sabha

Cabinet:

- Not mentioned in original text of Constitution
- 44th amendment added this word in art 352
- President can impose emergency only after written recommendation from Cabinet
- Powers and functions not defined in Constitution

MP from opposition party can be made Cabinet Minister? Yes!

Groups of Ministers (GoMs):

- ad hoc bodies formed to give recommendations to cabinet on important issues
- Some are empowered to take decisions on behalf of the Cabinet

Prelims 2009

With reference to Union Government, consider the following statements:

1. Constitution provides that all Cabinet Ministers shall be compulsorily the sitting members of Lok Sabha only.
2. Union Cabinet Secretariat operates under the direction of Ministry of Parliamentary Affairs.

Which of the above statements are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Prelims 2009

With reference to Union Government, consider the following statements:

1. The Ministries and Departments of the Government of India are created by the PM on advice of the Cabinet Secretary
2. Each of the Ministries is assigned to a Minister by the President of India on the advice of the Prime Minister.

Which of the above statements are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Prelims 2014

Which of the following are the functions of the **Cabinet Secretariat**?

1. Preparation of agenda for Cabinet Meetings
2. Secretarial assistance to Cabinet Committees
3. Allocation of financial resources to Ministries

Select the correct answer

- (a) 1 only (b) 2 and 3 only
(c) 1 and 2 only (d) 1, 2 and 3

Cabinet Secretariat:

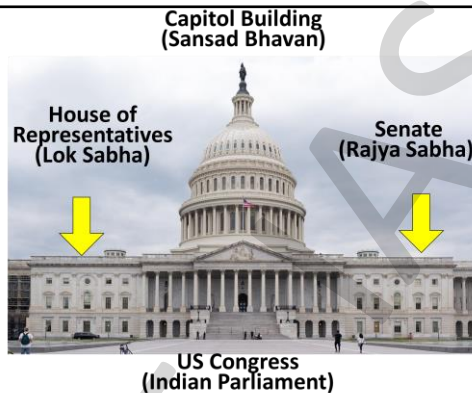
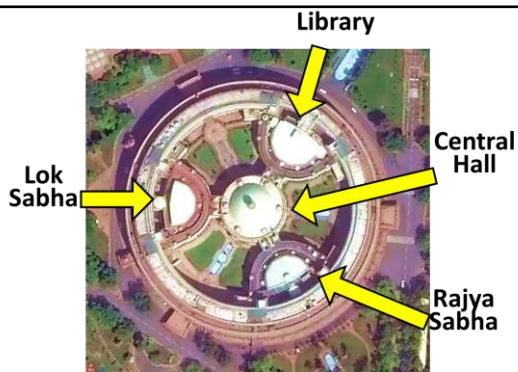
- Functions directly under **PM**.
- Headed by **Cabinet Secretary** who is also the ex-officio Chairman of Civil Services Board.
- Secretarial assistance to Cabinet and Cabinet Committees
- Facilitates smooth transaction of business in Ministries/ Departments.
- Ensures inter-Ministerial coordination
- Manages major crisis situations

I read I forget, I see I remember

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Prez : 35
RS : 30
LS : 25

PARLIAMENT = LS + RS + President



1950: Parliament founded (26th January)
1952: First sitting of each house
1954: names **Lok Sabha** & **Rajya Sabha** adopted
House of People **Council of States**

Head of State is part of legislature in:
✓ India ✓ Britain ✗ USA
India: President-in-Parliament
Britain: Crown-in-Parliament
USA: President not part of Congress
Reason: Parliamentary form of Govt.

	aka	represents	maximum	currently
Rajya Sabha	Second Chamber / Upper House / House of Elders	States/UTs	238: States/UTs 12: nominated	233=225+8 12
Lok Sabha	First Chamber / Lower House / Popular House	People	530: States 20: UTs	530: States 13: UTs

Can you be both MP & MLA? No!
You leave one, else you will lose MP seat

Double membership (RPA 1951)

Elected to both Houses



Lok Sabha Rajya Sabha
You leave any one, else you will lose RS seat

MP of one House becomes MP of another House



House-1 House-2
You will lose original seat

Elected to two seats in same House



Any House Chose one, else you will lose both

Joint Sitting

Constitution bars new amendments, except in two cases:

- amendments that caused final disagreement
- amendments necessary due to delay in passage of bill

Article 108: Joint sitting if Bill passed in one House and sent to other House, but:

- ✓ rejected by other House, or
- ✓ disagreed on amendment, or
- ✓ 6 months elapsed

1961	Dowry Prohibition Bill 1960	Passed
1978	Banking Service Comm (Repeal) Bill 1977	Passed
2002	Prevention of Terrorism Bill 2002	Passed

Summoned by: President of India
Quorum: 1/10th of total MPs of both Houses
Rules: Governed by Rules of Procedure of LS

Joint sitting is allowed for:

- ✓ LS and RS
- ✗ SLA and SLC

Joint sitting is allowed for:

- ✓ Ordinary bill
- ✓ Financial Bill
- ✗ Money bill
- ✗ Constitution amendment bill

In Joint sitting, bill needs:

- ✓ Simple majority
- ✗ Absolute majority
- ✗ Special majority

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Presiding Officers *Chairman of RS can't preside over Joint sitting, as he is not member of either House*

Lok Sabha	Speaker	Dy Speaker	Panel of Chairpersons (nominated by Speaker from members)	
Rajya Sabha	Chairman	Dy Chairman	Panel of Vice-Chairmen (nominated by Chairman from members)	
Joint Sitting	Speaker	Dy Speaker	Dy Chairman	any other member determined by present members

Salary of MPs

- Constitution:** Salary/Allowances to be determined by Parliament (**no provision of pension**)
- Parliament:** Enacted Salaries, Allowances and Pension of MPs Act 1954

Salary/allowance charged on Consolidated Fund of India: (i.e. not subject to annual vote of Parliament)

Member of Parliament

Officer of Parliament (Speaker / Dy. Speaker / Chair / Dy. Chair)

Qualifications to be MP

Constitution

- Citizen; Age: RS 30, LS 25
- Oath
 - True faith and allegiance to Constitution
 - Uphold sovereignty and integrity of India

RPA 1951

- Elector in any parliamentary constituency
- Must be SC/ST to contest from that seat
- Domicile requirement for RS removed in 2003

Disqualified to be MP

Constitution

Article 102 (1)

- Not citizen
- Unsound mind
- Undischarged insolvent
- Office of Profit under Union/State

Article 102 (2) 10th Schedule:

- Independent** MP joins any party
- Nominated** MP joins any party **after** 6 months
- Party** MP resigns from party or **disobey** party on any vote

RPA 1951

- Has some interests in **govt contracts**
- Director/Mgmt in any **company with govt share > 25%**
- Dismissed from govt for **corruption/disloyalty** to State
- Did not file **election expenses** within time
- Convicted for:
 - certain election offences
 - promoting enmity b/w different groups
 - social crimes like untouchability, dowry, sati
 - Bribery
 - any offence and got 2 years jail

Who decides on disqualification?

- 102(1) & RPA 1951** → President decides, based on EC's advice (binding)
- Anti-defection law** → RS: Chairman, LS: Speaker

Prelims 1992

Which of the following are the circumstances under which an elected member of Parliament may be disqualified on the ground of **defection**?

1. If he voluntarily gives up his membership of a political party
2. If he votes or abstains from voting contrary to any direction issued by his political party without prior permission of the political party
3. If he **speaks against** the political party
4. If he joins a political party other than the party on whose ticket he contested and got elected

Select the correct answer:

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

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