

Organs of Government — Legislature, Executive & Judiciary

Revise → write a little → don't break the chain.

16

PYQS IN THIS CHAPTER

2015–2025

SPAN OF QUESTIONS

4 organs

ONE CHAPTER, PAPER I

India runs a **parliamentary democracy** inside a **written, federal, rights-based** Constitution — a mixed design: **parliamentary** in executive accountability, **federal** in the distribution of powers, **republican** in the office of President, **rights-based** in judicial review, and flexible enough to manage India's diversity.

01 FRAME Parliamentary Choice & the Mixed Design

Three organs, one architecture

Legislature → makes law, represents people, controls the executive. **Executive** → implements law, governs administration, stays accountable to the legislature.

Judiciary → interprets the Constitution, protects rights, reviews legislative and executive action.

India did not copy the British model mechanically: it adopted the Westminster system but placed it inside a written Constitution, federal structure, universal adult franchise, judicial review, Fundamental Rights and the **basic structure doctrine**.

Two models · why Parliamentary

Legislature ← Latin *lex*, a legal rule of general application. **Parliamentary** (India): executive emerges from and is accountable to the legislature, with overlapping membership. **Presidential** (USA): executive and legislature separately elected, rigid separation, no overlap.

The **Constituent Assembly** preferred the parliamentary system for: familiarity with British practice; *responsible* government over merely *stable* government; fear of authoritarian drift under a powerful presidential executive; accommodation of caste, linguistic, religious and regional diversity; continuous legislative control over ministers; suitability for universal adult franchise.

B.R. Ambedkar preferred responsibility over stability. **K.M. Munshi** backed executive-legislature overlap to strengthen the effectiveness of government.

Jawaharlal Nehru valued its method of argument, discussion and deliberation.

"...an infant democracy cannot afford" constant conflict between legislature and executive. — **A.K. Ayyar**

The system aimed to provide "strength with democracy". — **Granville Austin**

Support & critique

Mahatma Gandhi (in *Hind Swaraj*) criticised parliamentary government, favouring self-sufficient, non-hierarchical villages as units of direct democracy. **B.R. Ambedkar** saw villages as caste-bound ghettos and backed parliamentary government for representation, collaboration and responsibility. **Penderel Moon** feared parliamentary democracy might fail in a heterogeneous society; **Granville Austin** rejected this pessimism — universal suffrage and direct representation integrate citizens into one democratic framework.

02 PARLIAMENT The Two Houses & Their Powers

Composition — Article 79

Parliament = **President** + **Lok Sabha** + **Rajya Sabha**. It is the supreme Union legislature, the national forum of opinion, the institution of executive accountability, a symbol of unity and a forum of transformation.

Unlike the British Parliament, the Indian Parliament is **not legally sovereign** — it is limited by the written Constitution, Fundamental Rights, the federal division of powers, judicial review and the basic structure doctrine.

Lok Sabha — House of the People

Directly elected on universal adult franchise; five-year tenure unless dissolved; representation roughly proportionate to population; controls the executive through confidence/no-confidence; primacy in finance. **Special position**: Money Bills can originate only here; the Council of Ministers is collectively responsible to it; a no-confidence motion can remove the government only through it.

Rajya Sabha — Council of States

Purpose: federal representation, continuity in legislation, a forum for "second thought", a check on hasty legislation, space for experienced and nominated members. **Composition**: indirectly elected by state assemblies; **12 nominated** members (art, literature, science, social service); a permanent House, not subject to dissolution. **Special powers**: **Article 249** (legislate on the State List in national interest), **Article 312** (initiate All-India Services), participation in amendments, and functioning during emergency when the Lok Sabha may be dissolved.

The Upper House's justification has often been more about "second thought" than firm "state rights". — **W.H. Morris-Jones**

N. Gopalaswamy Ayyangar supported it as a chamber of sober reflection.

For Rajya Sabha

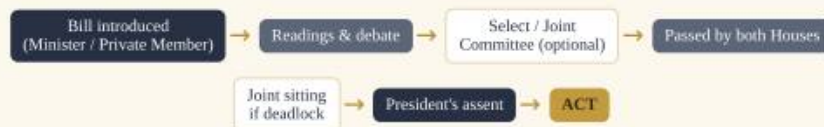
Protects federal balance · improves deliberation · represents expertise · a revising chamber · continuity · supports pluralism. **Theory**: **Mill's** chamber of revision · **Bhargava's** principled disagreement · **Chandhoke's** minority rights · **Bhatia's** institutional protection of constitutional values.

Against Rajya Sabha

Weak on Money Bills · cannot remove government · may delay · used to rehabilitate politicians · unequal state weight · nominees as loyalists · bypassed via ordinances / Money-Bill route. **P.B. Mehta**: misuse of ordinances and Money Bills to bypass scrutiny. **Subhash Kashyap**: deadlocks weaken law-making. **M.V. Rajeev Gowda**: party politics hits efficiency.

03 PARLIAMENT Law-Making, Money Bills, Finance & Privileges

How a law is made — the ordinary route



Money Bill side-rail: originates only in Lok Sabha → Speaker certifies → Rajya Sabha may only recommend → must return within 14 days → Lok Sabha may accept or reject.

Financial control

No tax without parliamentary sanction; no withdrawal from the **Consolidated Fund** without approval; budget debate and grants; committee scrutiny through the **Public Accounts Committee**, **Estimates Committee** and **Committee on Public Undertakings**.

Parliamentary privileges — Articles 105 & 194

Purpose: protect free speech in the House, ensure legislative independence, shield members from external pressure, enable scrutiny of the executive, maintain the dignity of the legislature. **Articles 122 & 212** bar judicial scrutiny on procedural grounds; courts may intervene where constitutional rights are substantively violated.

- **P.V. Narasimha Rao** (1998) → earlier protection for bribery-linked speech/vote inside the House.
- **State of Kerala v. K. Ajith** (2021) → privilege is not a gateway to escape ordinary law.
- **Sita Soren v. Union of India** (2024) → parliamentary immunity does not protect bribery.

Codification debate — for: clarity of scope, natural justice, judicial review, accountability, protection against misuse; against: erosion of autonomy, excess judicial interference, reduced flexibility, need for wide consensus. **Uppendra Baxi**: privilege must not block transparency. **Rajeev Bhargava**: the tension between privilege and individual rights. **M.P. Singh**: privilege with safeguards against abuse.

04 PARLIAMENT The Speaker & Presiding Officers

The Speaker represents the authority, dignity and freedom of the House — the whole House, not a party or constituency.

Constitutional basis: **Article 93** (Speaker & Deputy Speaker), **94** (vacation/resignation), **95** (Deputy Speaker's powers), **96** (not to preside during own removal). Salary **charged on the Consolidated Fund** → institutional independence; presides over joint sittings under **Article 108**.

Core functions: presides and maintains order; interprets rules; allocates time; admits questions and motions; **certifies Money Bills**; refers Bills to committees; decides disqualification under the **Tenth Schedule**; protects privileges; continues in office after dissolution until a successor is chosen.

"The Speaker represents the House. He/She represents the dignity of the House, the freedom of the House ... the Speaker becomes a symbol of nation's freedom and liberty. Therefore that should be an honoured position ... occupied always by persons of outstanding ability and impartiality." — **Jawaharlal Nehru**

"The chief characteristics attaching to the office of Speaker ... are authority and impartiality." — **Thomas Erskine May**

The **Vice-President** chairs the Rajya Sabha and is expected to remain non-partisan.

Problems & controversies

Elected on a party ticket and often retaining party association; bias risk in anti-defection decisions; controversial Money-Bill certification (e.g. the **Aadhaar Bill**); declining referral of Bills to committees; large-scale suspension of opposition members; no strong neutrality convention like the British Speaker.

- **Kihoto Hollohan v. Zachillhu** (1992) → the Speaker's Tenth-Schedule decision is subject to judicial review.
- **Raja Ram Pal** (2007) → proceedings are not immune from review where substantive illegality exists.
- **Nabam Rebia** (2016) → a Speaker facing a removal motion cannot decide disqualification.
- **Keisham Meghachandra** (2020) → disqualification should normally be decided within three months.

"Speakers ... hold a pivotal position in the scheme of parliamentary democracy and are guardians of the rights and privileges of the House." — **Supreme Court, Kihoto Hollohan**

Reforms: consult the Leader of Opposition; build a neutrality convention; adopt "once a Speaker, always a Speaker"; no party post in office; bar immediate post-tenure executive office; transfer anti-defection adjudication to the Election Commission or an independent tribunal; committee-based scrutiny of Money-Bill certification; timely disqualification. **Jürgen Habermas** stresses free, fair deliberation; **John Stuart Mill**, procedural neutrality.

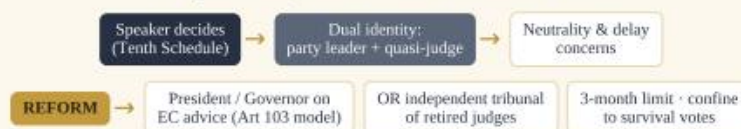
UPSC 2022 · 15m The Speaker represents the freedom and dignity of the House. Examine.

05 PARLIAMENT Anti-Defection Law & the Speaker's Dilemma

Inserted by the **52nd Amendment, 1985** (Tenth Schedule); strengthened by the **91st Amendment, 2003**. Purpose: end "Aaya Ram, Gaya Ram" politics; stability; party discipline; respect for the mandate; less horse-trading.

Grounds of disqualification: voluntarily giving up party membership; voting/abstaining against the whip without permission; an independent joining a party; a nominee joining a party after the permitted period.

The adjudication problem — and the reform direction



Maxims engaged: *nemo iudex in causa sua* (no one judges their own cause) · *audi alteram partem* (hear the other side).

Judicial review: Paragraph 7 tried to bar review; in **Kihoto Hollohan** (1992) the Court upheld the Schedule but struck down the exclusion — judicial review is

part of basic structure; courts may review the Speaker's decision *after* it is made. Related: **P.M. Kaliappan v. P.M. Sayeed** (1999), **A.K. Kraipak** (1969), **U.O.I. v. Tulshiram Patel** (1985), **Jagjit Singh v. Haryana** (2006).

Reform proposals: the **Dinesh Goswami Committee** and **170th Law Commission Report** favour shifting adjudication to the President/Governor on Election Commission advice (Article 103 model); independent tribunals; a three-month period; and limiting the law to votes affecting the government's survival.

Scholarly assessment: **K.R. Venugopal** and **Subhash Kashyap** support it for stability/discipline; **Fali S. Nariman** criticises it for reducing legislators to "voting machines"; **M.P. Singh** for stifling dissent; **Justice J.S. Verma** warned against misuse; **Rajiv Dhavan** seeks balance with conscience; **N.R. Madhava Menon** would limit it on conscience issues.

06 PARLIAMENT Parliamentary Committees

"Congress in session is Congress on public exhibition, whilst Congress in its committee-rooms is Congress at work." — **Woodrow Wilson**

Smaller bodies of members from one or both Houses that examine Bills, budgets, departmental performance, public expenditure, policy documents and executive action. Authority: **Article 105** (privileges/powers) and **Article 118** (rules of procedure).

Types: (Standing — PAC) (Estimates) (CoPU) (DRSCs) (Ad hoc — JPC on 2G) (Select Ctee, Surrogacy Bill 2016)

Financial committees: **Estimates Committee** (Lok Sabha only; suggests economy — **Asok Chanda** on rationalising expenditure); **Public Accounts Committee** (audits sanctioned spend; "twin sister" of the Estimates Committee; **W.H. Morris-Jones** saw it as a deterrent against waste); **Committee on Public Undertakings** (state enterprises; **Indrajit Gupta** criticised weak implementation). **DRSCs** (after 1989) bring continuous oversight, technical scrutiny, non-partisan review and cross-pollination between Lok Sabha and Rajya Sabha.

Committees "identify pressing and prospective issues, suggest solutions, and highlight gaps in implementation." — **Chakshu Roy**

Lok Sabha	Bills referred to committees
14th Lok Sabha	60%
15th Lok Sabha	71%
16th Lok Sabha	28%
17th Lok Sabha	16%

High-impact measures such as the farm laws and the Delhi (Government of NCT) Amendment Act, 2021 were passed without full committee scrutiny.

Issues: weak political will, executive dominance, partisan use, short one-year tenure, poor attendance, thin research support, non-binding recommendations, delayed Action Taken Reports, jurisdictional overlap, weak transparency. **P.B. Mehta** links weak committees with executive centralisation; **Rajeev Bhargava** and **Zoya Hasan** warn against partisan functioning; **Upendra Baxi** notes non-binding reports reduce control; **Faizan Mustafa** stresses expertise; **Gautam Bhatia** warns excess consensus dilutes dissent; **Neera Chandhoke** cautions against avoidable judicial intervention.

Kalpana Mehta v. Union of India → committee reports may be used as a persuasive external aid in statutory interpretation.

"All Bills should be referred to DRSCs... [which may] finalise the second-reading stage in the committee." — **NCRWC**

UPSC 2025 · 20m Parliamentary committees are indispensable to the legislative process... cross-pollination between the two chambers. Discuss.

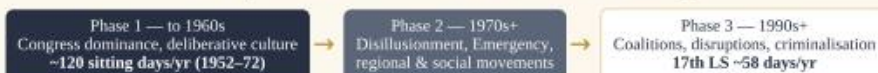
07 PARLIAMENT Opposition, Decline & Changing Profile

The Opposition

Central to responsible government — it scrutinises policy, questions ministers, offers alternatives, voices minorities, mobilises debate and prevents concentration of power. **Instruments:** Question Hour, debates, adjournment and privilege motions, no-confidence, committee scrutiny, amendments, public mobilisation (e.g. the GST/GSTN debate, Land Acquisition Bill 2015, CAA, Triple Talaq). **Neera Chandhoke** wants coherent alternatives; **Gautam Bhatia** links it with public-interest scrutiny; **Faizan Mustafa** and **M.P. Singh** note fragmentation weakens it; **Bhargava** and **Mehta** regret the loss of ideological depth.

Decline of Parliament — the Shankar & Rodrigues arc

Three phases — effectiveness to "federation of anarchy"



Budget Session 2023: Lok Sabha functioned for 33% and Rajya Sabha for 24% of scheduled time; only 16% of Bills in the 17th Lok Sabha went to committees.

Parliament as a "federation of anarchy". — **Hamid Ansari**

World Bank parameters for assessing legislatures: financial accountability, compliance, efficiency, effectiveness, relevance, sustainability.

Decline thesis

P.B. Mehta (executive dominance) · **Zoya Hasan** (marginalised lose voice) · **Subhash Kashyap** (archaic procedure, weak discipline, poor party system) · **Devesh Kapur & Mehta** (criminalisation, weak committee experience).

Against decline

Arvind Virmani (Parliament still functional through Bills, questions, output) · **Shashi Tharoor** (democratic vibrancy) · **Shankar & Rodrigues** (it has broadened and deepened democracy despite stress).

"Good governance needs good legislatures to oversee the performance of the executive." — **Venkaiah Naidu**

Changing profile of parliamentarians — three phases

- Phase 1 (to 1960s):** upper-caste, urban, foreign-educated, movement-derived authority, part-time politicians; OBCs, women and minorities under-represented.
- Phase 2 (1970s–90s):** the "Twilight Zone" — the Green Revolution strengthened landowning OBCs, regional parties rose, Indian-educated and full-time

politicians increased.

- **Phase 3 (1990s+): plebianisation** — stronger OBC representation; caste, religion and ethnicity become central; education improves; the rural–urban divide weakens; women's representation long remained low.

M.N. Srinivas links low female representation to a patriarchal mindset; **Bhargava** and **Austin** see early Parliament as elite constitutionalism; **Chandhoke** sees democratisation producing identity politics; **Robert Michels' Iron Law of Oligarchy** helps explain the rising wealth of MPs; **Faizan Mustafa** links wealth with elite capture; **Mehta** warns performance may replace substance; **Zoya Hasan** and **Carl Schmitt** frame the tension between identity mobilisation and deliberative institutions.

08 PARLIAMENT State Legislative Councils

Basis: **Article 168** (State Legislature), **169** (creation/abolition), **171** (composition); Entries 37–39 of the State List. Article 169 is **experimental** in character — the Constituent Assembly did not fully agree on state second chambers.

Strength: not more than one-third of the Assembly; minimum 40 (historical exceptions). **Members** from local authorities, graduates, teachers, MLAs and Governor's nominees. **Powers:** ordinary Bills — delay up to three months first, one month second, Assembly has the final say; Money Bills — cannot originate, only recommend; **no** no-confidence and cannot remove the ministry (weaker than the Assembly). But members can become ministers, even Chief Minister.

For Legislative Councils

Revising chamber · prevents haste · accommodates teachers, graduates, professionals and nominated talent · space for under-represented groups · relieves Assembly pressure · deliberation. **B.R. Ambedkar** backed second chambers against hasty legislation; a **Parliamentary Standing Committee** urged a national policy to prevent politically-motivated abolition; **Yogendra Narain** notes they expand political space.

Against

Limited powers · no executive control · financial burden · may delay urgent laws · shelters defeated politicians · patronage · incoherent mixed composition · dated graduate/teacher constituencies. **K.T. Shah:** expenditure and patronage. **K.C. Wheare** and **Granville Austin:** weak duplications. **Rajni Kothari:** patronage space. **C.V. Madhukar:** MLAs/MPs treated as "glorified corporators".

UPSC 2022 · 10m

UPSC 2024 · 10m

"A house without any effective powers" / Relevance of the Legislative Council.

09 UNION EXECUTIVE Constitutional Design & the President

Part V · the design

Part V covers the Union Executive: **President**, **Vice-President**, **Prime Minister**, **Council of Ministers** and **Attorney General**. India adopted a **parliamentary executive** — the President is formal head; the PM and Council of Ministers wield real power. It differs from Britain: an elected President (not hereditary monarch), a written Constitution, judicial review, constitutional supremacy (not parliamentary sovereignty) and federal distribution of powers.

The Assembly weighed the British Cabinet, the Swiss elected executive and the American presidential model, and chose a parliamentary executive built on executive–legislative cooperation, ministerial responsibility and the avoidance of rigid conflict. **Jawaharlal Nehru** stressed ministerial governance and legislative supremacy over presidential activism; **B.R. Ambedkar** saw parliamentary government as more responsible; **Granville Austin** called it "strength with democracy"; **K.M. Munshi** saw the overlap as useful for effectiveness.

President — position & articles

The President is head of state, first citizen, supreme commander of the defence forces, part of Parliament, ceremonial head of the Union executive and a symbol of unity, integrity and dignity. **Key articles:** **52** (office), **53** (executive power vested), **54** (election), **58** (qualifications), **60** (oath), **61** (impeachment), **72** (pardon), **74** (aid & advice), **79** (part of Parliament), **111** (assent), **123** (ordinances), **352/356/360** (emergencies).

B.R. Ambedkar explained that the President **represents the nation but does not rule it**. **Walter Bagehot's** principle applies partly — a ceremonial head may "advise, encourage, and warn" but not govern. **M.C. Setalvad** and **A.K. Ayyar** supported Cabinet supremacy. **Paul R. Brass** — the President is effective only when trusted by the PM. **James Manor** — not a mere rubber stamp, since speeches and advice can influence opinion and ministers.

Powers in brief: **Executive** — appoints PM, ministers, Governors, judges, key officers. **Legislative** — summons/prorogues Parliament, dissolves Lok Sabha, assents to/returns Bills, promulgates ordinances. **Financial** — prior recommendation for Money Bills; annual financial statement in his name. **Judicial** — appoints judges; pardon (Art 72); advisory reference (Art 143). **Emergency** — national, President's Rule, financial. **Diplomatic/Military** — represents India; supreme commander.

Politics of the presidential office

"we did not want to make the President a mere figurehead like the French President. We did not give him any real power but we have made his position one of great authority and dignity." — **Jawaharlal Nehru**

Presidential elections carry political messaging: **Indira Gandhi's** "conscience vote" for V.V. Giri against Neelam Sanjeeva Reddy; Gyani Zail Singh's nomination amid Punjab tensions; A.P.J. Abdul Kalam read as outreach to Muslims; Pratibha Patil as a message on women's representation; Dalit candidates from both sides in 2017. The office is formally apolitical, so partisan use of the election can weaken constitutional dignity.

10 UNION EXECUTIVE Election of the President

The electoral college · Article 54



Excluded: nominated MPs, nominated MLAs, all Legislative Council members. **Method:** proportional representation · single transferable vote · secret ballot · weighted voting. **Value of vote** — MLA: by State population + elected Assembly seats (larger States weigh more); MP: total value of all MLA votes + total elected MPs. **Aim:** uniformity among States, parity between Union and States, federal balance.

N. Gopalaswamy Ayyangar helped devise the equitable formula. **B.R. Ambedkar** — since the President's powers extend to Centre and States, both MPs and MLAs should participate. **Article 71** — election disputes are decided by the Supreme Court.

Why indirect? The President is a nominal head; a direct mandate could rival the PM; a nationwide campaign would intensify party conflict; cost and complexity would be high. Indirect election gives moral authority and national legitimacy without making the office a competing centre of power.

II UNION EXECUTIVE Discretion of the President & Ordinances

Conventional view: the President acts on the aid and advice of the Council of Ministers under **Article 74** — affirmed in **Ram Jawaya Kapur** (1955), **U.N.R. Rao v. Indira Gandhi** (1971), **R.C. Cooper** (1970) and **Samsher Singh** (1974). **Textual argument for discretion:** words like *satisfaction*, *assent*, *opinion*, *pleasure*, *consent* in Arts 72, 111, 123, 143, 352, 356, 360 indicate limited discretion.

- **Appointment of PM** — matters in a hung House; invite the person most likely to command a Lok Sabha majority.
- **Dissolution of Lok Sabha** — possible discretion in unstable coalitions.
- **Assent to Bills** — Art 111 allows assent, withholding or return of a non-Money Bill; **Rajendra Prasad** considered discretion on the Hindu Code Bill.
- **Pocket veto** — indefinite delay in rare situations.
- **Pardon (Art 72)** — **Maru Ram** (1980), **Kehar Singh** (1989): exercised on ministerial advice; **V.R. Krishna Iyer** stressed Cabinet advice.
- **Ordinances / Emergency** — "satisfaction" formula; **S.R. Bommai** (1994) opened President's Rule to review.

Balanced view — the President is **not a rival executive** and **not an empty rubber stamp**: moral authority, a constitutional cautionary role, limited crisis discretion, and a duty to preserve, protect and defend the Constitution.

Ordinance-making — Articles 123 & 213

Temporary law when the legislature is not in session, for urgent situations; must be laid before the legislature; ceases six weeks after it reassembles unless approved. **Issues:** re-promulgation, absence of urgency, bypassing the legislature, executive law-making, rights violation.

In **Krishna Kumar Singh v. State of Bihar** (2017) the Supreme Court held ordinances are subject to judicial review; must be laid before the legislature; **re-promulgation is an unconstitutional fraud on the legislative process**; and ordinances do not create enduring rights after lapse unless validated. **P.B. Mehta** links excessive ordinances with executive dominance.

12 UNION EXECUTIVE The Prime Minister

The central figure of the Indian executive. **Articles:** 74 (Council headed by PM), 75 (appointment, tenure, collective responsibility), 78 (PM-President communication). **B.R. Ambedkar** noted that if any Indian functionary is to be compared to the U.S. President, it is the **Prime Minister**, not the President.

The PM is the "keystone of the arch" of parliamentary government. — **Walter Bagehot**

Roles: head of government, leader of the Council of Ministers, chief adviser to the President, leader of the Lok Sabha majority, coordinator of administration, key figure in foreign policy, national political leader. **Appointment:** the President appoints the person most likely to command a majority; clear majority → the majority-party leader; hung House → limited presidential discretion (coalition letters, support, stability).

Powers & functions

Forms the ministry (resignation/death of the PM dissolves the Council); allocates portfolios — **A. Lawrence Lowell** compared this to assembling a figure from mismatched blocks; chairs the Cabinet; is the sole link with the President; leads Parliament; advises dissolution (and can discipline MPs because elections are costly and uncertain); leads foreign policy; campaigns often revolve around the PM's personality.

Evolution of the office

Nehru — strong but accommodative; authority grew after Patel's death, yet Cabinet collegiality survived. **Lal Bahadur Shastri** — consensus-oriented, "primus inter pares". **Indira Gandhi** — shifted power to the PMO and a "kitchen cabinet", producing prime-ministerial government. **Rajiv Gandhi** — continued the style; PMO expanded. **Coalition era** — V.P. Singh, Chandra Shekhar, United Front, Vajpayee, Manmohan Singh faced constraints; **James Manor**, **D.N. Panandikar** and **G.K. Mehra** note coalition PMs leave less personal imprint. **Narendra Modi** — single-party majority revived strong leadership; the PMO became highly central. **K.T. Shah** warned against excessive concentration.

"luna inter stellas minores" — the Prime Minister as "a moon among lesser stars". — **William Harcourt**

13 UNION EXECUTIVE Council of Ministers & the Cabinet System

Basis: **Article 75(3)** — the Council is collectively responsible to the Lok Sabha; **Article 77(3)** — rules for transaction of business. **Collective responsibility** — the Council acts as one body; ministers defend Cabinet decisions publicly; internal disagreement must not become public opposition; loss of confidence removes the entire ministry.

"A Cabinet is ... a hyphen which joins, a buckle which fastens, the legislative part of the State to the executive part." — **Walter Bagehot**

Three-tier structure (on **N. Gopalaswamy Ayyangar**'s recommendations): Cabinet Ministers, Ministers of State, Deputy Ministers. **Core features:** collective responsibility, PM as "primus inter pares", political homogeneity, secrecy of deliberations, accountability to the Lok Sabha. **Evolution:** Nehru's interim government (1946) prepared Cabinet rule; collegiality under Nehru; consensus under Shastri; weakened under Indira Gandhi; participatory but factional under Morarji's Janata; coalition quotas later diluted homogeneity; under Manmohan Singh the NAC (chaired by Sonia Gandhi) and GoMs/E-GoMs reduced Cabinet centrality; Modi dissolved the NAC and GoMs in 2014, revived GoMs/E-GoMs in December 2020.

Council of Ministers — size (from the chapter)	Strength
Nehru's first Council of Ministers	15 ministers
After 1952	around 30
Vajpayee government, 1999	74 ministers
Mayawati government, Uttar Pradesh, 2002	79 ministers

91st Constitutional Amendment, 2003 — Union Council (incl. PM) capped at **15%** of Lok Sabha strength; State Council (incl. CM) at **15%** of Assembly strength; minimum 12 in smaller States; a 10% limit for Delhi/J&K-type assemblies. **Parliamentary Secretaries** were used by States to bypass these caps with minister-like perks; the Supreme Court struck down Assam's law (July 2017) and the Himachal Pradesh High Court restrained six Parliamentary Secretaries (January 2024). They must not evade the 91st-Amendment caps.

14 UNION EXECUTIVE The Prime Minister's Office

Earlier the **Prime Minister's Secretariat**, renamed **PMO** during the Morarji Desai ministry in 1977. It gives secretarial assistance to the PM — politically headed by the PM, administratively by the **Principal Secretary**; extra-constitutional but recognised under the **Allocation of Business Rules**. **Functions**: liaison with ministers, President, Governors, CMs and foreign dignitaries; public grievances; policy coordination; appointments advice; defence/security briefings; foreign-policy assistance; NITI Aayog support; files needing PM approval; think-tank role.

Evolution: modest under Nehru; strengthened under Shastri; a decision-making centre under Indira Gandhi (P.N. Haksar-type officers); lower profile under Janata; expanded under Rajiv Gandhi; coordinated reform under Narasimha Rao; strong under Vajpayee with the NSA; reduced monopoly under Manmohan Singh's coalition and NAC; strong again under Modi (Nripendra Misra, P.K. Mishra, Ajit Doval).

Smita Gupta — the PMO became especially strong under a single-party mandate. **Christophe Jaffrelot** — increasing centralisation. **Suhas Palshikar** — executive control over bureaucracy. **Harsh V. Pant** and **Sanjaya Baru** — politicisation of bureaucracy and "Durbarisation" of governance.

Concerns: weakens the Cabinet Secretariat; reduces ministerial autonomy; creates a parallel Cabinet; limits collective responsibility; centralises appointments; shapes public narrative; may weaken federal consultation. **Theory**: **Weber's** rational-legal authority (efficiency); **Foucault's** governmentality (control over administration and discourse); **Arendt's** plurality (warning against concentration); **Gramsci's** hegemony (shaping the national narrative).

UPSC 2019 · 15m PMO has emerged as the most powerful institution in India. Discuss.

15 UNION EXECUTIVE Bureaucracy & the Tilt towards the Executive

Bureaucracy

Grew from the **Indian Civil Service**; **Sardar Vallabhbhai Patel** ensured continuity through the **IAS** — unity, administrative continuity, constitutional order. **Max Weber's** principles shaped it: open competition, hierarchy, permanence, rule-based authority. **Critique** (**Nehru**, **Chakrabarty**, **Bhattacharya**): conservative, regulatory, law-and-order-oriented, poor developmental expertise, paternalistic, politicised, corruption, over-expansion, weak citizen orientation; **Paul R. Brass**, **Rudolph & Rudolph** and others highlight delivery limits. **Reform**: **Rajiv Gandhi** said the "paternalistic model" had outlived its utility; the **Fifth Pay Commission** (1997) urged downsizing, transparency, contractual appointments, RTI and Citizens' Charters; the **Second ARC** under **M. Veerappa Moily** sought to recalibrate it for developmental governance.

Tilt towards the executive

Growing dominance of the executive over the legislature and other institutions. Some overlap is natural; the danger is when executive control weakens Parliament, committees, Cabinet, opposition, bureaucracy, autonomous bodies and the judiciary. **Reasons**: strong single-party majority, personality-centred leadership, PMO centralisation, weak internal party democracy, the party whip, frequent ordinances, the Money-Bill route, reduced debate, weak committee referrals, executive control of the legislative agenda.

Vernon Hewitt and **Shirin Rai** — committee scrutiny remains weak under government control. **Arvind Kurian Abraham** — responsible government cannot work if Parliament is dysfunctional.

"A crisis of executive accountability is a crisis of holding the ruling party to account." — **Khaitan**

Justice A.P. Shah warned India may move towards an "elected autocracy". **Counter-arguments** — **checks still operate**: the 2008 confidence vote on the civil nuclear deal; the JPC on the stock scam; ministerial resignations in the 1990s; judicial cancellation of coal-block allocations; committees on Rafale; and judicial review of Money-Bill certification by **Justice D.Y. Chandrachud** and **Justice Ashok Bhushan**. Indian separation of powers is **negotiated, not rigid**; the parliamentary form is part of the basic structure; executive strength aids governance, but unchecked dominance weakens constitutional democracy.

UPSC 2020 · 15m Has the thrust of government tilted towards the executive? Give your arguments.

16 STATE EXECUTIVE The Governor

India is federal with a strong Centre; the state executive operates under **Part VI**. States have no separate constitutions or citizenship; a uniform parliamentary model; the Governor as nominal head; the CM and Council as the real executive; an integrated judiciary; Centre's influence through Arts 249, 257, 356 and emergency provisions.

Articles: **153** (Governor for each state), **154** (executive power), **155** (appointment by President), **156** (pleasure of President), **157** (qualifications), **159** (oath), **161** (pardon), **163** (aid, advice & discretion), **164** (CM & ministers), **200** (assent/reservation), **213** (ordinances), **356** (report on breakdown).

The office of Governor is "acutely controversial". — **Granville Austin**

The Governor is "a Constitutional sentinel and a vital link between the Union and the State." — **Sarkaria Commission**

"He is the representative not of a party; he is the representative of the people as a whole of the State. It is in the name of the people that he carries on the administration." — **B.R. Ambedkar**

B.R. Ambedkar also held that the Governor "has no functions which he can discharge by himself" and must follow ministerial advice in all matters.

Appointment debate: the Assembly rejected an elected Governor (a direct mandate could clash with the elected ministry; risk of rival authority; need for a Union link); **K.M. Panikkar** and **H.N. Kunzru** feared the Governor might become an agent of the Centre.

Powers: **Executive** — appoints CM and ministers, Advocate General, SPSC members; Chancellor of state universities; governs during President's Rule. **Legislative** — summons/prorogues/dissolves the legislature; assents to/returns Bills; reserves Bills for the President; ordinances. **Financial** — recommends Money Bills; Contingency Fund advances; State Finance Commission. **Judicial** — pardon under Art 161 (not death sentences, unlike the President); appoints district judges in consultation with the High Court.

Removal: Art 156 — holds office during the President's pleasure. In **B.P. Singhal v. Union of India** (2010): the Governor is not an employee of the Centre; removal cannot be arbitrary or mala fide; reasons need not always be disclosed but a valid reason must exist. The **Sarkaria Commission** urged that a five-year tenure not be disturbed except for rare and compelling reasons; the **Punchhi Commission** criticised the arbitrary pleasure doctrine and recommended an opportunity to defend the position.

17 STATE EXECUTIVE Governor's Discretion & Recent Role

Article 163 allows discretion only where the Constitution requires — not general; it must be reasoned, cautious, in good faith and constitutionally limited. **Main areas:** appointment of CM in a hung Assembly (**H.M. Seervai** warns that inviting a minority group first can help it attract defectors through ministerial promises); the floor test (**S.R. Bommai** requires a floor test, not subjective assessment); dismissal of a ministry that has lost majority and refuses to resign (**M.V. Pylee** — justified if the CM compromises national unity); reservation of Bills (Art 200); President's Rule report (Art 356); legislative sessions where the CM avoids the Assembly; special responsibilities (Sixth Schedule, Arts 371A–H).

Cases narrowing discretion

Samsher Singh (1974) — generally acts on ministerial advice · **S.R. Bommai** (1994) — floor test; Art 356 reviewable · **Rameshwar Prasad** (2006) — report reviewable if mala fide · **B.P. Singhal** (2010) — not Centre's agent · **Nabam Rebia** (2016) — reason, good faith, caution · **Jagdambika Pal** (1999) — invite the likely-majority leader · **B.R. Kapur** (2001) — follow constitutional law · **TN Governor case** (2025) — delayed assent cannot become an indefinite pocket veto.

Commission recommendations

ARC (1968) — objective report · **Rajamannar** (1971) — safeguard Arts 356/357; no Centre's agent · **Sarkaria** (1988) — 356 a last resort, warning first, non-partisan Governor from outside the State, CM consultation · **Venkatachaliah / Justice Chelliah** (2002) — 356 only after exhausting alternatives · **Punchhi** — amend 355/356, time-limit for assent, fixed tenure, removal safeguards · **NCRWC** — selection committee incl. PM, Home Minister, Speaker, concerned CM.

Role in recent times

Contested gubernatorial conduct: **Uttarakhand** (2016) — K.K. Paul's President's-Rule recommendation before a trust vote, overturned by the High Court; **Goa** (2017) — Mridula Sinha invited the BJP coalition though Congress was single largest; **Manipur** (2017) — Najma Heptullah invited the BJP first; **Karnataka** (2018) — Vajubhai Vala gave a long period to prove majority, shortened by the Supreme Court, Yeddyurappa resigned before the floor test; **Maharashtra** (2019) — Bhagat Singh Koshyari's President's-Rule recommendation and an early-morning swearing-in; **Tamil Nadu** — delay in assent; **West Bengal** and others — public confrontations raising questions of constitutional morality.

A.G. Noorani traces the office partly to colonial Section 93 of the Government of India Act, 1935; **Rajni Kothari** saw the Governor as a potential instrument of the Centre; **Granville Austin** warned that partisan actions weaken federal autonomy; **Subhash Kashyap** argues the Governor should be discreet and dignified; **Sujit Choudhry** supports clearer guidelines and inclusive selection.

UPSC 2015 — — UPSC 2016 · 15m Discretionary powers of the Governor / role in recent times. (2015 marks not stated in source.)

18 STATE EXECUTIVE Chief Minister, State Council & Lieutenant Governors

Chief Minister & State Council of Ministers

The CM is the real executive head; the Governor appoints the leader commanding an Assembly majority. **Functions:** forms the ministry, allocates portfolios, leads the Council, coordinates administration, communicates with the Governor, manages the majority, interacts with the Union. In national parties the high command often influences selection; regional parties allow stronger local choice (Tamil Nadu, UP, Bihar). **Balveer Arora** and **R.L. Goyal** note the Union often influences removal through the Governor. **Tenure:** office during the Governor's pleasure, but practically only while enjoying a majority (**S.R. Bommai** — floor test). **Developmental role:** CMs shaped Five-Year Plans through the National Development Council. The Council is collectively responsible to the Assembly; in practice caste/region/religion and coalition balance shape it; a strong CM can reduce the Council to a rubber stamp, a weak majority empowers ministers.

Lieutenant Governors

Article 239 — Union Territories are administered by the President through an Administrator; the LG is an administrator, not a state constitutional head (Delhi, Puducherry, Andaman & Nicobar).

Governor

Head of state · Part VI · acts generally on the Council's advice · limited discretion under Art 163.

Lieutenant Governor

Represents the President in a UT · Centre has a stronger role · powers vary by UT.

Delhi: **Article 239AA** — the Assembly cannot legislate on **public order, police and land**; the LG has a greater role on these. The Supreme Court held the LG must act with constitutional morality, cannot act whimsically, and cannot mechanically refer every decision to the President. **Puducherry:** **Article 239A** — the Madras High Court held that Article-239AA-type restrictions are not imposed in the same manner. **Andaman & Nicobar:** no legislature; the LG functions mainly as administrator.

Delhi Services Ordinance, 2023 — concerns: disrupts the "triple chain of accountability"; gives Centre/LG greater control over services; weakens the elected government; raises Article-239AA questions; may need a constitutional amendment if the legislative domain is altered. **Madhav Khosla** — posts like the LG exist to handle grave constitutional crises with fairness, not to replace elected governments; **Subhash Kashyap** — no entity in a democracy can be supreme.

UPSC 2018 · 15m Do Lieutenant Governors have more powers than the Governors of States?

19 JUDICIARY Genesis & the Supreme Court

India's judiciary is a **hybrid**: American-style judicial review and constitutional guardianship, a British parliamentary background, federal adjudication, protection of Fundamental Rights and an integrated structure. The Assembly wanted an independent judiciary to enforce rights, protect the Constitution, maintain federal balance and check legislative/executive overreach. **Granville Austin** noted the focus on tenure, salary, service conditions and appointment methods; the **Sapru Committee** influenced the design; **Alladi Krishnaswamy Ayyar** warned that independence should not turn the judiciary into a "super-legislature" or "super-executive". Judicial independence later became part of the basic structure.

Structure & appointment

The Supreme Court began in **1950**, replacing the Federal Court; **Chief Justice Harilal Jekisundas Kania** was the first CJI. Judges are appointed by the President after consultation; serve till 65; removable only by impeachment for proved misbehaviour or incapacity (the **Justice V. Ramaswami** attempt showed the difficulty of accountability). **Convention:** the senior-most judge becomes CJI — breached in **1973** when **Justice A.N. Ray** was appointed over three senior judges; resignations followed; seniority was later restored.

Jurisdiction: *Original* — Art 131 (Union–state/inter-state), Art 32 (enforcement of FRs), President/VP election disputes. *Appellate* — constitutional, civil, criminal; special leave (Art 136). *Advisory* — Art 143. *Review* — Art 137. *Complete justice* — Art 142; in **SCBA v. Union of India** the Court held Art 142 powers are complementary and not limited by ordinary statutes.

20 JUDICIARY Evolution of the SC as a Constitutional Court

Article 32 is "the very soul of the Constitution and the heart of it." — **B.R. Ambedkar**

Five phases — restraint to constitutional court



Kesavananda Bharati (1973): Parliament can amend but cannot destroy the basic structure — C.J. Sikri's elements: supremacy of the Constitution, republican-democratic government, secular character, separation of powers, federal structure. **ADM Jabalpur (1976)**: upheld suspension of life and liberty during Emergency — the "darkest hour".

Justice P.N. Bhagwati and **Justice V.R. Krishna Iyer** shaped activist jurisprudence (PIL areas: bonded labour, prisoners, environment, women, children, dignity, livelihood). **P.B. Mehta** describes the judiciary as politicised, self-perpetuating and uncertain; **Upendra Baxi** defends it for protecting the marginalised — the "Chemotherapy of carcinogenic politics of India"; **Bhikhu Parekh** calls India a case of judicial co-governance. **Fali S. Nariman** criticises basic structure — guardians of the Constitution may become guardians over the Constitution.

UPSC 2021 · 15m Evolution of the jurisdiction of the Supreme Court as a constitutional court.

21 JUDICIARY High Courts & Judicial Review

High Courts are part of the integrated judiciary — one per state, established by Parliament (not state constitutions, unlike the U.S.); judges appointed by the President in consultation with the CJI and Governor. **Article 226** — writ jurisdiction for FRs and "other purposes", broader than **Article 32**; plus appellate and original jurisdiction, superintendence, court of record, contempt, Art 229 appointments. The **42nd Amendment** curtailed writ jurisdiction; the **44th** restored it. **Sir B.N. Rau's** proposal for Governor appointment with State Council approval was rejected to protect independence.

Judicial review

The power of courts to test legislative and executive action against the Constitution — to uphold constitutional supremacy, protect FRs, maintain federal balance, prevent abuse of power. **John Marshall** established it in **Marbury v. Madison**. Basis: Arts 13 (void laws), 32 (SC remedy), 226 (HC writs), 131–136 (SC jurisdiction), 245–246 (competence), 137 (review), 141 (binding law).

"The law declared by Supreme Court shall be binding on all courts within the territory of India." — **Article 141**

Landmark cases: **Shankari Prasad** (1951) and **Sajjan Singh** (1965) — Parliament could amend FRs; **Golak Nath** (1967) — FRs could not be abridged; **Kesavananda Bharati** (1973) — basic structure; **Minerva Mills** (1980) — limited amending power, FR–DPSP balance; **L. Chandra Kumar** — review under Arts 32 & 226 is basic structure; **I.R. Coelho** (2007) — Ninth Schedule laws open to review; **K.S. Puttaswamy** (2017) — privacy, proportionality; **E.P. Royappa** — arbitrariness violates equality; **Shayara Bano** — constitutional morality against instant triple talaq.

"It is a cardinal principle of our Constitution that no one, howsoever highly placed, can claim to be the sole judge of his own power." — **Minerva Mills v. Union of India**

Efficacy — positive

Protects rights · checks arbitrary power · strengthens federalism · expands Art 21 · voice to the marginalised · social justice · fills legislative gaps.
Upendra Baxi — "chemotherapy" of carcinogenic politics. **Granville Austin** — review is the "cornerstone of the constitutional edifice."

Criticism

Overreach · democratic deficit · delay and pendency · doctrinal inconsistency · opaque appointments · policy interference · counter-majoritarian tension · lack of expertise · judicial populism. **Balco Employees' Union** cautioned against reviewing complex economic policy. **Rosalind Dixon's** responsive review — intensity varies with democratic dysfunction.

UPSC 2015 · — Efficacy of judicial review in India. (2015 marks not stated in source.)

22 JUDICIARY Substantive Due Process · Activism vs Overreach

Substantive due process

Courts examine not only procedure but the substantive fairness of a law (American law uses it for unwritten liberties).

"No person shall be deprived of his life or personal liberty except according to procedure established by law." — **Article 21 (original text)**

Sir B.N. Rau warned that due process could let unelected judges block social and economic legislation. **Development**: **A.K. Gopalan** (narrow) → **Maneka Gandhi** (fair, just, reasonable — opened substantive review) → **Selvi** and **Ramlila Maidan** (language close to substantive due process); **Rajbala v. Haryana** (2015) rejected invalidation merely for arbitrariness/unwisdom; **Shaikh Zahid Mukhtar** (2016). **Abhinav Chandrachud** — protection of unenumerated rights reflects substantive-due-process thinking.

Judicial activism

Active enforcement when the legislature/executive fails — via Arts 32, 226, 136, 141, 142, PIL, expanded Art 21, constitutional morality.

Vishaka (1997, harassment) · **M.C. Mehta** (environment) · **Unnikrishnan / Mohini Jain** (education) · **Olga Tellis** (livelihood) · **Bandhua Mukti Morcha** · **Prakash Singh** · **Common Cause** (2018, dignity in death) · **Puttaswamy** · **Navtej Singh Johar** · **ADR** (2024, electoral bonds) · **Bilkis Yakub Rasool** (2024) · **TN v. Governor of TN** (2025). Support: **Baxi, Krishna Iyer, Bhagwati, Faizan Mustafa, Nariman**.

Judicial overreach

Courts enter legislative/executive domains. **Prakash Singh** (police) · **Godavarman** (forests) · **Aruna Shanbaug** (euthanasia guidelines) · **Vishaka** (law-like guidelines) · **2G** cancellation · **Common Cause** (NGO directions). Critique: unelected judges decide policy; separation of powers weakens; administrative confusion; lack of expertise. **Markandey Katju** · **Aparna Chandra** · **R. Shunmugasundaram** · **Anshita Shrivastava** — warns against a super-parliament and super-executive.

UPSC 2017 · 20m Judiciary has acquired the role of both a legislature and an executive. Examine.

23 JUDICIARY The SC as a Forum for Policy Evolution

Channels: PIL, an expansive Art 21, DPSP-based interpretation, structural remedies, continuing mandamus, environmental jurisprudence, rights-based governance. **Areas:** *Environment* — M.C. Mehta, Godavarman; *Gender* — Vishaka → the Sexual Harassment of Women at Workplace Act, 2013; *Education* — Unnikrishnan, Mohini Jain → RTE; *Privacy/Technology* — Puttaswamy; *Electoral* — ADR; *Criminal justice* — prison conditions, witness protection, remission; *Social justice* — bonded labour, child rights, dignity, livelihood, shelter.

S.P. Sathe notes the courts shaped environmental and social policy; **Granville Austin** stresses the constitutional commitment to social justice; **B.R. Agarwala** recognises the role in criminal-justice reform. The shift from "Supreme Court of India" towards "Supreme Court for India" reflects its public role. **Limits:** policy needs deliberation; implementation may be weak; judicial capacity is limited; separation of powers must be respected.

UPSC 2023 · 15m Has the Supreme Court become a forum for policy evolution? Justify.

24 JUDICIARY Independence, Appointments & the NJAC

Judicial independence underpins the rule of law, FRs, federal balance, checks on the executive/legislature and constitutional supremacy. **Granville Austin, B.R. Ambedkar, Nani Palkhivala, Soli Sorabjee** and **Madhav Khosla** defend it. **Appointment** — evolution: **First Judges Case** (executive primacy) → **Second Judges Case** (1993, Collegium) → **Third Judges Case** (1998, Collegium expanded). **Collegium criticism:** opacity, nepotism, lack of diversity, no clear criteria, extra-constitutional origin, delay, weak accountability.

"While the genesis of the collegium was seen as an assertion of judicial independence, it has invited several controversies owing to its opaque functioning, questionable choices, and genuine lack of participatory involvement of interested stakeholder." — **Arun Jaitley**

CK Faizal argues both executive dominance and judicial primacy go against the grain of constitutionalism — both plagued by extraneous considerations over merit, favouritism, nepotism and opaque procedure. **Shriram Panchu** calls the Collegium an extra-constitutional body that virtually wrested the appointment power; **Manoj Jha** argues institutions should reflect caste and community diversity.

99th Amendment & NJAC

The **99th Amendment** (2014) introduced the **National Judicial Appointments Commission**, inserting Arts 124A, 124B, 124C. **Composition:** CJI (Chairperson), two senior-most SC judges, the Union Law Minister, and two eminent persons chosen by the PM, CJI and Leader of Opposition (one could be from SC/ST/OBC/minorities/women).

For NJAC

M.P. Singh — institutional reform; executive input aids background checks; speeds appointments; reduces opacity; lay participation as in comparable systems.

Against NJAC

Fali S. Nariman — executive interference; judicial independence is basic structure; even-numbered body a design flaw; "eminent persons" undefined; risk of political veto.

In the **Supreme Court Advocates-on-Record Association** case (2015) a five-judge Bench, 4:1, with **Justice J.S. Khehar** writing the lead opinion, struck down the NJAC and the 99th Amendment, holding judicial independence and separation of powers part of the basic structure. **Unresolved:** transparency vs independence; accountability vs autonomy; public confidence vs judicial primacy. **Reform options:** a reconstituted NJAC with a judicial majority; a statutory Collegium with codified criteria; diversity requirements; finalisation of the Memorandum of Procedure.

UPSC 2015 · — Comment on the 99th Amendment. (2015 marks not stated in source.)

25 JUDICIARY Advisory Jurisdiction · Reforms & Representation

Advisory jurisdiction — Article 143

Origin: **Section 213(1), Government of India Act, 1935** — the Federal Court's advisory function. **Art 143(1):** the President may refer a question of law or fact of public importance, existing or likely to arise, where it is expedient to obtain the Court's opinion; the Court may report; the opinion is **advisory, not binding**, but carries great weight. **Art 143(2):** disputes excluded from Art 131 by constitutional bar. **Examples:** **Delhi Laws Act Reference** (1951, the first, delegated legislation); **Kerala Education Bill** (1957, minority rights); **Keshav Singh's case** (legislative privilege; advisory but weighty). **Limits:** not a political forum; unsuitable for data-heavy factual disputes; overuse harms the ordinary process; use sparingly.

UPSC 2025 · 15m Constitutional provisions and nature of the advisory jurisdiction of the Supreme Court.

Judicial reforms & representation

Challenges: large pendency, vacancies, underfunding, appointment delays, an opaque Collegium, weak accountability, corruption allegations, expensive litigation, limited access, post-retirement incentives, executive pressure, a weak district judiciary. **Justice Ruma Pal** highlighted financial limitations affecting lower courts. The first Rajya Sabha censure of a judge came in **2011**, for misappropriation of assets.

"Everything has been said, but since no one listens, we must always begin anew." — **Justice Malimath Committee**

Women in the judiciary

"I opened a closed door." — **Fathima Beevi**

Women remain under-represented in the higher judiciary. **Justice B.V. Nagarathna** is in line to become the first woman Chief Justice of India, for a short tenure; a recent CJI supported **50% representation** for women judges as a matter of right, not charity. **Geeta Pandey** noted that women judges disrupt the "old boys' club"; **Gauri Kashyap** highlighted severe variation across High Courts.

"1 2 3 4 Yeh Dil Maange More." — **Kiran Suri (on three women appointments)**

26 SYNTHESIS Controlled Overlap, Not Rigid Separation

India's organs operate through a delicate constitutional balance. **Parliament** provides representation, law-making and accountability, but faces decline through disruptions, weak committees, criminalisation and executive dominance. The **executive** gives direction and coordination, but excessive prime-ministerial and PMO centralisation can weaken Cabinet government and parliamentary scrutiny. The **Governor** and **Lieutenant Governor** show the tension between national unity and federal autonomy. The **judiciary** protects the Constitution, Fundamental Rights and federal balance, but activism must not become overreach.

The Indian design is not rigid separation of powers — it is a system of **controlled overlap, constitutional accountability and mutual restraint**. The health of the democracy depends on Parliament regaining deliberative strength, the executive respecting collective responsibility, the Governor acting as a constitutional sentinel, committees becoming effective sites of scrutiny, the judiciary protecting rights without replacing elected institutions, and all organs preserving the Constitution as the supreme law of the land.

★ REVISE Power Quotes

The parliamentary system aimed to provide "strength with democracy". — **Granville Austin**

"Congress in session is Congress on public exhibition, whilst Congress in its committee-rooms is Congress at work." — **Woodrow Wilson**

Parliament as a "federation of anarchy". — **Hamid Ansari**

"Good governance needs good legislatures to oversee the performance of the executive." — **Venkaiah Naidu**

"we did not want to make the President a mere figurehead like the French President. We did not give him any real power but we have made his position one of great authority and dignity." — **Jawaharlal Nehru**

The Prime Minister is the "keystone of the arch". — **Walter Bagehot**

"A Cabinet is ... a hyphen which joins, a buckle which fastens, the legislative part of the State to the executive part." — **Walter Bagehot**

"luna inter stellae minores" — the PM as "a moon among lesser stars". — **William Harcourt**

"He is the representative not of a party; he is the representative of the people as a whole of the State." — **B.R. Ambedkar (on the Governor)**

The Governor is "a Constitutional sentinel and a vital link between the Union and the State." — **Sarkaria Commission**

Article 32 is "the very soul of the Constitution and the heart of it." — **B.R. Ambedkar**

Judicial review is the "cornerstone of the constitutional edifice." — **Granville Austin**

"... no one, howsoever highly placed, can claim to be the sole judge of his own power." — **Minerva Mills v. Union of India**

"Everything has been said, but since no one listens, we must always begin anew." — **Justice Malimath Committee**

"I opened a closed door." — **Fathima Beevi**

■ SELF-CHECK Scholar Index

Every scholar, thinker, jurist and commentator named in this capsule — cover the page and test your recall.

A.G. Noorani · A. Lawrence Lowell · Abhinav Chandrachud · Alladi Krishnaswamy Ayyar (A.K. Ayyar) · Antonio Gramsci · Aparna Chandra · Arun Jaitley · Arvind Kurian Abraham · Arvind Virmani · Asok Chanda · B.N. Rau · B.R. Agarwala · B.R. Ambedkar · Balveer Arora · Bhikhu Parekh · Bipan Chandra · Carl Schmitt · Chakshu Roy · Christophe Jaffrelot · CK Faisal · C.V. Madhukar · D.N. Panandikar · Devesh Kapur · Faizan Mustafa · Fali S. Nariman · Fathima Beevi · Gauri Kashyap · Gautam Bhatia · Geeta Pandey · G.K. Mehra · Granville Austin · Hamid Ansari · Hannah Arendt · Harsh V. Pant · H.M. Seervai · H.N. Kunzru · Indrajeet Gupta · Jagdish Bhagwati · James Manor · Jawaharlal Nehru · John Marshall · John Stuart Mill · Jürgen Habermas · Justice A.N. Ray · Justice A.P. Shah · Justice J.S. Khehar · Justice J.S. Verma · Justice Markandey Katju · Justice P.N. Bhagwati · Justice Ruma Pal · Justice Sikri · Justice V.R. Krishna Iyer · Kalpana Kannabiran · K.C. Wheare · Khaitan · Kiran Suri · K.M. Munshi · K.M. Panikkar · K.R. Venugopal · K.T. Shah · Madhav Khosla · Mahatma Gandhi · Manoj Jha · Max Weber · M.C. Setalvad · Michel Foucault · M.N. Srinivas · M.P. Singh · M.S. Swaminathan · M.V. Pylee · M.V. Rajeev Gowda · Nani Palkhivala · Neera Chandhoke · N. Gopalaswamy Ayyangar · N.R. Madhava Menon · Paul R. Brass · Penderel Moon · Pratap Bhanu Mehta · Rajendra Prasad · Rajeev Bhargava · Rajiv Dhavan · Rajiv Gandhi · Rajni Kothari · R.L. Goyal · Robert Michels · Rosalind Dixon · R. Shunmugasundaram · Rudolph & Rudolph · Sanjaya Baru · Shankar & Rodrigues · Shashi Tharoor · Shirin Rai · Shriram Panchu · Smita Gupta · S.N. Agrawal · Soli Sorabjee · S.P. Sathe · Subhash C. Kashyap · Sujit Choudhry · Thomas Erskine May · Upendra Baxi · Vernon Hewitt · Vinod Surana · Walter Bagehot · William Harcourt · Woodrow Wilson · Yogendra Narain · Zoya Hasan

□ MAP How UPSC Asks It

Year	Marks	Theme
2015	—	Discretionary powers of the Governor
2015	—	Efficacy of judicial review
2015	—	99th Amendment / NJAC
2016	15m	Role of the Governor in recent times
2017	15m	Election of the President & the electoral college
2017	20m	Judiciary as legislature and executive
2018	15m	Lieutenant Governors vs Governors
2019	15m	PMO as the most powerful institution
2020	15m	Tilt of government towards the executive
2021	15m	Evolution of SC jurisdiction as a constitutional court
2022	10m	Legislative Council without effective powers
2022	15m	Speaker — freedom and dignity of the House
2023	15m	SC as a forum for policy evolution
2024	10m	Relevance of the Legislative Council (150 words)
2025	20m	Parliamentary committees & cross-pollination
2025	15m	Advisory jurisdiction of the Supreme Court



WRITE

Today's Practice

1. Prime Minister's Office (PMO) has emerged as the most powerful institution in India. Discuss. **UPSC 2019 · 15m**
2. Do you agree that over the years the Supreme Court has become a forum for policy evolution? Justify your answer. **UPSC 2023 · 15m**
3. Parliamentary committees are indispensable to the legislative process and provide the opportunity for cross-pollination between the two chambers of Parliament. Discuss. **UPSC 2025 · 20m**

Before you write

Model answers drop tonight on [@psirbyamitpratap](#). Blank on a point above? It's covered in full in your Foundation / OGP class notes and handouts — revise it, then write. Pick one question, give it the full word count, and do not break the chain.

See you tomorrow with Day 20.