

WRAP Exams · wrapexams.com

Prelims PYQ, Mains model answers, and copy evaluation. Write to the desk for this paper, a doubt, or the AI waitlist.

ask@wrapexams.com · +91 85951 84903 · wrapexams.com

Q3

"The growth of cabinet system has practically resulted in the marginalisation of the parliamentary supremacy." Elucidate.

UPSC Civil Services Mains 2024 · GS II · 10 marks · Parliament and State Legislatures

Parliament and State legislatures - structure, functioning, conduct of business, powers and privileges and issues arising out of these.

Core demand of the question

- State the constitutional place of Parliament and of the Council of Ministers
- Show how the cabinet system, whip and **Tenth Schedule** squeeze the floor
- Elucidate without claiming that parliamentary supremacy is legally dead
- Use committees, money bills and no-confidence as remaining checks

Revision summary

Articles 74-75 keep the Cabinet responsible to the Lok Sabha; that is the legal core of parliamentary government.

Whips and the **Tenth Schedule**, ordinances and money-bill classification have moved real initiation to the Cabinet.

This is practical marginalisation of the floor, not a legal repeal of Parliament.

PAC, standing committees, Rajya Sabha and the floor test still bite.

Keisham Meghachandra pressed Speakers to decide disqualification on a clock.

A narrower anti-defection law would restore some of the supremacy the quote says is lost.

- **The examiner's misspelling does not change the demand:** show practice squeezing text, not text dying.

Introduction

- **India copied the Westminster bargain:** the Cabinet lives only while the Lok Sabha suffers it. **Articles 74 and 75** make ministers collectively responsible to that House. In daily fact a majority machine - whip, **Tenth Schedule**, ordinance, delegated legislation - has made the floor a place of registration more than of origination. That is practical marginalisation of parliamentary supremacy, not a repeal of the text.

Body**What supremacy still means**

Dicey's idea that Parliament can do anything never fitted a written Constitution with judicial review.

- **Peg:** The supremacy that still matters is this: the Council of Ministers lives only while the Lok Sabha is prepared to suffer it, the House votes tax and supply, and members may debate.

- **Peg:** **Shamsher Singh v. State of Punjab** held that the President and the Governor normally act on **aid and advice**, not as a rival executive.
- **Peg:** **S.R. Bommai v. Union of India** made the **floor test** the solvent of majority; those holdings are still good law.

How the cabinet ate the floor

A stable majority turns the Cabinet into a committee of the ruling party and the House into its register.

- **Peg:** The **Tenth Schedule** punishes a member who votes against a party whip even on an ordinary Bill, so independent judgment is legally dangerous.
- **Peg:** Classification of a Bill as a **Money Bill** under **Article 110** can shrink the Rajya Sabha's role; the Aadhaar litigation put that classification under a cloud.
- **Peg:** **Article 123** ordinances legislate when the House is not sitting; delegated legislation moves detail off the floor; Question Hour is frequently lost.
- **Peg:** Bagehot's picture is inverted: the Cabinet was meant to be a creature of the House; in daily fact the House is a creature of the Cabinet's majority.

What is not dead

Elucidation is not a funeral oration for **Articles 107-117**.

- **Peg:** A government can still fall; every Budget must still pass; the **Rajya Sabha** can stall non-money legislation.
- **Peg:** The **Public Accounts Committee**, reading the CAG, can embarrass a ministry; privilege motions remain.
- **Peg:** In **Keisham Meghachandra Singh** the Court reminded Speakers that the **Tenth Schedule** is not a private party tool without a clock.
- **Peg:** Recovering the floor means a **narrower anti-defection law** (confidence and money Bills only, as older committee reports suggested) and a Speaker who is not a party manager.

Flow diagram

Cabinet majority -> Whip and Tenth Schedule
 Whip and Tenth Schedule -> Floor as register
 House -> No-confidence and Budget
 No-confidence and Budget -> Cabinet majority
 Committees -> House
 Rajya Sabha -> House

Conclusion

The cabinet system has practically sidelined the floor as a deliberative sovereign. Legally, Parliament still makes and unmakes governments and statutes. Recovering supremacy means recovering the backbencher's vote, not rewriting **Article 75**.

Facts & figures

Tenth Schedule to the Constitution

Disqualifies a member who votes or abstains against a party whip, including on ordinary legislation.

Shamsher Singh v. State of Punjab

President and Governor act on ministerial advice except in a narrow set of situations.

Article 123 of the Constitution

Ordinance-making when either House is not in session - a cabinet tool that bypasses immediate debate.

Article 110 of the Constitution

Defines a Money Bill; the Speaker's certificate can cut the Rajya Sabha down to recommendations.

Keisham Meghachandra Singh v. Speaker, Manipur

Speakers must decide **Tenth Schedule** petitions in a reasonable time; the anti-defection clock is not ornamental.

WRAP Exams · Write. Read. Analyse. Practice. · <https://wrapexams.com/upsc/mains-answers/gs-2/2024/the-growth-of-cabinet-system-has-practkally-resulted-in-the-marginalisation-of-the-parliamentary-supremacy-elucidate/> · ask@wrapexams.com · wrapexams.com