

## **Prime Minister and Council of Ministers**

- The prime minister, as the body's head, supervises the members of the particular government's council of ministers.
- The president appoints these ministers, who carry out executive functions, based on the prime minister's proposal.
- Articles 74 and 75 of the Indian Constitution discuss the Prime Minister and the Council of Ministers, respectively.
- The Lok Sabha is the primary accountability body for the Council of Ministers.

- On the Prime Minister's recommendation, the President appoints the members of the Council of Ministers.
- Only members of [Parliament](#) are typically chosen to serve as ministers.
- Cabinet Ministers, Ministers of State, and Deputy Ministers are all represented in the Council of Ministers.
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- The Cabinet is a smaller body made up of 15 to 18 senior ministers who are in charge of significant areas like the military, the economy, the railroads, etc.
- The other Ministers below the status of Cabinet Ministers may or may not be consulted by the Prime Minister.
- They are the Prime Minister's closest friends and he always consults them.
- The Council of Ministers doesn't frequently get together when the government is operating on a daily basis.

### **Categories of the council of ministers:**

#### **Three different types of ministers make up the Council of Ministers**

1. Cabinet Ministers.
2. State Ministers.
3. Deputy Ministers.

#### **Cabinet Ministers:**

- The Cabinet of India (Union Cabinet), known as the "collective decision-making body" of the Government of India, is made up entirely of Cabinet Ministers.
- The members of the Cabinet must be elected to one of the Houses of Parliament.
- Among the three types of ministers, including Minister of State (Independent Charges) and Minister of State, they have the highest position.

- In accordance with Article 75 of the [Indian Constitution](#), the President appoints Cabinet Ministers on the Prime Minister's recommendation.
- Along with overseeing the development of a certain ministry, Cabinet Ministers are collectively answerable to the Lok Sabha's members.
- They receive guidance from the Cabinet Secretary throughout their whole term.  
There are currently 24 cabinet ministers.

### **Indian Cabinet Ministers' significance:**

- The majority support the Prime Minister and his Cabinet Ministers receive in the Parliament gives them the authority to enact legislation through both houses.
- They also have the power to block a bill from becoming law if they oppose it.
- To put it into perspective, the power of Cabinet Ministers actually constitutes the legislative authority of the Indian Parliament.
- The Cabinet has the last decision in all financial matters. The Cabinet Ministers deserve praise for creating the annual budget and suggesting taxes and spending.
- The only function of the Parliament is to grant official authorization. The Union Cabinet has some influence over the courts as well.

### **State Ministers:**

- State ministers, like Chief Ministers, are responsible for the development of a specific state.
- Each state minister is equally responsible for their respective state.

### **Deputy Ministers:**

- The Deputy minister is a title held by politicians or officials in countries with parliamentary governments.

- A deputy minister works ‘under’ a minister, who is a full Cabinet member in charge of a specific standing policy portfolio and typically oversees an associated civil service department.
- Depending on the jurisdiction, a “Deputy Minister” may be a Cabinet minister who regularly acts as and for a more senior cabinet minister (rare except for the “Deputy Prime Minister”).
- The Parliament and the Council of Ministers work closely together.
- As a result, every member of the Council of Ministers who belongs to one of the two Houses of Parliament actively participates in the legislative process.
- He is responsible for upholding the government’s policies generally and those of his Ministry specifically.
- The “Lok Sabha” is ultimately responsible to the Council of Ministers. This means that all ministers, including those from the Rajya Sabha, must resign if the Ministry loses the “Lok Sabha’s confidence and the entire ministry must step down.

### **Is Prime Minister of India elected or appointed:**

- President of India appoints a person as the Prime Minister who is either the leader of the party which holds a majority of seats in the Lok Sabha or is a person who is able to win the confidence of the Lok Sabha by gaining the support of other political parties.
- All other ministers are appointed by the [President](#) on the advice of the Prime Minister.

## **Power and Function of Prime Minister:**

**Prime Minister of India serves the country by following various functions. He performs his functions taking responsibilities as:**

- **The leader of Country:** The Prime Minister of India is the Head of the Government of India.
- **Portfolio allocation:** The Prime Minister has the authority to assign portfolios to the Ministers.
- **Chairman of the Cabinet:** The Prime Minister is the chairman of the cabinet and presides the meetings of the Cabinet. He can impose his decision if there is a crucial opinion difference among the members.
- **Official Representative of the country:** Prime minister represents the country for high-level international meetings
- **The link between the President and the Cabinet:** The Prime Minister acts as the link between President and cabinet. He communicates all decisions of the Cabinet to the President which is related to the administration of the affairs of the Union and proposals for legislation.
- **Head:** The Prime Minister is the head of Nuclear Command Authority, NITI Aayog, Appointments Committee of the Cabinet, Department of Atomic Energy, Department of Space and Ministry of Personnel, Public Grievances and Pensions.
- **Chief Advisor:** He acts as the chief advisor to the President.

## **Who is eligible to be a Prime Minister?**

To become an Indian prime minister one has to be

- A citizen of India.
- A member of either Rajya Sabha or Lok Sabha
- He should have completed his 30 years if he is a member of the Rajya Sabha or can be 25 years of age if he is a member of the Lok Sabha

## **Position of the Prime Minister:**

- Right from the days of the first Prime Minister Pandit Jawaharlal Nehru, the Prime Minister is treated at a much higher pedestal.
- His preeminence rests on his commanding position in the Cabinet, coupled with fact that he is the leader of the majority party.
- All these positions of power when combined in one person make him rank much above an ordinary Minister.
- The death or resignation of the Prime Minister automatically brings about the dissolution of the Council of Ministers.
- It generates a vacuum.
- The demise, resignation or dismissal of a Minister creates only a vacancy which the Prime Minister may or may not like to fill.

The Government cannot function without a Prime Minister but the absence of a Minister can be easily compensated.

## **Council of Ministers:**

### **Which articles in the Constitution deal with the Council of Ministers?**

Two articles – Article 74 and Article 75 of the Indian Constitution deal with the Council of Ministers. Where article 74 mentions that the council will be headed by the Prime Minister of India and will aid and advise the President, article 75 mentions the following things:

- They are appointed by the President on the advice of Prime Minister
- They along with the Prime Minister of India form 15% of the total strength of the lower house i.e. Lok Sabha. (The number cannot exceed 15%)
- 91st Amendment Act provided for the disqualification of the minister when he stands disqualified as a member of Parliament. ([Difference between Lok Sabha and Rajya Sabha](#) can be referred to in the linked article.)
- A Minister ceased to exist as one if he is not a member of either house of Parliament for six consecutive months.
- Parliament decides the salary and allowances of the council of ministers.

### **Is the advice tendered by the Council of Ministers' binding on the President?**

Yes, the advice is binding on the President and this provision was introduced by the 42nd Amendment Act 1976 and 44th Amendment Act 1978. The acts also mentioned that the advice given by the council cannot be inquired into by any court. Read about the 42nd Amendment Act and the 44th Amendment Act in the linked articles given below:

- 42nd Amendment Act
- 44th Amendment Act

## **Collective Responsibility of the Council of Ministers:**

- In England, the Cabinet system is based on conventions.
- The framers of our Constitution considered it fit to incorporate the system in the Constitution. The principle of collective responsibility finds a place in Art. 75(3) where it is stated that the Council of Ministers shall be collectively responsible to the Lok Sabha.
- In other words, this provision means that a Ministry which loses confidence in the Lok Sabha is obliged to resign.
- The loss of confidence is expressed by rejecting a Money Bill or Finance Bill or any other important policy measure or by passing a motion of no-confidence or rejecting a motion expressing confidence in the Ministry.
- When a Ministry loses the confidence of the Lok Sabha the whole of the Ministry has to resign including those Ministers who are from the Rajya Sabha.
- The Ministers fall and stand together. In certain cases, the Ministry may advise the President to dissolve Lok Sabha and call for fresh elections.

## **Types of Ministers:**

**The Indian Constitution does not categorize ministers into ranks, however, in practice seen in India, ministers are of four types:**

1. **Cabinet Ministers**—He is present and he participates in every meeting of the Cabinet.
2. **Minister of State with independent charge**—He is a Minister of State who does not work under a Cabinet Minister. When any matter concerning his Department is on the agenda of the Cabinet, he is invited to attend the meeting.



3. **Minister of State**—He is a Minister who does not have independent charge of any Department and works under a Cabinet Minister. The work to such Minister is allotted by his Cabinet Minister.
4. **Deputy Minister**—He is a Minister who works under a Cabinet Minister or a Minister of State with independent charge. His work is allotted by the Minister under whom he is working.