UNIT: 3 PRIME MINISTER AND UNION COUNCIL OF MINISTERS

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3.1 LEARNING OBJECTIVES

After going through this unit you will be able to:

- discuss the appointment, tenure, powers and functions and position of the Prime Minister of India
- discuss the relationship between President and Prime Minister
- explain the composition, powers and functions of the Union Council of Ministers

3.2 INTRODUCTION

In India, President is the Head of the State but the real executive is the Council of Ministers headed by the Prime Minister. Here, we will discuss the appointment, tenure, powers and functions and position of the Prime Minister of India. We will discuss the relationship between President and

Prime Minister. We will also discuss the composition, powers and functions and position of the Union Council of Ministers.

3.3 THE PRIME MINISTER OF INDIA

The Office of the Prime Minister is the most powerful office in India. Prime Minister is the Head of the Government of India. Under the Constitution of India, the real centre of power happens to be the office of the Prime Minister.

3.3.1 Appointment of the Prime Minister

Article 74(1) provides for a Council of Ministers of which the Prime Minister is the head to aid and advise the President. Article 75(1) says that the Prime Minister shall be appointed by the President. But the President has little choice in the matter. He/she is bound to appoint the leader of the majority party in the Lok Sabha as the Prime Minister. Whenever a party gets a clear majority in Lok Sabha elections, the President plays a little role and he/she appoints the leader of such a party as the Prime Minister. The President has a choice to make only if no single party, secures a clear majority in the parliament. In that case, the President may play a real role in appointing the Prime Minister.

The Prime Minister must be a Member of the Parliament. If he/she is not a member of the Parliament at the time of his/her appointment, he/she must become a member of any of the House within a period of six months.

3.3.2 Tenure

The Prime Minister has no fixed term of office. The Prime Minister holds office during the pleasure of the President. It means that the Prime Minister remains in his/her office so long he/she is supported by the majority of the members of the Lok Sabha. The majority of the members of the Lok Sabha can pass a vote of no confidence against him/her and in such a situation the Prime Minister

either submits his/her resignation to the President or gets dismissed by the President.

3.3.3 Powers and Functions of the Prime Minister

The powers and functions of the Prime Minister can be briefly discussed as under:

- **Formation of the Council of Ministers**

The Prime Minister plays a very important part in the formation of the Council of Ministers. The first and foremost function of the Prime Minister is to form the Council of Ministers. After the appointment of the Prime Minister, the President appoints all other ministers on the advice of the Prime Minister. He/she is free to determine the strength of his Ministry and also to select the ministers as per his/her choice.

- **Distribution of Portfolios**

Another important function of the Prime Minister is the distribution of portfolios. The Prime Minister distributes the portfolios among the other ministers. He/she has complete freedom in distributing portfolios to the different ministers. In this regard he/she allots the portfolios according to the capabilities of the selected ministers.

- **Change of Portfolios**

The Prime Minister has the power to change the portfolios of the ministers at any time. He/she may appoint new ministers. He/she may transfer the portfolios from one minister to another. It is his privilege to shuffle and re-shuffle his/her ministry at any time.

- **Chairman of the Cabinet**

The Prime Minister is the leader of the Cabinet. He/she presides over the meetings of the Cabinet. He/she decides the date, time and the agenda of its meeting. He/she must resolve the differences arising among the ministers. He/she is the channel of communication between the Cabinet and the President. All issues are discussed in the meeting with the permission of the Prime Minister.

- **Head of the Council of Ministers**

  The Prime Minister is the head of the Council of Ministers. He/she presides over the meetings of the Council of Ministers. He/she may ask a minister to resign in case he/she is dissatisfied with his/her work. The Prime Minister decides the subjects of discussion of the meetings of the Council of Ministers.

- **Leader of the Parliament**

  The Prime Minister is the leader of the majority party of the Lok Sabha and hence the leader of the Parliament as well. The President summons and prorogues the Parliament and also dissolves the Lok Sabha on the advice of the Prime Minister. No bills can be passed in the Parliament without the approval of the Prime Minister. As a leader of the majority party, he/she supports the speaker in maintaining decorum in the Parliament. Moreover, he/she declares the important policies of the government on the floor of the Parliament.

- **Chief Adviser of the President**

  The Prime Minister is the chief adviser of the President. He/she gives advice to the President from time to time on different issues. He/she supplies necessary information to the President. He/she informs the President about the national and international situations. He/she informs the President about the decisions taken by the Council of Ministers. The President sends his/her messages to the Council of Ministers through the Prime Minister. Moreover, the Prime Minister is the connecting link between the President and the Parliament.

- **Chief Co-ordinator**

  The Prime Minister is the chief co-ordinator. He/she co-ordinates the workings of different ministers. He/she can supervise the functioning of any ministry. It is his responsibility to secure co-operation amongst all government departments. He/she tries to remove differences, if any, among the ministers.

- **Leader of the Nation**

The Prime Minister is the leader of the nation. He/she leads the nation both in times of war and peace. He/she represents the country in all national and international gatherings. He/she is the chief spokesman of the nation. The Prime Minister is also the chief spokesman of the government of India.

- **Director of Foreign Affairs**

As a real head of the state, the Prime Minister plays an important role in determining Indian foreign policy and relations with other countries. He/she is the chief spokesman of India in international politics. He/she represents our country in all important international conferences. He/she also plays a key role in the world politics for establishing world peace and security.

- **Role of the Prime Minister during Emergency**

According to the Constitution of India, the President declares emergency on the advice of the Cabinet. But in reality, the President declares emergency on the advice of the Prime Minister. During an emergency under Article 352, the Prime Minister becomes very powerful.

- **Miscellaneous Powers**

The Prime Minister of India has miscellaneous powers also.

The Prime Minister of India enjoys a vast power of patronage. All important appointments at the national level are made by the Prime Minister. He/she takes part in all popular activities. He/she is all in all in the country.

3.3.4 Position of the Prime Minister

The Prime Minister occupies the most significant position in the political system of our country. The Prime Minister exercises vast authority. His/her position is so supreme that he/she has no other parallel in the country. In India, the Prime Minister is the real executive. According to the practice of Parliamentary government,

the powers are vested in the President of India by the Constitution but in real practice, these powers are exercised by the Prime Minister. The powers and functions of the President are actually exercised by the Council of Ministers headed by the Prime Minister. The president is like a titular head while the Prime Minister is the real executive head. The Prime Minister is the key person in the government. He/she is the leader of the Cabinet. He/she presides over Cabinet meetings and he/she instructs, encourages the individual ministers. Thus "he is the key-stone of the Cabinet arch", as Gladstone said. Ivor Jennings described him, "The Sun around which the planets revolve". He/she was also called 'first among equals'.

The Prime Minister is the connecting link between the President and the Council of Ministers. He/she is the chief adviser of the President.

As a leader of the Lok Sabha, the Prime Minister plays an important role in the process of legislation. He/she maintains strict discipline of his/her party.

The Prime Minister is the leader of the nation. As a leader of the nation, he/she plays an important part in the formation of the national and the international policies.

The Prime Minister has unlimited powers. Although the powers of the Prime Minister are unlimited, he/she cannot be a dictator.

From the above discussion, it is obvious that the Prime Minister holds a very important position in the country. However, the position of the Prime Minister ultimately depends upon his/her charismatic personality. He/she must be a man of dynamic personality.

Thus, as the head of the government, the leader of the cabinet, head of the Council of Ministers, leader of the Parliament, the leader of the nation, the chief adviser of the President, the Prime Minister holds a very powerful position in the political system of India.

3.4 RELATIONSHIP BETWEEN PRESIDENT AND PRIME MINISTER

The President of India is the Head of the State. In India, President is the nominal head. He/she is only a constitutional head. The powers and functions of the President are actually exercised by the Council of Ministers headed by the Prime Minister. The President cannot act independently. He/she acts in accordance with the aid and advice of the Council of Ministers headed by the Prime Minister. The amendments made in 1976 and 1978 had permanently settled the issue. Article 74(1) as amended in 1978 states that the advice of the Council of Ministers is binding upon the President. In India, the Council of Ministers in general and the Prime Minister in particular, is responsible for all the acts of the President.

It is the duty of the Prime Minister (Article 78) to communicate to the President all decisions of the Council of Ministers relating to the administration of the Union and proposals for legislation. This makes Prime Minister a link between President and Cabinet and chief advisor of the President. He/she gives advice to the President from time to time on different issues. He/she supplies necessary information to the President. He/she informs the President about the decisions taken by the Council of Ministers. The President sends his/her messages to the Council of Ministers through the Prime Minister. The President may ask for information regarding administration. The President may ask the Council of Ministers to reconsider their advice but he/she has to act in accordance with the advice rendered after reconsideration. Thus, the President is a constitutional and nominal head of the state and the Prime Minister is the real head of the government with enormous powers.

It is thus clear from the above discussion that the relations between the President and Prime Minister have been mostly in line with the norms and requirements of the parliamentary system of government.

3.5 THE UNION COUNCIL OF MINISTERS

The Constitution of India provides that there shall be a Council of Ministers with the Prime Minister as its head to aid and advise the President

in performing his/her duties. The President appoints the leader of the majority party in Lok Sabha as the Prime Minister. The Prime Minister is the head of the Union Council of Ministers. After the appointment of the Prime Minister, the President appoints all other ministers on the advice of the Prime Minister.

3.5.1 Composition

The Article 74(1) of the Constitution of India provides for the formation of a Council of Ministers with the Prime Minister as its head to aid and advise the President in exercising his/her functions. Article 75 has provided for the composition of the Council of Ministers. After the general election, the party with the majority in the Lok Sabha forms the Union Council of Ministers. The President appoints the Prime Minister. Other ministers are appointed by the President on the advice of the Prime Minister. The Prime Minister is free to select members of the Council of Ministers. While appointing the Council of Ministers he/she has to keep in mind that all major communities and geographical regions of the country find a representation in the ministry.

According to the Constitution, the Ministers hold office during the pleasure of the President. The Council of Ministers is collectively responsible to the House of the People (Lok Sabha). The tenure of the Council of Ministers is not fixed. The members of the Lok Sabha by a majority vote may remove the ministry by passing a vote of no confidence. Thus, the future of the Union Council of Ministers depends on the support of the majority of the members of the Lok Sabha. However, the maximum period for which a ministry can remain in office is 5 years, i.e. for the term of the Lok Sabha.

The Council of Ministers has three categories of ministers. They are- Cabinet Ministers, Ministers of State and Deputy Ministers.

The salaries and allowances of ministers are determined by the Parliament by laws from time to time.

3.5.2 Powers and Functions of the Union Council of Ministers

The powers and functions of the Union Council of Ministers can be discussed as under:

- **Executive Powers**

The Union Council of Ministers formulates national and international policies. All internal and external policies of the government are determined by the Council of Ministers. Council of Ministers is also responsible for implementing these policies. No member of the Council of Ministers can express disagreement to the collective decision of the Cabinet.

The President makes all the higher appointments- Ambassadors, Governors, High Commissioners, Judges of the Supreme Court and High Courts, Election Commissioner, Members of UPSC, Military Commanders etc., in accordance with the advice of the Cabinet. Council of Ministers regulates the appointment, promotion, transfer and dismissal of high officials. It can create new posts, cadres and services.

The Council of Ministers is the chief machinery to run national administration. It runs the administration in accordance with the laws and policies. In the administration of the country, the Council of Ministers is responsible, not the President.

The Council of Ministers formulates the foreign policy of the Union and determines India's relation with the foreign countries.

All important treaties and other international agreements are negotiated and signed by the Ministers on behalf of the President or the Government of India as the case may be.

The exercise of Emergency Powers by the President of India, under Article 352-360 is done in accordance with the advice of the Council of Ministers.

Council of Ministers in India, decides about the imposition of the President's rule in the State and also duration of that rule. The President declares a National Emergency only under the written

advice of the Council of Ministers. The Council of Ministers decides about the time and duration of emergency, both internal and external.

- **Legislative Powers**

The Council of Ministers has a lot of work to do in the legislative field and its responsibilities in this regard are quite vast. It takes important decisions about the programme of legislature. It controls the legislative work of the Parliament. The members of the Council of Members are the members of either House of Parliament. Generally, most of the bills are introduced in the Parliament by the ministers. Such bills have a better chance of being easily passed in Legislature. The bills which are not supported by the Council of Ministers have no chance of being accepted by the House.

The President summons, prorogues or dissolves the parliament in accordance with the advice of the Cabinet. The Council of Ministers is collectively responsible to the Lok Sabha and the latter can remove the former by passing a vote of no confidence.

According to Article 123, the President of India may issue Ordinances for meeting the urgent needs of law when Parliament is not in session. The Ordinances are issued by the President only in accordance with the requirement of the Cabinet.

- **Financial Powers**

In the financial field, the Council of Ministers has many functions to perform. It frames the economic policies of the government. The budget is prepared under the guidance and supervision of the Cabinet. At the beginning of every financial year the Cabinet places the budget before the Parliament. The Cabinet takes an active role in passing the budget in the Parliament. No change in the budget may be effected unless the Cabinet agrees to it. In India, Money Bills can be introduced only in the Lok Sabha and only by the Ministers. The Parliament can modify such financial measures only with the consent of the Cabinet.

The Council of Ministers has an important role in formulating the economic plans of the country. The future of the economic progress of the country always depends upon the efficiency of the Council of

Ministers. The Council of Ministers takes an active part in all matters connected with the economic stability and prosperity of the country.

From the powers and functions of the Council of Ministers, it is found that the Council of Ministers is the real and powerful executive in India. The executive, legislative, emergency and financial powers of the President are really exercised by the Council of Ministers. In fact, Council of Ministers performs the activities and enjoys the power which the Constitution has given to the President. In India, within the Council of Ministers, the Cabinet is the most powerful institution and in reality, it is the central institution which enjoys all these powers.



LET US KNOW

The Constitution's 91st Amendment Act (2003) says the total number of members in a state ministry or in the Union Council of Ministers (including the Chief Minister and the Prime Minister as the case may be) shall not be more than 15% of the members of the Lower House of the Legislature. But the strength of the Ministry in a state shall not be less than 12.



Activity

Find out who was the first woman Prime Minister of India.



CHECK YOUR PROGRESS

Q.1: Who is the Head of the Government of India?

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Q. 2: Who appoints the Prime Minister?

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Q. 3: How many categories of ministers are there in the Council of Ministers?

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Q. 4: Who is the Head of the Union Council of Ministers?

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Q. 5: Who is the leader of the nation?

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Q. 6: What is the tenure of office of the Prime Minister?

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Q. 7: Discuss the powers and functions of the Prime Minister with regard to formation of Council of Ministers. (within 50 words)

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Q. 8: Discuss the powers and functions of the Union Council of Ministers with regard to law making. (Within 50 words)

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Q. 9: Write a note on the position of the Union Council of Ministers. (Within 50 words)

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3.6 LET US SUM UP

- In India, the President is the Head of the State but the real executive is the Council of Ministers headed by the Prime Minister.
- The Prime Minister remains in his/her office so long he/she is supported by the majority of the members of the Lok Sabha.
- In India, the Prime Minister is the real executive. The powers and functions of the President are actually exercised by the Council of Ministers headed by the Prime Minister.
- The Prime Minister holds a very powerful position in the political system of India as the head of the government, the leader of the cabinet, head of the Council of Ministers, leader of the Parliament, the leader of the nation, the chief adviser of the President,.

- The position of the Prime Minister ultimately depends upon his/her charismatic personality. He/she must be a man of dynamic personality.
- The Council of Ministers is the real and powerful executive in India. The executive, legislative, emergency and financial powers of the President are really exercised by the Council of Ministers.
- In India, within the Council of Ministers, the Cabinet is the most powerful institution and in reality, it is the central institution which enjoys all these powers.



3.7 FURTHER READING

1) Chander, Prakash. (2000). *Indian Government and Politics.* New Delhi: Cosmos Bookhive Pvt. Ltd.
2) Ghai, K.K. (2007). *Indian Government and Politics.* New Delhi: Kalyani Publishers.
3) Kapur, Anup Chand and Misra, K.K. (2006). *Select Constitutions.* New Delhi: S. Chand and Company.
4) Pylee, M.V. (2006). *Constitutional Government in India.* New Delhi: S. Chand and Company.



3.8 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: Prime Minister.

Ans to Q No 2: President of India

Ans to Q No 3: Three

Ans to Q No 4: Prime Minister

Ans to Q No 5: Prime Minister

Ans to Q No 6: No fixed term but normally five years.

Ans to Q No 7: The Prime Minister plays a very important part in the formation of the Council of Ministers. The first and foremost function of the Prime Minister is to form the Council of Ministers. After the appointment of the Prime Minister, the President appoints all other ministers on the advice of the Prime Minister.

Ans to Q No 8: Law making is an important function of the Union Council of Ministers. Generally, most of the bills are introduced in the parliament by the ministers. Such bills have a better chance of being easily passed in legislature. The bills which are not supported by the Council of Ministers have no chance of being accepted by the House.

Ans to Q No 9: The Union Council of Ministers enjoys a powerful position in the political system of our country. The Council of Ministers is the real and powerful executive in India. The executive, legislative, emergency and financial powers of the President are really exercised by the Council of Ministers. In fact, Council of Ministers performs the activities and enjoys the power which the Constitution has given to the President.



3.9 MODEL QUESTIONS

A. Very Short Questions

Q.1: Which article of the Indian Constitution deals with office of the Prime Minister of India?

Q.2: Who appoints the Indian Prime Minister?

Q.3: The Prime Minister is the connecting link between the President and the Council of Ministers. (True/ False).

B. Short Questions (Answer each in about 150-200 words)

Q.1: Write a note on the position of the Prime Minister of India.

Q.2: Write a note on the relation between President and Prime Minister.

Q.3: Write in brief about the composition of the Union Council of Ministers.

C. Long Questions (Answer each in about 300-500 words)

Q.1: Discuss the powers and functions of the Prime Minister of India.

Q. 2: Describe the powers and functions of the Union Council of Ministers.

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