

Prime Minister and COM(74-78)

President is the Nominal Executive Head(De-Jure Authority) or Head of the State

whereas

PM is the real executive head of the Country(De-Facto Authority) or Head of the Government

- PM is appointed by the President from the Majority Party, PM is the leader of that party
- When no party is in majority then President can appoint any member from both the Parties as PM using his Situational Discretionary Power
- The resolution in the support must be passed in Lok sabha within one month
- President administers the Oath of PM

Functions of PM

- Advice President in the appointments of COM
- Provide portfolios to Ministers
- Works as a channel between PM & President
- Acts as a chairman of Niti Ayog, NDC, National Integration Council, Interstate Council, National Water Resource council
- Rank-3 in Seniority after President & VP

Important Points related to PM

- If he resigns or in case of sudden death of PM government falls
- Again elections are not required as they can coordinate with the President to and another PM will be appointed
- Any member of L.S or R.S can be appointed as PM

- If not a members then within 6 months you can become member of L.S or R.S

CM who Became PM

- Morarji Desai(CM Bombay)
- Charan Singh(CM U.P)
- V.P Singh(CM U.P)
- P.V Narsimha Rao(CM Andhra Pradesh)
- HD Devegowda(CM Karnataka)
- Narendra Modi(CM Gujrat)

Terms

- Not fixed on the Pleasure of President
- Pleasure means Till the time he has majority in Loksabha
- Parliament decides the salary of PM
- India has parliamentary form of Government taken from Britain

Council of Ministers(Ar-74 & 75)

Three different types of ministers together are known as COM

- Cabinet ministers
 - Added by 44th CA 1978 in Ar-352
 - Handle Main decisions
 - Important ministers around 15-20 like defence, Home ministry, External affairs, Railways, Finance
 - Attend Cabinet Meetings
- Minister of states
 - Independent Charge(MOS)

- ♦ Can't attend cabinet meetings until called
- ♦ Ex: Sports Ministry
- Attached(MOS)
 - ♦ These MOS are attached to Large Cabinet Ministries
 - ♦ Ex Finance Ministry
- Deputy Ministers
 - They don't have any independent charge and are always attached to CM or MOS

Note:

1) Strength of COM will be 15% of the total strength of Loksabha (81 Including PM) added by 91 CA 2003

2) Deputy PM is nowhere mentioned in the Constitution

Article-74

- COM to aid and advice President
- This advice can't be questioned in court
- Advice given to President by COM can be sent for reconsideration once then again if the same advice came back then President is bound to accept that

Article-75(Other Provisions)

- PM is appointed by President
- Other ministers are also appointed by President on the advice of PM
- Total Strength of Council of Ministers = 15% of Loksabha Strength
- COM can be from L.S or R.S
- COM can sit in any house of Parliament and speak but can only vote in the house they belong

- COM hold office on the pleasure of President
- COM are individually responsible to President
- But collectively responsible to Loksabha, If no confidence motion is passed against any one minister then government will fall (NCM only in Loksabha)
- Within 6 months they have to become member of Any house of Parliament

Article-77

- All executive actions are in the name of President
- President makes rules for GOI

Article-78 (Duties of PM)

- Link between President and COM,
- Advice President related to Appointments