

# PRIME MINISTER



• **Part V: The PM + COMs**

• **Part VI: The Governor**

## PRIME MINISTER

Art 74-78

PM

Assists them, He is the Head of the Council

COMs

• **Classification of different ministers** → not mentioned in the Constitution



\* The full term of the PM is **five years**, which coincides with normal life of Lok Sabha. However, if he/she loses the confidence of Lok Sabha, he/she must resign, or the President can dismiss him/her.

PM of India is Chairman of:

- NITI AAYOG
- Interstate Council
- NDC (not in existence now)
- National Disaster Management Authority

## Art 74: Council of Ministers to aid and advise President

- 1 There shall be a Council of Ministers with the PM as the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with the advice

"Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration." - 44th CA

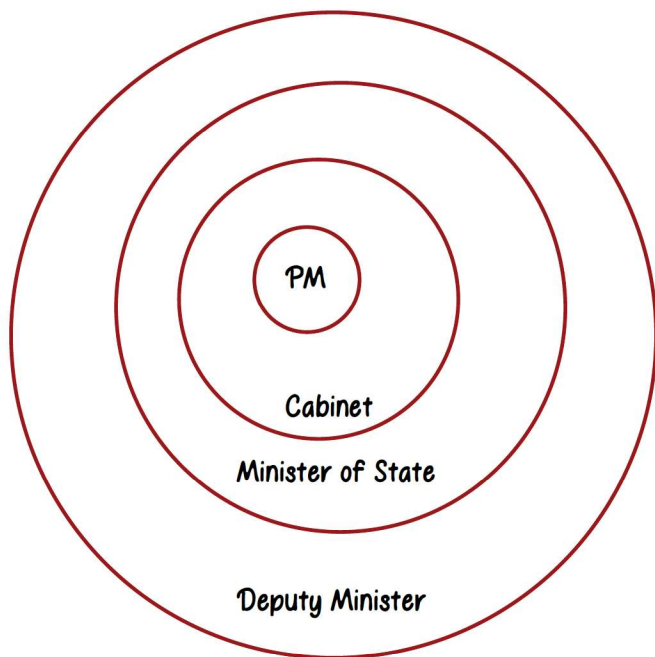
- **The PM:** Real Head/de facto/Head of Govt.
- **The President:** Nominal Head/de jure head/Head of the country/Elected head/Titular head

Parliamentary

The UK

Presidential

The USA



Art 352 (3)

'Cabinet'

44 CA 1978

Not originally mentioned in the Constitution

- 2 The question, whether any, and if so, what, advice was tendered by ministers to the President, not be enquired into any court

#### Art 75: Other provisions as to Ministers

- 1 Appointing authority
  - PM appointed by President
  - COMs appointed by President (on advice of the PM)
- 1A 91st CA
 

COMs + PM strength shall not exceed → 15% (total number of members of the House of the People)

→ Lower House (LS)

In case of Union Territories of NCT of Delhi and J&K, the maximum limit of COMs is 10% of total strength of its Assembly
- 1B 91st CA
 

If any member disqualifies on the grounds of defection — They cannot become Minister
- 2 Ministers are individually responsible to the President (shall hold office during the pleasure of the President)
- 3 COMs are collectively responsible to the House of the People (LS)
- 4 Oath of Ministers administered by the President
- 5 A Minister who for any period of 6 consecutive months is not a member of either House of the Parliament, shall at the expiration of that period cease to become a minister
- 6 Salaries and Allowances → Decided by Parliament (Shall be as specified in the 2nd Schedule)

\* PM can be a member of either House of the Parliament (RS/LS)



## Different kind of Ministers (not specified in Constitution)



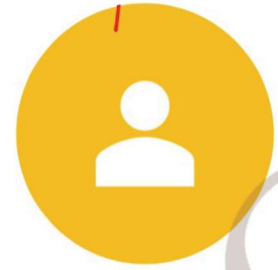
### CABINET MINISTER

Important portfolios: Defence Minister, Home Minister, Finance Minister, Education Minister, Health Minister



### MINISTER OF STATE

Looking after small unimportant Ministry or a particular Department



### DEPUTY MINISTER

Assist Cabinet Minister and Minister of State

→ In Cabinet meeting, only Cabinet Ministers participate, Minister of State do not

### Art 76: Attorney General of India

- Highest law officer of the country
- Lawyer of Central Government

- 1 — The President shall appoint a person who is qualified to be a judge of Supreme Court to be Attorney General for India
- 2 — Duty: to give advice to Government of India upon such legal matters
- 3 — AG shall have right of audience in all courts in territory of India
- 4 — The AG shall hold office during the pleasure of president, and shall receive such remuneration as the President may determine

### POINTS TO REMEMBER

- He is not full-time council of government
- He's not debarred from the private legal practice

### Solicitor General

- They are secondary law officers who assist Attorney General
- They are not a constitutional body

### Advocate General

He is the highest law officer of the state

### Art 165

- Appointed by Governor → shall be qualified to be appointed as judge of HC
- Duty: to give advice to State Government upon such legal matters
- Shall hold office during the pleasure of Governor

- 1st AG: M. C. Setalvad (longest serving)
- Current AG: R. Venkataramani

- Current Solicitor General of India: Tushar Mehta

COMs — Resign/Death/Removed

PM — Death/Resigns

Vacancy is created

COMs is dissolved (Entire COMs has to resign)

Another party leader becomes the PM

Ex: Nehru died in 1964 (longest served PM: 16 years 286 days)

Gulzarilal Nanda became the PM (senior most)

13 days later

Lal Bahadur Shastri became the PM

Death

Gulzarilal Nanda (again PM for 13 days)

Indira Gandhi (next PM)

No confidence motion raised against him

Atal Bihari Vajpayee has served a term of 13 days as PM

Leader: Monitor

Presiding Officer: Class Teacher

Lok Sabha

Indira Gandhi

HD Devegowda

Manmohan Singh

He became the PM of India without becoming a Union Cabinet Minister

RS members (only 3 till now)

### Art 77: Conduct of business of Govt. of India

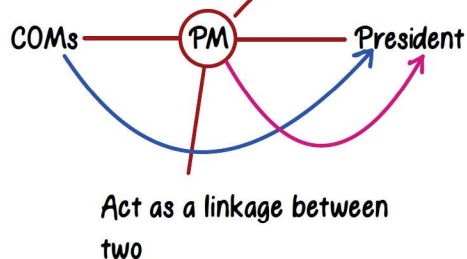
- 1 — Executive actions of GOI shall be expressed to be taken in the name of the President
- 2 — Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as specified in rules to be made by the President
- 3 — The President shall make rules for more convenient transaction of the business of GOI and for the allocation among Ministers of said business





PM is the linchpin of Govt. — Nehru

### Art 78: Duties of PM



The PM communicates all decision of COMs to the President, including those related to administration of Union and proposals for legislation

- **78 (a)** To communicate to the President all decisions of the COMs relating to the administration of the affairs of the Union and proposals for legislation;
- **78 (b)** To furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and
- **78 (c)** If the President so requires, to submit for the consideration of the COMs any matter on which a decision has been taken by a minister but which has not been considered by the Council of Ministers

• The first Indian PM to resign from office: Morarji Desai

"Collective responsibility can be achieved only through the instrumentality of the Prime Minister" said by: Dr B R Ambedkar

### Appointment of PM















- The President has to appoint the leader of the majority party in the Lok Sabha as the Prime Minister

### Oath, Term and Salary of PM

- The President administers to him/her the oaths of office and secrecy
- The term of the Prime Minister is not fixed and he/she holds office during the pleasure of the President. This does not mean that President can dismiss PM any time
- The salary and allowances of the Prime Minister are determined by the Parliament from time to time (similar to Lok Sabha Member )

### Power and Functions of PM

- He/she advises the President with regard to summoning and proroguing of the sessions of the Parliament
- He/she can recommend dissolution of the Lok Sabha to President at any time
- He/she announces government policies on the floor of the House
- He/she recommends persons who can be appointed as ministers by the President
- He/she allocates and reshuffles various portfolios among the ministers
- He/she can ask a minister to resign or advise the President to dismiss him/her in case of difference of opinion
- He/she presides over the meeting of council of ministers and influences its decisions
- He/she guides, directs, controls, and coordinates the activities of all the ministers
- He/she can bring about the collapse of the COMs by resigning from office

LIST OF PRIME MINISTERS OF INDIA							
							
Jawaharlal Nehru 1947 - 1964	Lal Bahadur Shastri 1964 - 1966	Indira Gandhi 1966-1977 1980 - 1984	Morarji Desai 1977 - 1979	Charan Singh 1979 - 1980	Rajiv Gandhi 1984 - 1989	V.P. Singh 1989 - 1990	
							
Narendra Modi 2014 - Present	Dr. Manmohan Singh 2004 - 2014	Inder Kumar Gujral 1997 - 1998	H.D. Deve Gowda 1996 - 1997	Atal Bihari Vajpayee (May 1996) 1998 - 2004	P.V. Narsimha Rao 1991 - 1996	Chandra Shekhar 1990 - 1991	

- Chaudhary Charan Singh: served as PM for 170 days
- Chandra Shekhar: 7 months
- VP Singh: 11 months
- HD Deve Gowda: 10 months