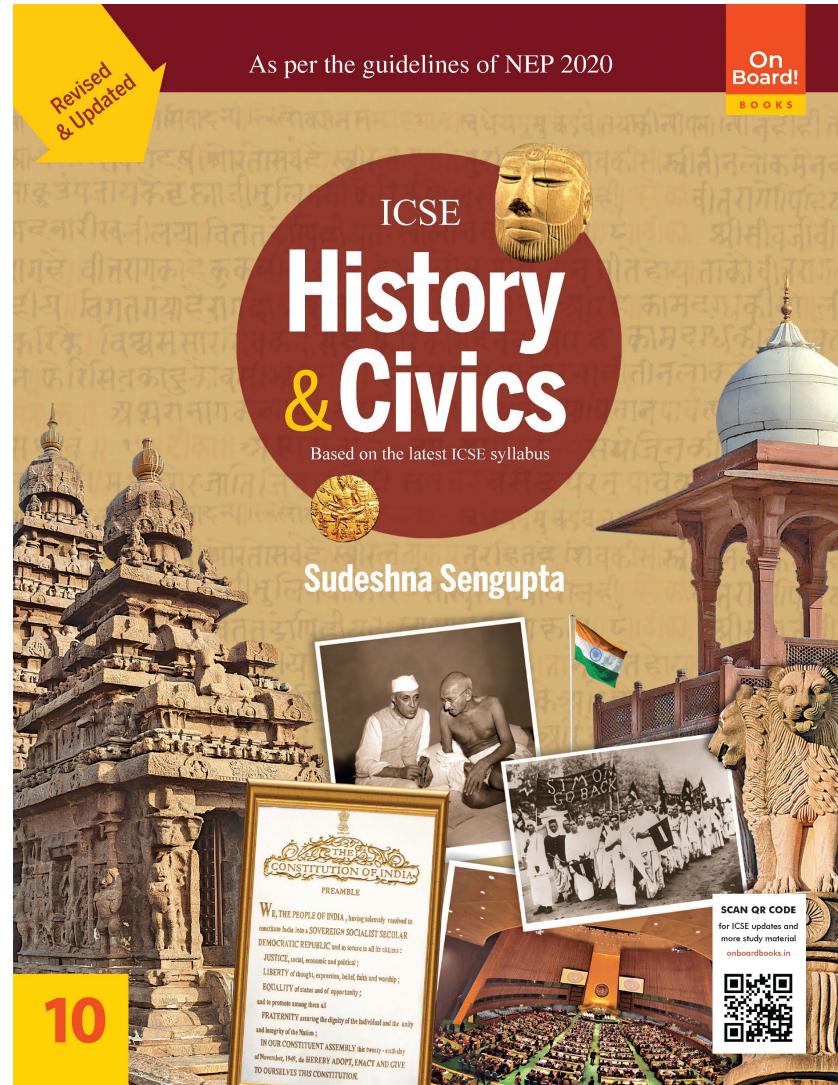


On Board!

BOOKS

ICSE History and Civics 10



Section A: Civics

Chapter 3 The Prime Minister and the Council of Ministers

Features of the Cabinet system
The Council of Ministers – composition and Organization
POWERS AND FUNCTIONS OF THE CABINET
Administrative functions
Legislative functions
Financial functions
Proclamation of Emergency
THE PRIME MINISTER
Appointment
Powers and position
The Prime Minister and the President
The Prime Minister and the Cabinet
The Prime Minister and the Lok Sabha
The Prime Minister as leader of the nation
Checks on Prime Minister's authority

Chapter 3 The Prime Minister and the Council of Ministers

Article 53(1) of the Constitution states, 'The executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.' Moreover, India is a Republic and the head of the State in a Republic is an elected person who holds office for a period as defined and prescribed by the Constitution of the State.

THE PRESIDENT

Features of the Cabinet system

- The President is the constitutional head of the State. The real power lies with the Council of Ministers.
- As the leader of the majority party in the Parliament, the Prime Minister is the real head of The government. He is invited by the President to form the government after the general elections. He determines the composition of the Council of Ministers and the Cabinet.
- There is a political consensus amongst the ministers forming the Council. They belong to the same party so they share the same ideology and programme.
- The concept of separation of powers does not apply to the Cabinet system of government. There is close cooperation between the executive and the legislative branches of the government.
- The Council of Ministers is divided into three tiers: Cabinet Ministers, Ministers of State with Independent Charge and Ministers of State

Cabinet Ministers They are ministers heading important departments, holding prime portfolios like home, defence, external affairs, etc.

Ministers of State with Independent Charge They hold independent charge of the departments entrusted to them. They can attend Cabinet meetings when invited.

Ministers of State They are junior ministers who assist senior ministers in all departmental matters.

According to the Constitution, the cabinet ministers have ‘ministerial responsibility’ to the Parliament. This responsibility is in two forms:

Collective responsibility: As per Article 75(3) of the Constitution, ‘The Council of Ministers shall be collectively responsible to the House of the People.’ So the government, as a body, shall be under constitutional obligation to resign if it loses the confidence of the Lok Sabha. Collective responsibility implies that all members of the Council are unanimous in their support of the government policies in Parliament, though they might have had differences of opinion in the Cabinet meetings.

Individual responsibility: An essential prerequisite of an accountable and democratic parliamentary government is the responsibility of individual ministers for their own conduct and that of their departments.

Besides this individual responsibility to the Parliament, a minister is also responsible to the head of the executive. Article 75(2) of the Constitution says, ‘The Ministers shall hold office during the pleasure of the President’. It means that though the ministers are collectively responsible to the legislature, they shall be individually responsible to the executive head and shall be liable for dismissal, even when they enjoy the confidence of the legislature. This power, though given to the President, is actually exercised by the Prime Minister to rid the government of undesirable ministers.

The Council of Ministers – composition and organization

Appointment of the Prime Minister According to the Constitution, ‘The Prime Minister shall be appointed by the President’. Though there appears to be an element of choice, in reality the President has to invite the leader of the party that has a majority in the Lok Sabha to form the government. The term of office for the Prime Minister is 5 years.

Appointment of ministers The other ministers are appointed by the President on the advice of the Prime Minister. The Constitution does not classify the members of Council of Ministers into different ranks, namely the Cabinet Ministers, Ministers of State with Independent Charge and Ministers of State. All this is done by the Prime Minister.

Size of the Council of Ministers According to the 91st Constitutional Amendment Act, 2003, the total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed 15 per cent of the total number of members of the House of the People.

Oath of office and secrecy Every minister before entering upon the office affirms that he will bear true faith and allegiance to the Indian Constitution and will uphold the sovereignty and integrity of the country. He will also discharge his duties without fear or favour and he will not reveal any information in his capacity as a minister.

Salary and allowances The salary and allowances of the Prime Minister and other ministers shall be such as Parliament from time to time may by law determine.

Cabinet secretariat The Cabinet has a secretariat of its own. It prepares the agenda and maintains a record of Cabinet meetings and the decisions taken therein.

Cabinet committees The Cabinet Committees are decision-making bodies and the Prime Minister presides over these committee meetings.

POWERS AND FUNCTIONS OF THE CABINET

The Cabinet is the inner body within the Council of Ministers, which shapes the policy of the government. It is primarily responsible for the smooth functioning of the democratic institutions in our country.

Administrative functions

Policy-making The Cabinet is the policy-framing organ of the government. It thus frames governmental policies, both external and domestic.

Policy implementation The decisions taken and policies framed by the Cabinet are communicated to the respective ministries for implementation.

Coordination among ministries Successful implementation of the policies requires coordination of various departments.

Legislative functions

Bills The Cabinet Ministers prepare, present and defend the Bills to ensure their acceptance on the floor of the House.

President's Address The Cabinet prepares the President's address to the Parliament at the commencement of the first session of the Lok Sabha after each general election and at the commencement of the first session of the Parliament each year.

Summoning the Houses The President summons the Houses on the initiative of the Ministry of Parliamentary Affairs.

Ordinances and amendments The President promulgates ordinances on the advice of the Cabinet.

Financial functions

The Budget It is the responsibility of the Finance Minister to prepare the Budget containing the estimate of the income and expenditure of the government for the ensuing financial year. Any changes to the Budget against the wishes of the Cabinet amounts to a vote of no-confidence.

Other grants The financial requirements of the government beyond the Budget are also the Cabinet's responsibility.

Appointments All important appointments, though made by the President, are decided upon by the Cabinet.

Proclamation of Emergency

The President cannot proclaim General Emergency (Article 352) without a written recommendation from the Cabinet. The decision to impose State Emergency or the President's Rule (Article 356) and Financial Emergency (Article 360) by the President are also subject to the Cabinet's recommendation.

THE PRIME MINISTER

Article 74(1) of our Constitution clearly states, 'There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.' The position of the Prime Minister is described by Lord Morley as 'primus inter pares', i.e. 'first among Equals'.

Appointment

The Prime Minister is appointed by the President, while the other ministers are appointed by the President on the advice of the Prime Minister. He has to appoint the leader of the party with a majority in the Lower House or a person who is in a position to win the confidence of the majority in the Lok Sabha as the Prime Minister. The President may use his discretion while appointing the Prime Minister when no single party gets an absolute majority in the Lok Sabha.

Powers and position

While the President is the 'de jure' or nominal head of the executive, the Prime Minister is the 'de facto' or the real head of the executive. His powers may be assessed under the following heads.

The Prime Minister and the President

- Article 78 states that it is the duty of the Prime Minister to communicate to the President all decisions of the Council of Ministers relating to the administration and legislation. The Prime Minister shall also furnish such information as the President may call for.
- All authority vested in the President is in reality exercised by the Prime Minister. The President on the advice of the Prime Minister appoints as well as dismisses any member of the Council of Ministers. Thus, the Prime Minister is the chief adviser to the President.
- The Prime Minister also advises the President when to summon and prorogue the two Houses of Parliament and dissolve the Lok Sabha.

The Prime Minister and the Cabinet

- The Prime Minister allocates the different portfolios of the ministers and assigns the ranks of the ministers.
- No minister can continue in office if the Prime Minister desires him to be removed.
- It is the duty of the Prime Minister to see that the various ministries work in a coordinated manner to achieve the goals set by the government.

The Prime Minister and the Lok Sabha

The Prime Minister is the leader of the Lok Sabha. Therefore, he enjoys a unique position.

- The President summons, prorogues or dissolves the Lok Sabha on the advice of the Prime Minister.
- The Prime Minister is the chief spokesman and defender of the government. He makes all important announcements of national policies on the floor of the House.
- The Prime Minister's views are regarded as the official interpretation of the government policy.

The Prime Minister as leader of the nation

- The Prime Minister keeps the national interest in mind at international Forums.
- Being the chief spokesman, the Prime Minister decides on India's internal and foreign policies.
- The Prime Minister represents the country in international conferences.
- The Prime Minister was the ex-officio Chairman of the Planning Commission, which was dissolved in 2014, Now the Prime Minister serves as the ex-officio Chairman of the NITI Aayog.

Checks on Prime Minister's authority

- Though the Prime Minister is the leader of the ruling party in the House, he still needs to secure the support of his ministers.
- The executive is responsible to the legislature. Thus, the Prime Minister and his Council of Ministers are responsible to Parliament. They are answerable for their policies and decisions.
- The Press and public opinion also serve as important checks on the authority of the Prime Minister.

Being head of the government and leader of the nation, the position of the Prime Minister of India is pre-eminent, yet not dictatorial, because in a democracy Parliament, the independent judiciary, the press and the media, the periodic elections and above all, an alert and informed public opinion expressed by the people of the country provide ample checks to ensure the smooth functioning of the government.

To Remember

Introduction – The real executive power as provided by the Constitution is vested in the Council of Ministers with the Prime Minister as its head.

Features of the Cabinet System – The President is the Constitutional head of the State, while the Prime Minister is the real head, political consensus among the members as they belong to the same political party, the Council of Ministers are divided into Cabinet Ministers, Ministers of State with Independent Charge and Ministers of State. Ministers are collectively and individually responsible to the Parliament.

Composition and organization – The Prime Minister is appointed by the President, the leader of the party with a majority in the Parliament is designated as the Prime Minister, the other ministers are appointed by the President on the advice of the Prime Minister, the size of the Council of Ministers is not specified, every minister takes the oath of office and secrecy, salaries and allowances are decided by the Parliament from time to time, the Cabinet Secretariat prepares agendas and maintains records.

Powers and functions – Administrative powers: All external and domestic policies are framed, all policies are faithfully implemented, it coordinates the work of various departments. Legislative powers: Most of the Bills are formulated by the Cabinet, the text of the President's Address is prepared, summoning of the Houses on the advice of the Cabinet, ordinances issued on their advice by the President, Financial powers: The Finance Ministry prepares the Annual Budget, other grants are also approved, proclamation of Emergency is subject to the Cabinet's approval.

The Prime Minister – First among equals, keystone of the Cabinet arch.

Powers and functions – The Prime Minister is the link between the President and the Cabinet, the Prime Minister allocates the different portfolios to the ministers, the Prime Minister is the leader of the Lok Sabha, the Prime Minister is the leader of the nation.

Checks on Prime Minister's authority – The Prime Minister needs support of other ministers, the Prime Minister and the Council of Ministers are responsible to the Lok Sabha.

Thank You