



## INDIAN POLITY UNION EXECUTIVE

<b>10<sup>th</sup> std</b>	<b>Unit -2</b>	<b>Central Government</b>
<b>12<sup>th</sup> std political science</b>	<b>Unit -3</b>	<b>Executive</b>

### 10th std Unit - 2 CENTRAL GOVERNMENT

#### The President of India

In the scheme of parliamentary system of government provided by the constitution, the President is the nominal executive authority. The chief executive of the Indian union is the President. He is designated as the First citizen of India. He is the supreme commander of the armed forces. The President is also the Constitutional head of the Union Executive. He is also responsible for constituting the judiciary. According to Article 53 of the constitution, the executive power of the Union shall be vested in the President which shall be exercised by him directly or through officers subordinate to him in accordance with Constitution.

#### Qualification for the election as President

The constitution lays down qualifications for a Presidential candidate.

- He should be a citizen of India.
- He must have completed the age of thirty five years.
- He must not hold any office of profit under the Union, State or local Government.
- He should have the other qualifications required to become a member of the LokSabha.
- His or her name should be proposed by at least ten electors and seconded by another ten electors of the Electoral College which elects the President.

The President cannot be a Member of Parliament or of a State Legislature; if he is a member of any legislature, his seat will be deemed to have been vacated on the date he / she assumes the office of President.

### **Election of the President**

The President is elected by an electoral college in accordance with the system of proportional representation by means of single transferable vote. The Electoral College consists of the elected members of both houses of Parliament and the elected members of the states and elected members of National Capital Territory of Delhi and Puducherry. Once elected as the President has to take an oath of office before the Chief Justice of India. The President is elected for a term of five years and can be re-elected.

### **Powers of the President**

The powers and functions of the President of India can be broadly classified under the following categories.

#### **Executive Powers**

The constitution vests in the President of India all the executive powers of the Central Government. Article 77 requires that every executive action of the Union shall be taken in the name of the President. So he has to make many appointments to key-offices to run the administration.

He appoints the Prime Minister and the other members of the Council of Ministers, distributing portfolios to them on the advice of the Prime Minister. He is responsible for making a wide variety of appointments. These include the appointment of Governors of States, the Chief Justice and other Judges of the Supreme Court and high Courts, the Attorney General, the Comptroller and Auditor General, the Chief Election Commissioner and other Election Commissioners the Chairman and other Members of the Union Public Service Commission Ambassadors and High Commissioners to other countries.

He appoints a commission to investigate into the conditions of SCs, STs and other backward classes. He is the supreme commander of the defence forces of India, in this capacity the President can appoint Army, Navy, and Air Chiefs.

#### **Legislative Powers**

The President is an integral part of the Union Parliament. He inaugurates the session of the Parliament by addressing it after the general election and also at the beginning of the first session each year. This address is essentially identical in nature to a Speech from the Throne. The President summons Parliament at least twice in a year. He may send messages to either House of the Parliament with respect to a bill pending in the House. All bills passed by the Parliament become "Laws of Acts" only after getting assent of the President. Money bills cannot be introduced in the Parliament without his approval. President terminates the sessions of both or any of the Houses of Parliament. He can even dissolve the Lok Sabha before the expiry of the term of the House. He nominates 12

persons who are eminent in literature, science, sports, art and social service to the Rajya Sabha. He can also nominate two persons belonging to Anglo- Indian Community to the Lok Sabha, if in his opinion, that community is inadequately represented in the House.

### **Financial Power**

Money bill can be introduced in the Parliament only with his prior recommendation. Annual Budget of the Central Government is presented before the Lok Sabha by the Union Finance Minister only with the permission of the President. He causes to be laid before the Parliament the annual financial statement (the Union Budget). The Constitution of India places the Contingency Fund of India is at the disposal of the President. No demand for a grant can be made except on his recommendation. He can make advances out of the contingency fund of India to meet any unexpected expenditure. He constitutes a finance commission after every five years or on the demand of the states to recommend the distribution of revenues between the Centre and the States.

### **Judicial Powers**

Article 72 confers on the President power to grant pardons, reprieves, respites or remissions of punishment, or to commute the sentence of any person convicted of an offence. In all cases where the punishment or sentence is by a court martial; in all cases where the punishment or sentence is for an offence against a Union law; and in all cases where the sentence is a sentence of death. The President is not answerable to any court of law for exercise of his/she power (however He can be subjected to impeachment by the Parliament).

### **Military Powers**

Article 53(2) lays down that “the supreme command of the Defence Force of the Union shall be vested in the President and the exercise thereof shall be regulated by law”. The President is thus declared to be the Supreme Commander of the defence Force of the country. In the exercise of this power, it is the President, who can declare war against a country and make peace.

### **Diplomatic Powers**

The President appoints Indian diplomats to other countries and receives foreign diplomats posted to India. The ambassador designate becomes ambassador after calling on the President and presenting his credentials. All treaties and agreements with foreign States are entered into, in the name of the President.

### **Emergency Powers**

The President has been empowered by the Constitution to proclaim Emergency. They are follows:

Article 352 confers power on the President to make a proclamation of Emergency on the grounds of war, external aggression, or armed rebellion. This is known as National Emergency.

Article 356 confers power on the President to make a proclamation of State Emergency by declaring that the Government in a State cannot be run on in accordance of the provisions of the Constitution.

Under Article 360, the President is vested with the power to proclaim Financial Emergency, if he is satisfied that the financial stability or, the credit of India or any part of India is threatened, by any reason.

### **Removal of the President**

The President shall hold office for a term of five years from the date on which He enters the office. The President may by writing under his hand addressed to the Vice-President, resign his office. The President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in Article 61; The Impeachment action can be brought about in the form of resolution in either house of the Parliament. It must be supported by not less than One- Fourth of the total strength of the House for its introduction. The President shall, in spite of the conclusion of his term, continue to hold office until his successor enters upon his office.

### **Privileges of the President**

According to Article 361(1) the President, or the Governor of a state, shall not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties.

#### **List of Presidents of India**

1. Thiru. Rajendra Prasad	1950 to 1962
2. Thiru. Sarvepalli Radhakrishnan	1962 to 1967
3. Thiru. Zakir Hussain	1967 to 1969
4. Thiru. V.V Giri	1969 to 1974
5. Thiru. Fakhruddin Ali Ahmed	1974 to 1977
6. Thiru. Neelam Sanjiva Reddy	1977 to 1982
7. Thiru. Giani Zail Singh	1982 to 1987
8. Thiru. R Venkataraman	1987 to 1992
9. Thiru. Shankar Dayal Sharma	1992 to 1997
10. Thiru. K R Narayanan	1997 to 2002
11. Thiru. APJ Abdul Kalam	2002 to 2007
12. Tmt. Pratibha Patil	2007 to 2012
13. Thiru. Pranab Mukherjee	2012 to 2017
14. Thiru. Ram Nath Kovind	2017 to till now

### **Vice-President**

The vice-President occupies the second highest office in the country. He is accorded a rank next to the President in the official warrant of precedence. This office is modelled on the lines of the American Vice- President. Article 63 of the constitution provides for a Vice President of India. This office has been created to maintain the political continuity of the state.

## Qualification for the election as Vice President

The constitution lays down qualifications for a Vice Presidential candidate. He should be a citizen of India.

He must have completed the age of thirty five years.

He must not hold any office of profit under the Union, State or local Government.

He should have the other qualifications required to become a member of the Rajya Sabha.

## Election and term of the Vice-President

Article 66(1) the Vice- President, like the president, is elected not directly by the people but the method of indirect election. He is elected by the members of an electoral college consisting of the member of both Houses of Parliament. The term of office of the Vice President is five years. His office may terminate earlier than the fixed term either by resignation, death or by removal. He is eligible for re-election. The Constitution does not provide a mechanism of succession to the office of the Vice – President. Under such circumstances, election to the Vice President shall be held early as possible. Till then deputy chairman of the Rajyasabha can perform the duties of the chairman of the Rajyasabha.

## Removal of the Vice President

The Vice President may be removed from his office by a resolution of the Council of States passed by a majority of all the then members of the council and agreed to by the House of the People. A resolution for this purpose may be moved only after a notice of at least a minimum of 14 days has been given of such an intention.

## Functions of the Vice President

The Vice-President is Ex-Officio Chairman of the Rajya Sabha. As the Chairman of the House, he carries out several functions.

He regulates the proceeding of the House.

He decides the order of the House.

He decides the admissibility of a resolution or questions.

He suspends or adjourns the House in case of a grave disorder.

He issues directions to various committees on matters relating to their functions.

When the President is unable to discharge his duties due to illness or absence from the country, he attends to the functions of the President. When the President is unable to do so due to sickness or when the post of President becomes vacant due to resignation, death, or removal by impeachment etc. the Vice-President can act as the President for a maximum period of six months.

## Prime Minister

Article 74 (1) says: There shall be a council of ministers with the Prime Minister as the head to aid and advice the President. He may direct the council to reconsider their

advice, but is bound by the advice given after reconsideration. The post of Prime Minister of India has adopted the Westminster (England) model of constitutional democracy. The leader of the majority party in Lok Sabha is appointed by the President as the Prime Minister. The other ministers are appointed by the President on the advice of the Prime Minister. If no party commands absolute majority in the Lok Sabha, the President can summon the leader of any party who, in his opinion, can manage to form a ministry. The President administers to the ministers the oath of office and of secrecy. The salaries and allowances of the Prime Minister and the ministers are determined by the Parliament. A person who is not a member of the Parliament can be appointed as a minister but he has to get himself elected to the Parliament within six months. Ministers are individually as well as collectively responsible to the Lok Sabha.

### **Duties and functions of Prime Minister**

Article 78 mentioned the duties of the Prime Minister:

The Prime Minister decides the rank of his ministers and distributes various departments.

The Prime Minister decides the dates and the agenda of the meeting of the Cabinet which he presides.

The Prime Minister is the Head of the Cabinet and the other ministers are his colleagues. The Prime Minister informally consults two or three of his senior colleagues when he does not convene a Cabinet meeting.

The Prime Minister supervises the work of various ministers.

To converse to the President all decisions of the Council of Ministers connecting to the government of the affairs of the Union and proposals for legislation.

The Prime Minister act as the link between the President and the Council of Ministers.

The Prime Minister is the leader of the Nation and chief spokesman of the country.

As the leader of the nation, the Prime Minister represent our nation at all international conferences like the commonwealth, summit of the non aligned nations and SAARC nations.

#### **List of Prime Ministers of India**

1. Thiru. Jawaharlal Nehru	1947–64
2. Thiru. Lal Bahadur Shastri	1964–66
3. Tmt. Indira Gandhi	1966–77
4. Thiru. Morarji Desai	1977–79
5. Thiru. Charan Singh	1979–80
6. Tmt. Indira Gandhi	1980–84
7. Thiru. Rajiv Gandhi	1984–89
8. Thiru. V.P. Singh	1989–90
9. Thiru. Chandra Shekhar	1990–91
10. Thiru. P.V. Narasimha Rao	1991–96
11. Thiru. Atal Bihari Vajpayee	May 1996
12. Thiru. D. Deve Gowda	1996–97
13. Thiru. I.K. Gujral	1997–98
14. Thiru. Atal Bihari Vajpayee	1998–2004
15. Thiru. Manmohan Singh	2004–14
16. Thiru. Narendra Modi	2014–till now

### Council of Ministers

After the elections, the President of India, on the advice of the Prime Minister, appoints the council of ministers. Sometimes a non - member of the Parliament too may be appointed. However, he must get elected to either of the Houses of the Parliament within a period of six months. The Constitution of India restricts the number of the Council of Ministers including the Prime Minister to fifteen per cent of the total members of the Lok Sabha.

### Categories of the Ministers

The ministers are classified under three ranks

- (i) Cabinet Ministers
- (ii) Ministers of State
- (iii) Deputy Ministers.

### Cabinet Ministers

The Cabinet is an informal body of senior ministers who form the nucleus of administration. Important decisions of the government are taken by the Cabinet, such as defence, finance, external affairs and home.

The Cabinet recommends to the President to promulgate an ordinance. It is instrumental in moving Amendments to the Constitution. The Finance bills have their origin in the Cabinet and then they are introduced in the Lok Sabha with the Presidents recommendations. The

Cabinet decides the foreign policy of the Government approves international treaties and plays a significant role in the appointment of Ambassadors to various countries.

### Ministers of State

These ministers belong to the second category of ministers in the council. They are also in charge of ministries or departments but they do not participate in the meetings of the cabinet unless invited to do so.

### Deputy Ministers

They are the lowest ranked ministers in the cabinet. They assist either the Ministers of Cabinet or State in the performance of the duties entrusted to them.

### Attorney General of India

The Constitution (Article 76) has provided for office of the Attorney General for India. He is the highest law officer in the country. He is appointed by the President. He must be a person who is qualified to be appointed the Judge of the Supreme Court. In other words, he must be a citizen of India and he must have been a judge of some High Court for five years or an advocate of some High Court for 10 years or eminent jurist, in the

opinion of the President. He holds office during the pleasure of the President. This means that he may be removed by the President at any time. He may also quit his office by submitting his resignation to the President.

### **Duties and Functions of Attorney General of India**

To give advice to the Government of India upon such legal matters which are referred to him by the President. To perform such other duties of a legal character that are assigned to him by the President and discharge the functions conferred on him by the constitution or any other law. In the performance of his official duties, Attorney General of India has the right of audience in all courts in the territory of India. Further he has the right to speak and to take part in the proceedings of both Houses of the Parliament or their joint sitting and any committee of the Parliament of which he may be named a member, but without a right to vote. He enjoys all the privileges and immunities that are available to a member of Parliament.

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**12<sup>th</sup>vol I**  
**Unit - 3 Executive**

### **The Union Executive**

- ❖ The President of India
- ❖ The Vice President of India
- ❖ The Council of Ministers and the Cabinet, Headed By the Prime Minister

The preamble of the constitution of India, Declares India a sovereign, Socialist secular Democratic Republic. Unlike England where a hereditary monarch, either a Queen or a king is the head of the State, India has an elected President as head of the state with fixed tenure of office. The President is the supreme head of all the constitutional wings of the State, i.e the legislature, Executive, judiciary and armed forces. The President supervises their functions and ensures adherence to constitutional provisions by these bodies. The President represents the entire nation and upholds the constitution in every sphere of State's activity. But unlike the President of the USA, Where the President of the republic wields de-facto (real, functional) executive powers, the President of Indian Republic is not vested with direct executive responsibilities; Such direct and real executive responsibilities are assigned by the Constitution, to a Council of ministers led by the prime minister, and such council of ministers, both collectively and individually responsible and accountable to the union legislature. Thus our Republican form of State is different from American form of Republic. Where it is Presidential executive.

### **President**

The President is the head of the Indian State. He is the First Citizen of India and acts as the symbol of Unity, Integrity and Solidarity of the Nation.

#### **Qualification and Election of the President**

**Article 58 says;**

1. No person shall be eligible for election as President unless he is

- ❖ a citizen of India
- ❖ has completed the age of 35 years
- ❖ is qualified for election as a member of the Lok Sabha

2. A person shall not be eligible for election as President if he holds any office of profit under the government of India, or the government of any state, or under any local or other authority subject to the control of any of the said governments.

Article 52 of our Constitution lays down that there shall be a President of India. Article 53 lays down that the executive power of the Union shall be vested in the President and shall be exercised by him directly or

indirectly.

Further Article 52 provides that the nomination of a candidate for election to the office of President must be subscribed by at least 50 electors as proposers and seconded by another 50 electors of the Electoral College. Every candidate has to make a security deposit of '15,000/- in the Reserve Bank of India.

This amount will be forfeited if the candidate does not secure 1/6 of the votes polled.

The President is elected not directly by the people but by members of Electoral College consisting of ;

The elected members of both the houses of Parliament

The elected members of the legislative assemblies of the states

The elected members of the legislative assemblies of the union territories of Delhi and Pondicherry.

The President's election is held in accordance with the system of proportional representation by means of single transferable vote and the voting is by secret ballot. This system ensures that the successful candidate is returned by the absolute majority of votes.

$$\text{Electoral Quota} = \frac{\text{Total number of valid polled in the election}}{\text{Number of electors to be elected}} + 1$$

Each member of the electoral college is given only one ballot paper. The voter, while casting his vote, is required to indicate his preferences by marking 1,2,3,4

### **Oath by the President**

Before entering upon his office, the President has to make and subscribe an oath or affirmation.

In his oath, the President swears:

To faithfully execute the office;  
To preserve, protect and defend the constitution and the law; and  
To devote himself to the service and wellbeing of the people of India.

The oath of office to the President is administered by the Chief Justice of India and in his absence in the presence of the senior most judge of the Supreme Court. etc against the names of the candidates. This means the voter can indicate as many preferences as there are candidates in the fray. In the first phase, the first preference votes are counted. In case a candidate secures the required quota in this phase, he is declared elected. Otherwise,

the process of transfer of votes is carried out. The ballots of the candidate securing the least number of first preference votes are cancelled and his second preference votes are transferred to the first preference votes of other candidates. This process continues till a candidate secures the required quota.

### **Entitlement to the President**

- ❖ He is entitled without payment of rent, to the use of his official residence (The Rashtrapathi Bhavan)
- ❖ He is entitled to such emoluments, allowances and privileges as maybe determined by the Parliament
- ❖ The President is entitled to a number of privileges and immunities. He enjoys personal immunity from legal liability for his official acts. During his term of office, he is immune from any criminal proceedings

### **Term, Impeachment and Succession**

#### **Term**

Article 56 says that the President shall hold office for a term of 5 years from the date on which he enters upon his office. However he can resign from his office at any time by addressing the resignation letter to the Vice President. Further he can aslo be removed from the office before completion of his term by the process of impeachment. The President can hold office beyond his term of five years until his successor assumes charge. He is also eligible for re-election to that office.

#### **Impeachment**

Article. 61 of the Constitution lays down a detailed procedure for the impeachment of the President. For the impeachment of the President, first, a charge for impeachment has to be made in either House of the Parliament by a resolution signed by at least one fourth of the total number of members of the House and moved by giving at least 14 days' advance notice. Such a resolution must be passed by a majority of not less than two thirds of the total number of members ofthe House when a charge is so presented by one House, it should be investigated by the other House. After the investigation, if a resolution is passed by the other house by a majority of two thirds of its total number of members, the President stands removed by impeachment from his office from the date of passing of the resolution.

#### **Succession**

A vacancy in the President's office can occur in any of the following ways:

1. On the expiry of his tenure of five years
2. By his resignation

3. On his removal by impeachment
4. By his death
5. When he becomes disqualified to hold office or when his election is declared void

If the vacancy occurs due to resignation, removal or death then election to fill vacancy should be held within six months and the Vice President acts as the President until a new President is elected. Further when the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice President discharges his functions until the President resumes his office. In case the office of the Vice President is vacant, the Chief Justice of India or if his office is also vacant, the senior most judge of the Supreme Court acts as the President or discharges the functions of the President.

### **Functions and Powers of the President**

Vast are the functions and powers of the President. He convenes the parliament, addresses and prorogues the same. He nominates 12 members of eminence in different fields to the Rajyasabha and two Anglo Indian members to the LokSabha. He enjoys veto power over non-money bills of the parliament and can send back non-money bills for reconsideration of the parliament, he can convene joint sessions of RajyaSabha and Loksabha; He can promulgate ordinances for a period not exceeding six months. He can also has veto powers over certain State legislations.

He prompts and facilitates the institution of council of ministers headed by the Prime Minister, and ensures that the council of Ministers enjoy the support of the majority in the LokSabha. The President alone installs the ministers and distributes portfolios to them, he can also, dismiss the ministry, if he feels that the ministry does not enjoys the majority support in the Loksabha. He nominates members to various constitutional bodies, including the judiciary, armed forces and diplomatic corps. The President enjoys enormous powers during the periods of emergencies, can suspend any law, can dissolve ministries and legislatures for specified periods. He can commute capital punishments.

Executive	Legislative	Financial	Judicial	Emergency	Miscellaneous
1. Running of all administration in his name, making of rules for the conduct of government business and allocation of work among the ministers	1. Summoning and proroguing sessions of Parliament and dissolving LokSabha.	1. Introduction of money bill in LokSabha with his prior recommendation.	1. Granting commutation of sentence, reprieve or pardon, respites or remissions or suspension of punishments by virtue of holding prerogative of mercy.	1. The constitution confers extraordinary powers on the President to deal with three types of emergencies <ul style="list-style-type: none"> <li>❖ National emergency (Art.352)</li> <li>❖ President's</li> </ul>	1. Reference of any matter of public importance involving a question of law or fact to the

				s rule (Art.356 & 365) ❖ financial emergenc y (Art. 360)	advisory opinion of the Supreme Court.
2. Having information of all important decisions of the Cabinet, referring any matter for the consideration of the Cabinet.	2. Making nomination of 12 members to the Rajya Sabha and 2 to the Lok Sabha.	2. Keeping control over Contingency Fund of India.	2. He appoints the Chief Justice of India and other judges of Supreme Court and High Courts.	2. Art.352- President declares national emergency when security is threatened due to war, external aggression and internal rebellion.	2. Determining the strength of Judges in the High Court.
3. Making important appointments and removals.	3. Delivering inaugural addresses and sending messages to the Parliament.	3. Causing presentation of budget in the Parliament.	3. He can seek advice from the Supreme Court on any question of law or fact.	3. Provision of emergency in a State(Art 356) in the event if breakdown of constitutional machinery.	3. Making rules for the composition and working of the Union Public Service Commission.
4. Maintaining foreign relations.	4. Exercising veto power over non-money bills- absolute as well as suspensive.	4. Making appointment of Finance Commission.		4. Art 365 - enforcement of President's rule when a State does not obey the union government direction or the Indian Constitution.	4. Setting up official languages Commission and taking steps for the progressive use of Hindi for official purposes on the

					basis of its recommendations.
5. Holding supreme command of the Defence Forces.	5. Giving prior permission for introducing certain kinds of bills in Parliament.	5. Allowing determination of the shares of States in proceeds of income tax and of the amounts of grants-in-aid in lieu of jute export duty to the States of Assam, Bihar, Odisha and W.Bengal		5. The President under Art 360 has the power to declare financial emergency if he is satisfied that financial stability or the credit of India is threatened.	5. Making special regulations for the administration of the State of Jammu-Kashmir.
6. Approving rules and regulations for the working of the Supreme Court and other independent agencies.	6. Promulgating an ordinance if the Parliament is not in session.				6. Making special rules and regulations for the administration of Scheduled and Tribal Areas.
7. Sending directions and instructions to state governments and invoking Art.356 incase of breakdown of Constitutional machinery in a	7. Causing presentation in the Parliament of reports and recommendations of various commissions.				

State.					
8. Running of the administration of Union Territories and Scheduled and Tribal Areas.	8. Making appointment of presiding officer pro tem of the Lok Sabha.				
	9. Allowing extension, modification, or abrogation of law in cases of ports and aerodromes.				
	10. Exercising absolute veto power over State 1				

**Fact**

The emergency powers of the President of India are specified in part XVIII of the Indian Constitution.

**Vice President**

On the pattern of the Constitution of USA, the Indian Constitution provides for the office of the Vice-President of India (Article 63). The Vice-President of India occupies the second highest office in the country.

**Election**

The Vice-President of India is elected by the elected members of both Houses of Parliament by secret ballot on the basis of proportional representation system, by means of the single transferable vote.

**Qualification**

To be eligible for election to the office of Vice-President, (a) candidate must be a citizen of India, (b) must have completed the age of thirty five years, (c) must be eligible for election as a member of the Rajya Sabha, and (d) must not hold any office of profit. In this connection provisions similar to those relating to the President apply.

**Terms of Office**

The Vice-President is elected for a term of five years. He can voluntarily resign from his office before the completion of his term of office by writing to the President. He may also be removed from his office, if a resolution to that effect is passed by the Rajya Sabha by an absolute majority of its members and agreed to by the Lok Sabha. However fourteen days have to be given to move such resolution.

### Functions and Duties

The Vice-President is the ex-officio Chairman of the Rajya Sabha (Article 64 of the Indian Constitution). He presides over the meetings of the Rajya Sabha. As the presiding officer of the Rajya Sabha, his functions and powers are similar to those of the speaker of Lok Sabha. He draws his salary as the chairman of the Rajya Sabha, because the Vice-President's office itself carries no salary. In the event of occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until a new President is elected. This period shall not exceed six months. While acting as President the Vice-President gets salary, allowance, emoluments etc., as may be fixed by Parliament by law, and during that time he does not perform the duties of the chairman of Rajya Sabha.

### The Prime Minister and Council of Ministers

*He describes Prime Minister as 'primus inter pares' (first among equals) and 'key stone of the cabinet arch'. He said, "The head of the cabinet is 'primus inter pares', and occupied a position which so long as it lasts, is one of exceptional and peculiar authority".*

**- Lord Morely**

### The Prime Minister

#### Introduction

**Executive:** The Constitution provides for a collegiate executive i.e Council of ministers under the chair members of the Prime Minister

**Meaning:** A body of persons having authority to initiate major policies, make decisions and implement them on basis of the Constitution and laws of the country.  
There are two important organs of the Union Government.

- ❖ The Union Legislature (or) the Union Parliament
- ❖ The Union Executive

In the previous unit you have learnt about the Union Legislature. Let us now deal with Union Executive. You should remember that articles 52 to 78 in Part V of the Indian Constitution deal with "Union Executive".

India has adopted the British Parliamentary executive mode with the Prime Minister as the Head of the Government. Prime Minister is the most important political institution.

But in the council of Ministers (Cabinet) the Prime Minister is *primus inter pares* (first among equals).

## Appointment

The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister. There is no direct election to the post of the Prime Minister. Article 75 says, the Prime Minister shall be appointed by the President. Appointment is not by the choice of the President. The President appoints the leader of the majority party or the coalition of the parties that commands a majority in the Lok Sabha, as the Prime Minister. In case no single party gets a majority, the President appoints the person most likely to secure a majority support. The Prime Minister does not have a fixed tenure. He/she continues in power so long as he/she remains the leader of the majority party or coalition.

## Functions and Position

The first and foremost function of the Prime Minister is to prepare the list of his ministers. He meets the President with this list and then the Council of Ministers is formed. Very important ministers are designated as Ministers of the Cabinet rank, others are called Ministers of State, while ministers belonging to third rank are known as Deputy Ministers. It is one of the discretionary powers of the Prime Minister to designate a minister as Deputy Prime minister. The President allocates portfolios among the ministers on the advice of the Prime Minister. The Prime Minister may keep any department or departments under his control; he may also advise the President to reshuffle portfolios of his ministers from time to time; he may bifurcate or trifurcate a department or have different departments amalgamated into one department.

### **The Prime Minister's pre eminent position is evident from these points:**

1. S(he) is the leader of the party that enjoys a majority in the popular House of the Parliament (Lok Sabha).
2. Has the power of selecting other ministers and also advising the President to dismiss any of them individually or require any of them to resign.
3. The allocation of business amongst the Ministers is a function of the Prime Minister. He can transfer a minister from one Department to another.
4. Is the Chairman of the cabinet, summons its meetings and presides over them. The Prime Minister is also the Chairman of many bodies like Inter-State Council, Nuclear command Authority and many more.
5. Is in-charge of co-coordinating the policy of the government and has accordingly a right of supervision over all the Departments.

6. While the resignation of a Minister merely creates a vacancy, the resignation or death of the Prime Minister means the end of the Council of Ministers.

7. The Prime Minister is the sole channel of communication between the President and the Ministers and between the Parliament and his Ministers. He/she is the chief spokesperson of the government in foreign affairs.

### **Prime Minister's Office**

#### **Meaning**

Being the head of the government and the real executive authority, the Prime Minister plays a very vital role in the politico- administrative realm of our country. In order to fulfill his responsibilities, the Prime Minister is assisted by the Prime Minister's Office (PMO). The Prime Minister's Office is an agency meant for providing secretarial assistance and advice to the Prime Minister. It is an extra constitutional body which offers important role in the top level decision making process of the Government of India. The Prime Minister's Office has the status of a department of the Government of India. The Prime Minister's Office came into existence in 1947. Till 1977 it was called Prime Minister's Secretariat (PMS). The Prime Minister's Office is headed politically by the Prime Minister and administratively by the Principal Secretary.

#### **The Prime Minister's office performs several functions**

##### **Functions**

1. Assists the prime minister in his overall responsibilities as head of the government, in maintaining communication with the central ministries/departments and the state governments.
2. Helps the prime minister in his responsibilities as chairman of the Niti Aayog and the National Development Council.
3. Looks after the public relations of the prime minister like contact with the press and general public.
4. Deals with all references, which under the Rules of Business have to come to the Prime Minister.
5. Provides assistance to the Prime Minister in the examination of cases submitted to him for orders under prescribed rules.
6. Maintains harmonious relationship with the President, Governors and foreign representatives in the country.
7. Acts as the 'think- tank' of the Prime Minister. It deals with all such subjects that are not allotted to any department/ministry.
8. It is not concerned with the responsibility of the Prime Minister as the chairman of the union cabinet. The cabinet cases are directly dealt by the cabinet secretariat, which also functions under the direction of the prime minister.

### **Central Council of Ministers**

Article 74th of the Constitution lays down that there shall be a council of ministers with the Prime Minister as the head to aid and advise the President, who shall in the exercise

of his functions, act in accordance with the advice of the council of ministers. That means, there shall always be a council of ministers. The President accepts the advice of the Council of Ministers. The Council of Ministers consists of three categories of ministers, namely, cabinet ministers, ministers of state and deputy ministers. While the Cabinet ministers are involved in policy decision making, the other two categories have mere administrative responsibilities. The difference between them lies in their respective ranks, emoluments and political importance. At the top stands the Prime Minister, the supreme governing authority of the country.

### **Appointment of the Council of Ministers**

Under Article 75th of the Constitution, the Prime Minister is appointed by the President and the other ministers are appointed by the President on the advice of the Prime Minister. The ministers hold office during the pleasure of the President. While the ministers are also appointed by the President and are said to hold office during the pleasure of the President as per the Constitution, in actual practice, the ministers are selected by the Prime Minister and the President cannot appoint any one not recommended by the Prime Minister.

### **Collective and Individual responsibility of the Council of Ministers**

The Constitution of India provides that the Ministers are collectively and individually responsible to the Lok Sabha. The collective responsibility of the Council of Ministers means that the entire council of ministers is jointly responsible to the Lok Sabha for all the acts of the government. It also means that the ministers must not speak in public in different voices. All the ministers of the government are expected to be unanimous in support of policies on all public occasions and issues.

### **The Union Cabinet**

A Cabinet is the council consisting of ministers of Cabinet rank. It is the inner body within the council of ministers. It is an extra constitutional authority created out of the council of ministers. The whole council of ministers does not meet to discuss business, it is the cabinet which takes policy decisions and advises the President. The Cabinet is the highest decision making executive body which looks after the administrative affairs of the Government of India. It is the nucleus of the council of ministers.

### **Role and functions of the Cabinet**

1. The Cabinet is the highest decision making and policy formulating authority in our politico-administrative system.
2. It deals with all major legislative, financial and foreign policy matters.
3. It exercises control over higher appointments like constitutional authorities and senior secretariat administrators.

4. It recommends ordinances, when the parliament is not in session and supervises the implementation of policies.
5. It appoints enquiry commissions and resolves inter-departmental disputes.
6. It is entitled to recommend to the President declaration of emergencies, dissolution of the LokSabha, proroguing and adjourning the parliament sessions.

### **Cabinet Secretary**

Every cabinet minister is assisted by a cabinet secretary. Among them the cabinet chief secretary is given a top place among the civil servants in the official ladder. He is the chairman Senior Selection Board that selects officers for the post of joint secretary in the central secretariat. He presides over the conference of chief secretaries which is held annually. He acts as the chief advisor to the Prime Minister on all aspects of administration and policy. He acts as the link between Prime Minister's Office and various administrative agencies and also between civil service and the political system.

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