

# UNION COUNCIL OF MINISTERS ✓

(The Constitution provides for a parliamentary system and, therefore, divides the executive into two parts : (i) The Nominal or Constitutional Executive, and (ii) The Real Executive. The President of India is the nominal executive and the Council of Ministers is the real executive.) Article 74 provides for the real executive and it reads : "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 President is bound by the advice of the Council of Ministers. He can only ask the Council of Ministers to reconsider an advice. But he cannot refuse to accept the reconsidered advice. This makes the Council of Ministers the real executive in India.

## □ (A) ORGANISATION OF THE COUNCIL OF MINISTERS

Art. 75 of the Constitution lays down six basic rules regarding the organisation of the Council of Ministers. It reads :

- (a) The Prime Minister shall be appointed by the President, and other ministers shall be appointed by the President upon the advice of the Prime Minister.
- (b) The ministers shall hold office during the pleasure of the President.
- (c) The Council of Ministers shall be collectively responsible to the House of the People (Lok Sabha).
- (d) Before a minister enters upon his office, the President shall administer to him the oath of office and secrecy.
- (e) A minister who for any period of six months is not a member of either House of Parliament, shall at the expiry of that period cease to be a minister.
- (f) The salaries and allowances of ministers shall be such as Parliament may from time to time by law determine.

This Article lays down the broad outlines for the organisation of the Council of Ministers. On the basis of these and the norms of the parliamentary system, the Council of Ministers gets organised and performs its role as the real executive.

## □ (i) Formation of the Council of Ministers.

The process of formation of the Council of Ministers begins by the appointment of the Prime Minister by the President. After General Elections to the Lok Sabha, the President appoints the leader of the majority or the single largest group in Lok Sabha as the Prime Minister. In practice, the majority party or the majority group (coalition) in the Lok Sabha elects or adopts a person as its leader. He is, thereafter, appointed as Prime Minister by the President of India.

After the appointment of the Prime Minister, the President appoints other ministers upon his recommendation. The Prime Minister prepares the list of the persons whom he recommends for appointment as ministers. The President always accepts the advice of the Prime Minister in this matter. The President, acting upon the advice of the Prime Minister, distributes portfolios among the ministers. The Prime Minister is the sole judge to decide : Who shall be a minister ? Which portfolio a



minister will hold? Who will be a Cabinet Minister, or a Minister of State or a Deputy Minister?

The Constitution gives a free hand to the Prime Minister to constitute the Council of Ministers. It provides only one condition under Article 75 (e) — normally only a member of either House of the Parliament be appointed a minister. The Prime Minister can however, appoint a non-member also a minister. Such a minister has to get the membership of either house, (through an election or a nomination) within six months of his appointment. Failure to do so entails the responsibility to quit office after the expiry of six months. Even the persons disqualified under the Anti-defection law can legally remain/or continue as ministers for six months, if the Prime Minister so desires. But such a step involves a negation of the true spirit of democracy.

## □ (ii) Size and Composition of the Council of Ministers.

There is no formal rule regarding the size and composition of the Council of Ministers. The decision in this respect rests with the Prime Minister. (Usually a Ministry has between 50 to 80 ministers. They are divided into three categories :

*Kitchen Ministry*  
(a) **Cabinet Ministers.** Their number is between 15-20. They constitute the Cabinet — the powerful policy-making and decision-making part of the Council of Ministers. *They hold up portfolios.*

*may or may not hold an independent charge of a dept.*  
(b) **Ministers of State.** They constitute the second category of ministers. They are not the members of the Cabinet. A Minister of State either holds an independent charge of a small department or is attached to a Cabinet Minister. While some departments like Home, External Affairs, Defence, Finance, Agriculture have 2 or 3 Ministers of State, the departments like Civil Aviation, Information and Broadcasting, Labour Welfare, Surface Transport and Textiles each is headed by a Minister of State.

*not a part of the*  
(c) **Deputy Ministers.** They are helping ministers attached to the Cabinet Ministers or the Ministers of State. No Deputy Minister holds an independent charge of any department. His function is to help the minister under whom he works.

**Parliamentary Secretaries.** They are neither ministers nor are assigned any administrative work. Their sole function is to help the ministers in the Parliament. They do not draw salaries. The office of Parliamentary Secretary is an office used for training 'future ministers'.

Now the membership of the Union Council of Ministers cannot be more than 15% of the total strength of the Lok Sabha.

## ✓ **(iii) Difference between the Council of Ministers and the Cabinet.**

Article 74 of the Constitution provides for only the Council of Ministers and makes no mention of the Cabinet. The Cabinet is as such an extra-constitutional body. It is a part of the Council of Ministers.

(1) The Cabinet is a part of the Council of Ministers. The Council of Ministers is a wider body of which the Cabinet is small but most powerful part.

(2) All the ministers constitute the Council of Ministers, whereas the Cabinet Ministers consists of only the top 15-20 ministers who stand designated as Cabinet Ministers.



(3) Only the Cabinet Ministers take part in the meetings of the Cabinet which are regularly held under the chairmanship of the Prime Minister. Other ministers attend a meeting of the Cabinet only when specially asked by the Prime Minister or by the Cabinet to do so. A full meeting of the Council of Ministers is rarely held.

(4) Policy-making is the function of the Cabinet and not of the Council of Ministers.

(5) The Constitution, provides for the Council of Ministers and not the Cabinet. The organisation and working of the Cabinet rests upon conventions of the parliamentary system.

#### ❑ (iv) **Term of Office.**

Art. 75 declares that ministers hold office during the pleasure of the President, which really means so long as they enjoy the confidence of the majority in the Lok Sabha or the confidence of the Prime Minister. The Prime Minister can, at any time demand a resignation from any minister and the latter mostly complies with the wishes of the former. The Prime Minister can recommend to the President the dismissal of any minister and the President always acts upon his advice. The resignation of the Prime Minister means the resignation of the entire Council of Ministers.

Thus, the tenure of the ministry or a minister is not fixed. <sup>However</sup> A minister remains in office so long as it enjoys the confidence of the majority in the Lok Sabha, or so long as the Prime Minister does not resign. <sup>Syn</sup> However, the maximum period for which a ministry can remain in office is 5 years, i.e., for the term of the Lok Sabha. After every general elections to the Lok Sabha, a new ministry has to be constituted even if the same party which enjoyed the majority in the previous Lok Sabha may again get the majority in the new Lok Sabha. In case, at the time of the formation of a new government there is a doubt about its majority, the Prime Minister can be directed by the President to prove his majority on the floor of the Lok Sabha within a stipulated period. In case the Prime Minister fails to do so, he has to resign forthwith.

#### ❑ (vi) **Oath of Office and Secrecy.**

Every new minister has to undertake the Oath of Office and Secrecy before entering into his office. The oath is administered to him by the President of India.

#### ❑ (viii) **Salary.**

The Constitution declares that the salaries and allowances of ministers shall be determined by the Parliament by law. Accordingly the Parliament by a law passed in 1985 had laid down that each minister shall receive the same salary and allowances which are being paid to a member of the Parliament. In addition to it, the (Prime Minister) receives a sumptuary allowance of Rs. 1500/- p.m., a Cabinet Minister Rs. 1000/- p.m., a Minister of State Rs. 500/- p.m. and a Deputy Minister Rs. 300/- p.m. Besides these, each minister gets a constituency allowance and other allowances. They get rent free and furnished accommodations, travelling allowances, travel and telephone facilities etc.

#### ❑ (ix) **Committees of the Cabinet.**

The Cabinet carries out its work through its several Standing Committees—Political Affairs Committee, Defence Committee, Planning Committee, Economic Policy



Committee, Foreign Affairs, Committee, Parliamentary Affairs Committee and some other such committees. The Prime Minister heads some of these committees, while others are headed by some senior ministers. These committees help the Cabinet in its task of policy-making.

## **(B) POWERS AND FUNCTIONS OF COUNCIL OF MINISTERS**

The powers and functions of the Cabinet in India can be summarised as under:

(i) **Executive Powers.** The Council of Ministers is the real executive. The executive powers vested by Article 53 of the Constitution in the President of India, are really the powers of the Council of Ministers.

In the exercise of the executive powers, the Cabinet (i) formulates the policies which are to be submitted to the Parliament for approval; (ii) gets the policies approved by the Parliament; (iii) runs the administration of the Union in accordance with the policies approved by the Parliament, and (iv) coordinates the working of different departments of the government.

The Cabinet formulates the foreign policy, as well as the domestic policy deemed fit for socio-economic-cultural development goals of the country.

Cabinet formulates policies and decisions for resolving all national issues and problems. It runs the administration in accordance with the laws and policies. It has the responsibility to maintain law and order in the country.

Every minister heads one or more departments or is officially involved in the working of some departments. It is under his headship/leadership that the administration of a department is run. The day to day decisions are taken by the departments in accordance with the declared and accepted policies of the Council of Ministers. For all acts of omission and commission in national administration and in respect of all policies, the Council of Ministers is collectively responsible before the Lok Sabha. Any failure on any front can cause the exit of the ministry.

The exercise of Emergency Powers by the President, under Articles 352 to 360, is always done in accordance with the advice of the Council of Ministers. The President can declare a national emergency (Art. 352) only under the written advice of the Cabinet, and can take all steps for meeting the emergency situation in accordance with the advice of the Council of Ministers, particularly the Prime Minister. The real responsibility to meet an emergency is with the Cabinet.

The President makes all the higher appointments—Governors, Ambassadors, Envoys, High Commissioners, Consuls, Judges of the Supreme Court and High Courts, Military Commanders, members of UPSC, Election Commission, and others in accordance with the wishes of the Cabinet. All 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. To prepare for the defence of the country through the organisation and modernisation of the Army, Airforce and Navy, and by formulating a suitable defence policy and nuclear policy, is fundamentally the function of the Cabinet.

Thus, the Council of Ministers exercises all real executive powers. In its working



it is dominated by the Prime Minister and the Cabinet. It works under the direction, supervision, control, and leadership of the Prime Minister.

(ii) **Legislative Powers.** Though the legislative powers of the Union are vested in the Parliament, the Council of Ministers plays an important role in the sphere of legislation. The ministers are both the executive heads of governmental departments as well as the members of the Parliament. They take full and active part in the deliberative, legislative, financial, electoral, constitutional and financial functions of the Parliament. Most of the bills, nearly 95%, are introduced and piloted by the Ministers. 90 percent of the time of the Parliament is utilised for handling governmental business which is managed by the ministers. A bill not supported by the Council of Ministers cannot get passed in the Parliament because the ministry enjoys the support of the majority.

If the Lok Sabha either passes a bill not supported by the Council of Ministers or rejects a bill supported by it, or rejects the budget of the Cabinet, it is taken to be a vote of no-confidence against the ministry and the entire Council of Ministers resigns. While doing so the Prime Minister/Cabinet can advise the President to dissolve the Lok Sabha.

The President summons, prorogues or dissolves the Parliament in accordance with the wishes of the Cabinet. The Cabinet i.e. the Prime Minister can recommend to the President a dissolution of the Lok Sabha and for the holding of fresh elections. The President invariably always accepts such an advice. The Cabinet can use the threat of dissolution for getting support from the Lok Sabha. The Council of Ministers is, undoubtedly, collectively responsible before the Lok Sabha and the latter can remove the former by passing a vote of no-confidence. But such an eventuality cannot arise so long as the Cabinet enjoys the support of the majority. A ministry backed by a majority can have its way in the Parliament. Normally, it is the Cabinet (backed by majority) which controls the Parliament and not the latter controls the former.

**Financial Powers.** Legally and constitutionally, the Parliament is the custodian of national finances and in this respect exercises all the powers in the financial sphere. However, in practice, the Cabinet plays a leading role in this sphere also. The budget is prepared by the Cabinet, infact by the Finance Minister acting under the overall direction of the Cabinet. It lays down the fiscal policies of the government. The Cabinet gets the budget passed from the Parliament. The Cabinet runs the financial administration in accordance with the provisions of the budget as passed by the Parliament. All proposals for additional taxes emanate from the Cabinet. Money Bills can be introduced only by the ministers in the Lok Sabha. The Parliament can modify such financial measures but only with the consent of the Cabinet. Any action of the Parliament against the wishes of the Cabinet amounts to a vote of no-confidence against the ministry. Such a situation, however, arises only when the ministry loses the support of the majority and this happens only during a political crisis. Normally, the Cabinet is in a position to get its wishes accepted by the Parliament.

## POSITION OF THE COUNCIL OF MINISTERS

The above account of the powers and functions of the Council of Ministers reveals the strong and central position that the Cabinet occupies as the real and powerful executive of the Indian political system. The executive, legislative, financial and emergency powers of the President are really exercised by the Council of Ministers. Within the Council of Ministers, the Cabinet is the most powerful body and in reality it is the central institution which enjoys all these powers. The Cabinet directs, supervises



and controls the formulation of national policies and the running of the Union administration. As the maker of all policies, the director of administration and the supreme coordinator of government activity, the Cabinet enjoys an enviable position. It is indeed, like the British Cabinet, the steering wheel of the ship of the state, the pivot around which the whole administration revolves, and the key stone of political arch. It is the centre of gravity and the most powerful institution of the Indian political system.

## **PRIME MINISTER OF INDIA : POWERS AND POSITION**

The office of the Prime Minister is the most powerful office in the Indian Political System. If Cabinet is the strongest institution, the Prime Minister is the strongest person in the Cabinet. Though the Constitution provides for the office of the President, vests all executive powers in him, and makes him the chief executive head of the State, the real centre of power in the Indian Political System is indeed the office of the Prime Minister. Prime Minister is the Head of the Government of India and is the real custodian of all executive authority of the Union.

### **1. Appointment of the Prime Minister.**

The Constitution simply lays down that "the Prime Minister shall be appointed by the President..." [Article 75 (1)]. In doing so (the President) follows the norms of the parliamentary system and, therefore, appoints the leader of the <sup>political party securing absolute</sup> majority in the Lok Sabha as the Prime Minister. Whenever a party or a Coalition Group gets a clear majority in Lok Sabha elections, the President plays a little role as he appoints the leader of such a party or a coalition group as the Prime Minister. However, in case no party gets a majority and some parties are even unable to elect a common candidate as their leader, the President can play a real role in the appointment of Prime Minister. The President can, in this case, appoint such a person as Prime Minister who, he considers, can get a majority support in the parliament. Such a person, however, can remain Prime Minister only when he is in a position to prove a support of majority in the Lok Sabha.

Prime Minister need not be always from Lok Sabha. Between 1950-96 the Prime Ministers always belonged to the Lok Sabha, but it was a convention and not a law. After the death of PM Lal Bahadur Shastri, Mrs. Indira Gandhi was appointed as the Prime Minister. At that time she was a member of the Rajya Sabha. In 1967, PM Mrs. Gandhi resigned her seat in the Rajya Sabha and then got elected to the Lok Sabha and thereby upheld this convention. In June 1991, President Venkataraman appointed Mr. P.V. Narasimha Rao as the Prime Minister because the Congress (I) Parliamentary Party had elected him as its leader and because the Congress (I) was the single largest party in the Lok Sabha. At the time of his appointment, Mr. Narasimha Rao was not a member of either House of the Parliament but later on Mr. Rao contested and won a seat in the Lok Sabha from Nandyal (AP) constituency. This upheld the convention that PM always belongs to the Lok Sabha. However, This convention was broken twice in June 1996 & April 1997. In June 1996, Mr. H.D. Deve Gowda became the Prime Minister even when he was not a member of either house of Parliament. Later on, he secured a seat in the Rajya Sabha and thus broke the convention that Prime Minister should be from Lok Sabha. In April 1997, Mr. Inder Kumar Gujral became the Prime Minister and he was also a member of the Rajya Sabha and did not make any attempt to get the membership of Lok Sabha. In May 2004 Dr. Manmohan Singh became the Prime Minister of India. He is a member of Rajya Sabha. Thus the convention that PM always belongs to Lok Sabha now stands broken.



(b) **Prime Minister need not be a sitting member of the Parliament.** Further, the constitution provides that any person who is not a member of either House of the Parliament can become a minister and that he can remain so for six months, within which he has to get the membership of either House. This rule also applies to the Prime Minister. In June 1991, Mr. P.V. Narasimha Rao and in June 1996 Mr. H.D. Deve Gowda became Prime Ministers and at the time of their appointments they were not members of the Parliament. Later on in 1996 PM Narasimha Rao got elected to the Lok Sabha while Mr. Deve Gowda got elected to the Rajya Sabha in 1997.

(c) **No Formal Qualifications.** The constitution lays down no formal qualifications for the office of the Prime Minister. Since no person who is not a member or cannot become a member of the Parliament can be appointed as Prime Minister, it can be said that the qualifications essential for the membership of the Parliament are also the essential qualifications for the office of the Prime Minister.

(d) **Tenure.** The Prime Minister holds office during the pleasure of the President, which really means, so long as he enjoys the confidence of the Lok Sabha, i.e., majority support in Lok Sabha. Lok Sabha can pass a vote of no-confidence against him and in such a case the Prime Minister either submits his resignation to the President or he gets dismissed by the President. If either on account of defection or because of party split or because of withdrawal of support by a coalition partner or supporter from outside, the Prime Minister's party gets reduced to a minority in the Lok Sabha, the President can ask him to prove his majority. Failure to do so compels the Prime Minister to either resign forthwith or face dismissal at the hands of the President.

## POWERS AND FUNCTIONS OF THE PRIME MINISTER

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

1. **Formation of the Council of Ministers.** The task of formation of the ministry begins with the appointment of the Prime Minister by the President. (After the appointment of Prime Minister, the President appoints all the ministers on the advice of the Prime Minister) (Art. 75). Prime Minister submits the list of persons who are to be appointed as ministers in the Council of Ministers. He is free to determine the strength of his ministry and also to select the ministers as per his choice. He decides the proportionate strength of the ministers from each House of the Parliament. Conventionally, most of the ministers are drawn from the Lok Sabha. He decides who amongst them shall be a Cabinet Minister and who shall be a Minister of State or a Deputy Minister. He can even have one or two Deputy Prime Ministers in his Council of Ministers. In August 2002 P.M. Atal Bihari Vajpayee appointed Mr. LK Advani as the Deputy Prime Minister.

2. **Allocation of Portfolios.** <sup>departments</sup> (It is an undisputed privilege of the Prime Minister to allocate portfolios to his ministers. Which particular department shall be entrusted to which minister is determined by him. Any minister objecting to such an allotment can invite the wrath of the Prime Minister and can get completely ignored from the ministry.)

3. **Reshuffling of Portfolios.** (The Prime Minister has the power to shuffle his ministry at any time. It is his privilege to shuffle and re-shuffle his ministry any time and as many times as he may like. He can effect the change if in his judgement the change is necessitated for bringing effectiveness, efficiency and discipline in the administration. He has the unfettered right to review, from time to time, the allocation of portfolios and affect changes whenever and wherever desirable.)



4. **Chairman of the Cabinet.** (The Prime Minister is the leader of the Cabinet. He presides over its meetings. He decides the agenda of its meetings. In fact all matters are decided in the Cabinet with the approval and consent of the Prime Minister. It is upto him to accept or reject proposals for discussions in the Cabinet. All ministers conform to his views and policies. There is scope for deliberation and discussion but not for dissension and opposition. Any minister, not finding his policy acceptable, has no choice except to submit his resignation.)

5. **Removal of Ministers.** (The Prime Ministers can demand resignation from any minister at any time and the latter has always to accept the wishes of the former. However, if at any time a minister does not resign even on the asking of Prime Minister, the latter can either get him dismissed by the President or can submit his own resignation which in fact, means the resignation of his whole Council of Ministers. He being still the leader of the majority party, can again be invited by the President to form his ministry and obviously he can drop, rather he always drops, that minister from his new team. No one can remain a minister without the consent of the Prime Minister.)

6. **Chief Link between the President and the Cabinet.** (The Prime Minister is the main channel of communication between the President and the Cabinet. He communicates to the President all decisions arrived at in the Cabinet and puts before the Cabinet the views of the President. Prime Minister keeps the President informed of all actions and decisions of the government. Infact, under Article 78, it is he duty of the Prime Minister. It is the sole privilege of the Prime Minister and no other minister can on his own convey the decisisions or reveal to the President the nature or gist of the issues discussed in the Cabinet.)

7. **Co-ordinator-in-Chief.** (The Prime Minister acts as the general manager of the state and the chief co-ordinator. It is his responsibility to co-ordinate the activities of all the departments and to secure co-operation amongst various departments. He resolves the differences if any, among the ministers and ensures the working of each ministry without coming into conflict and clash with other ministeries. If there is any criss-cross of functions, he irons out the differences. He ensures mutual understanding and team spirit among ministers.)

8. **Leader of the Parliament.** (The Prime Minister, as the leader of the Lok Sabha, is also the leader of the Parliament. In the capacity of the leader it is he who decides, in consultation with the Speaker of the Lok Sabha, the complete agenda of the House. The summoning and the proroguing of Parliament is decided upon by him.)

9. **Power to get the Parliament Dissolved.** (The Prime Minister has the most formidable power to ask for a dissolution of the Lok Sabha. Power of dissolution, in fact, means that the members hold their seats in the House at the mercy of the Prime Minister. No member likes to contest frequent elections as these entail huge expenditure and organisation, an equation with the party he belongs to, and above all the uncertainties involved in the election. It has been rightly remarked that this is an important weapon with the Prime Minister as it binds his party men, even members of the opposition to come to terms with him. He can get the Parliament dissolved and use it as a threat for getting things smooth.)

10. **Director of Foreign Affairs.** (As the powerful and real head of the government, the Prime Minister always plays a key role in determining the foreign policy of the country and India's relations with other countries. He may or may not hold the port folio of foreign affairs but he always influences rather determines India's foreign



policy. He is in the man responsible for India's prestige, participation and role in international relations.

**11. Role as the Leader of the Nation.** (Besides being the leader of his party and the Lok Sabha, Prime Minister is also the leader of the nation. General elections are fought in his name.) We know that it was the charismatic and charming personality of Sh. Nehru and later on of Mrs. Gandhi that swept the votes in favour of the Congress party. Not only during a battle of bullets but even in the battle of ballots nation looks to him for leadership and guidance. During the Indo-Pak conflicts of 1965 and 1971 both Prime Minister Shastri and Mr. Gandhi respectively rose to the occasion and gave the desired leadership to gain victory. The personality of the Prime Minister and the respect and love that he commands are a source of strength for him as well as for his party. He plays a leadership role at the national level and leads the nation both in times of peace and war.

**12. Power of Patronage.** Prime Minister enjoys a vast power of patronage. (All important appointments are in fact made by the Prime Minister. These appointments include the offices Governors, Attorney-General, Auditor General, Members and Chairman of Public Service Commission, Ambassadors, Consuls etc. All high ranking appointments and promotions are made by the President with the advice of the Prime Minister.)

**13. Role of Prime Minister during an Emergency.** The emergency powers that the Constitution vests in the President are in reality the powers exercised by the Prime Minister. (The President declares an emergency only under the advice of the Cabinet, which in reality means the advice of the Prime Minister. All decisions taken to meet an emergency are really the decisions of the Prime Minister.) The Prime Minister can get the imposition of President's rule in a State. In April 1977, acting-President B.D. Jatti ordered the dissolution of nine state legislatures upon the advice of PM Morarji Desai and in 1980 President Sanjeeva Reddy also dissolved nine state legislatures on the advice of PM Indira Gandhi. During 1990-91 President R. Venkataraman imposed President's rule in Assam and Tamil Nadu on the advice of PM Chandra Shekhar. The Presidential decision in favour of imposing emergency under Art. 352 is always governed by the decision of the Cabinet, which is in reality the decision of the Prime Minister. President F.A. Ahmed declared national (Internal disturbances) emergency in India in June 1975 under the advice of PM Indira Gandhi. Thus, in the exercise of his emergency powers, the President is guided by the decisions of the Cabinet, which is headed by the Prime Minister. During an emergency under Art. 352 the Prime Minister becomes very powerful and perhaps can act in a manner that may befit a dictator. This is not merely a fear but a fact borne out by history. The nature of authority of Prime Minister can be judged from the manner in which Mrs. Gandhi exercised her authority during the emergency rule from June 1975 to March 1977.

## □ POSITION OF THE PRIME MINISTER

(a) The Office of PM is a very powerful office. The above account of the powers and functions of the Prime Minister clearly brings out the fact that his is the most powerful office in the Indian political system. (Prime Minister exercises real and formidable powers in all spheres of governmental activity—executive, legislative and financial. The powers that the Constitution vests in the President are really exercised by the Council of Minister, which stands dominated by the Prime Minister. The Prime Minister is the captain of the ship of state, the key stone of cabinet arch, the steering wheel of government, and the moon amongst lesser stars.)



The organisation and working of the Council of Ministers depend upon the Prime Minister, who is central to its life and death. The process of formation of a ministry begins when the President appoints the Prime Minister. The Prime Minister gets his appointment by virtue of being the leader of the majority in the Lok Sabha and not really by the act of the President. In appointing other ministers and in the distribution and changing of the portfolios of the ministers, the President is bound by the advice of the Prime Minister. As such ministry-making is the sole prerogative of the Prime Minister. The resignation or removal of the Prime Minister *ipso facto* means the resignation or the dissolution of the Council of Ministers. Hence, Prime Minister is the king-pin, the centre of gravity and the foundation stone of the Council of Ministers. The Prime Minister selects his ministers. He presides over the meetings of the Cabinet. Ministers really hold office during the pleasure of the Prime Minister. Prime Minister is the real maker and controller of the Council of Ministers.

(b) **The President of India always acts upon the advice of the PM.** (The President always acts upon the advice of the Prime Minister. The Constitution assigns to the latter the role of being the chief advisor to the President. The powers of the President, both the normal powers and the emergency powers, are really the powers of the Prime Minister. The President always acts under the advice of the Prime Minister. The Cabinet works under the leadership, direction, supervision and control of the Prime Minister.)

(c) **Powerful Position of the Prime Minister.** As the head of the government, leader of the Cabinet, leader of the majority, leader of the Parliament and leader of the nation, (the Prime Minister plays an important role in policy-making, planning, legislation, decision-making and public opinion-making.) Thus the Prime Minister of India holds a very powerful position in the Indian Political System.

(d) **The PM cannot become a dictator.** Undoubtedly, the Prime Minister of India enjoys an enviable position, the most powerful position in the whole of political system, yet he can neither be a dictator nor can even behave like a dictator. (The office of the Prime Minister is a democratic office to which any one can rise only through participation in the democratic process and only by displaying sound leadership qualities and qualities of head and heart. (The party to which the Prime Minister belongs ; his own ministerial colleagues who are also his competitors, the leaders of the opposition parties, the President, the Parliament, the Press, the Constitution, the people, and the high demands of his office, all act as limitations upon him and prevent him from becoming a dictator, nay from even behaving like a dictator. His personality and skills are continuously on test. Any failure or lapse can cause his exit. Now compulsions of coalition politics have made it essential for the Prime Minister to exercise his powers in consultation with the other leaders of the ruling coalition.)

The office of the Prime Minister of India is a democratic office but its effective and powerful role depends upon the qualities of the person holding this office at a particular time. It is a powerful but democratic office. Its actual working depends, to a very large extent, upon the personal qualities and political status of the person who holds this office at a given time. No one can convert this office into an authoritarian or dictatorial office. A person can remain Prime Minister only so long as he follows democratic norms and values. The Indian political system has the strength to cause the exit from office of any person who may, after becoming the Prime Minister of India, try to act in a dictatorial and authoritarian manner.



**Table 20.1** *Distinction Between Council of Ministers and Cabinet*

Council of ministers	Cabinet
1. It is a wider body consisting of 60 to 70 ministers.	1. It is a smaller body consisting of 15 to 20 ministers.
2. It includes all the three categories of ministers, that is, cabinet ministers, ministers of state, and deputy ministers.	2. It includes the cabinet ministers only. Thus, it is a part of the council of ministers.
3. It does not meet, as a body, to transact government business. It has no collective functions.	3. It meets, as a body, frequently and usually once in a week to deliberate and take decisions regarding the transaction of government business. Thus, it has collective functions.
4. It is vested with all powers but in theory.	4. It exercises, in practice, the powers of the council of ministers and thus, acts for the latter.
5. Its functions are determined by the cabinet.	5. It directs the council of ministers by taking policy decisions which are binding on all ministers.
6. It implements the decisions taken by the cabinet.	6. It supervises the implementation of its decisions by the council of ministers.
7. It is a constitutional body, dealt in detail by the Articles 74 and 75 of the Constitution. Its size and classification are, however, not mentioned in the Constitution. Its size is determined by the prime minister according to the exigencies of the time and requirements of the situation. Its classification into a three-tier body is based on the conventions of parliamentary government as developed in Britain. It has, however, got a legislative sanction. Thus, the Salaries and Allowances Act of 1952 defines a 'minister' as a 'member of the council of ministers, by whatever name called, and includes a deputy minister'.	7. It was inserted in Article 352 of the Constitution in 1978 by the 44th Constitutional Amendment Act. Thus, it did not find a place in the original text of the Constitution. Now also, Article 352 only defines the cabinet saying that it is 'the council consisting of the prime minister and other ministers of cabinet rank appointed under Article 75' and does not describe its powers and functions. In other words, its role in our politico-administrative system is based on the conventions of parliamentary government as developed in Britain.
8. It is collectively responsible to the Lower House of the Parliament.	8. It enforces the collective responsibility of the council of ministers to the Lower House of Parliament.



## KITCHEN CABINET

The cabinet, a small body consisting of the prime minister as its head and some 15 to 20 most important ministers, is the highest decision-making body in the formal sense. However, a still smaller body called the 'Inner Cabinet' or 'Kitchen Cabinet' has become the real centre of power. This informal body consists of the Prime Minister and two to four influential colleagues in whom he has faith and with whom he can discuss every problem. It advises the prime minister on important political and administrative issues and assists him in making crucial decisions. It is composed of not only cabinet ministers but also outsiders like friends and family members of the prime minister.

Every prime minister in India has had his 'Inner Cabinet'—a circle within a circle. During the era of Indira Gandhi, the 'Inner Cabinet' which came to be called the 'Kitchen Cabinet' was particularly powerful.

The prime ministers have resorted to the device of 'inner cabinet' (extra-constitutional body) due to its merits, namely:

1. It being a small unit, is much more efficient decision-making body than a large cabinet.
2. It can meet more often and deal with business much more expeditiously than the large cabinet.



3. It helps the Prime Minister in maintaining secrecy in making decisions on important political issues.

However, it has many demerits also. Thus,<sup>6</sup>

1. It reduces the authority and status of the cabinet as the highest decision-making body.
2. It circumvents the legal process by allowing outside persons to play an

influential role in the government functioning.

The phenomenon of 'kitchen cabinet' (where decisions are cooked and placed before the cabinet for formal approval) is not unique to India. It also exists in USA and Britain and is quite powerful in influencing government decisions there.