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Prime Minister and Council of Ministers



Prime Minister and Council of Ministers (Article 74-78)

- The Prime Minister (PM) is considered as the Head of the Council who assists the Council of Ministers.
- The Prime Minister of India is the Chairman of the:
  1. NITI AAYOG
  2. Interstate Council
  3. National Disaster Management Authority

The PM is known as the Real / De facto head of the government. (President is known as De jure/Nominal head.)

Article 74

Council of Ministers to aid and advise President 74(1) There shall be a Council of Ministers with the Prime Minister as the head to aid and advise the President who shall act in accordance with the advice of the Council of Ministers.

- 42nd Constituional Amendment made the advise binding on President.
- 44th Constitutional Amendment: President may request the Council of Ministers to reconsider advice however after reconsideration, the President must ultimately act according to the advice tendered.

Article 74(2)

The question, whether any, and if so what advice was tendered by ministers to the President shall not be inquired into by any court.

- 44th CA, 1978 introduced the term "Cabinet" for the first time formally (into the Constitution.)
- Specifically, in Article 352(3), which states that Emergency must be based on a written recommendation of the "Cabinet."

Article 75

Other provisions as to Ministers

Article 75 (1)

The Prime Minister shall be appointed by the President and other ministers shall be appointed by the President on the advice of the Prime Minister.

Article 75(2)

Ministers hold office till the pleasure of the President.

Article 75(3)

Council of Ministers is collectively responsible to the House of the People (Lok Sabha).

Article 75(4)

Before entering office, the Prime Minister and Ministers must take oaths of office and secrecy administered by the President.

91st Amendment, 2003 added-

- (1A) The total number of Ministers, including the Prime Minister, shall not exceed 15% of the total strength of the Lok Sabha.
- (1B) If any member is disqualified on the grounds of defection, they cannot become minister.

Article 75(5)

A Minister who is not a member of either Houses of the Parliament for six consecutive months shall cease to be a Minister at the end of that period.

Article 75(6)

Salaries and allowances of Ministers are determined by Parliament and until Parliament fixes that, it shall be as specified in the 2nd Schedule.

Types of Ministers

Cabinet Minister

Cabinet Ministers: Important portfolios like Defence, Home, Finance, Education, Health. Participate in Cabinet meetings.

Minister of State

Handle smaller ministries or assist Cabinet Ministers. Do not participate in Cabinet meetings.

Deputy Ministers

Assist Cabinet Ministers and Ministers of State.

Article 76

Attorney General of India
- He is the Highest Law Officer of the Country.

Article 76(1)

President shall appoint a person who is qualified to be a judge of the Supreme Court to be Attorney General of India.

Article 76(2)

Duty to give advice to the Government of India upon legal matters.

Article 76(3)

Attorney General has the right to audience in all courts within the territory of India.

Article 76(4)

Attorney General holds office till the pleasure of the President and receives remuneration as determined by the President.



R. Venkataramani is the Current Attorney General of India (as of Nov 2025)

Points to Remember

- Attorney General is not a full-time counsel of the government.
- He is not debarred from the private legal practice, after ceasing to hold office.
- 1st Attorney General: M. C. Setalvad (longest serving)
- Current Attorney General: R. Venkataramani
- He is the highest law officer of the country.

Solicitor General of India:

- Assists Attorney General but is not a constitutional post.
- Current Solicitor General of India: Tushar Mehta

Advocate General of State (Article 165)

- Appointed by Governor.
- Must be qualified to be a judge of a High Court.
- Duty: Advise State Government on legal matters.
- Holds office during the pleasure of the Governor.
- He is the highest law officer of the state.

Dissolution of Council of Ministers (CoM)

- If any member of Council of Ministers Resigns/Dies/Removed then vacancy is created.
- If the Prime Minister dies or resigns then entire CoMs is dissolved, in that case entire CoMs has to resign, the President invites the leader with majority's support in the LS to become the new PM.



First Indian PM to resign - Morarji Desai

Rajya Sabha Members who became PM:

- Indira Gandhi
- Manmohan Singh
- H.D. Deve Gowda (He became the PM of India without becoming a Union Cabinet Minister)







Article 77

- Conduct of Business of the Government of India

Article 77(1)

- All executive actions of Government of India shall be expressed to be taken in the name of the President.

Article 77(2)

- Orders and instruments made in the name of the President shall be authenticated in such manner as specified in rules made by the President.

Article 77(3)

- The President shall make rules for more convenient transaction of the business of Government of India and allocate responsibilities among Ministers.

Article 78

- Duties of Prime Minister

Article 78(a)

- To communicate to the President all decisions of the Council of Ministers relating to administration of the Union and proposals for legislation.

Article 78(b)

- To furnish such information relating to the administration of the Union and proposals for legislation as the President may call for.

Article 78(c)

- If the President so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

Comments on the post of PM

- "Collective responsibility can be achieved only through the instrumentality of the Prime Minister." - **Dr. B. R. Ambedkar.**
- **Pt. J.L. Nehru** described PM as **"The Linchpin of Government** "; as the PM acts as a link between the Council of Ministers and the President.

Few PMs of India and their term of office:

- Jawaharlal Nehru: Longest serving Prime Minister (16 years, 286 days).
- Atal Bihari Vajpayee: Served an initial 13-day term as Prime Minister.
- Chaudhary Charan Singh: 170 days.
- Chandra Shekhar: 7 months. (Shortest serving amongst all full term PMs)
- V. P. Singh: 11 months.
- H. D. Deve Gowda: 10 months.
- Inder Kumar Gujral: 11 months.

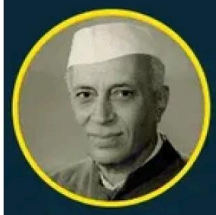
Summarising the Powers and Functions of the PM:

1. Advises President regarding summoning and proroguing of the sessions of the Parliament.
2. Recommends dissolution of Lok Sabha to President any time.
3. Announces government policies on the floor of the House.
4. Recommends names for ministerial appointments.
5. Allocates and reshuffles portfolios among ministers.
6. Can ask a Minister to resign or recommend dismissal.
7. Presides over Council of Ministers meetings.
8. Guides, directs, controls and coordinates activities of Ministers.
9. Can cause collapse of the Council of Ministers by resigning.

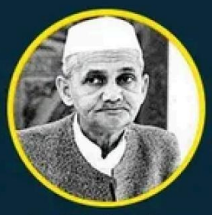
Fall of Government

Year	Prime Minister	Tenure	Reason of Fall
1989	V.P SIngh	11 Months	BJP Withdrew Support
1990	Chandra Shekhar	7 Months	Congress Withdrew Support
1996	Vajpayee	13 Days	No Majority
1996	Deve Gowda	11 Months	Congress Withdrew Support
1997	I.K Gujral	11 Months	Congress Withdrew Support
1998	Vajpayee	13 Months	AIADMK Withdrew Support
1999-2004	Vajpayee	5 Years	Stability Returns

LIST OF PRIME MINISTERS OF INDIA



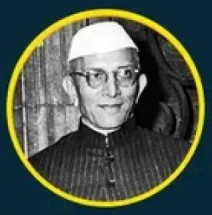
Jawaharlal Nehru
1947 - 1964



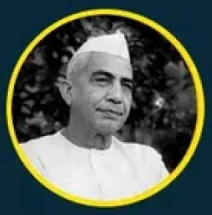
Lal Bahadur Shastri
1964 - 1966



Indira Gandhi
1966-1977
1980 - 1984



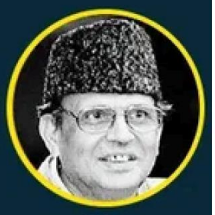
Morarji Desai
1977 - 1979



Charan Singh
1979 - 1980



Rajiv Gandhi
1984 - 1989



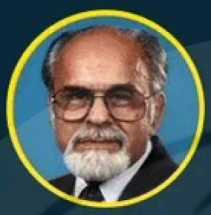
V.P. Singh
1989 - 1990



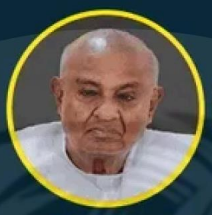
Narendra Modi
2014 - Present



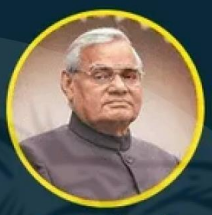
Dr. Manmohan Singh
2004 - 2014



Inder Kumar Gujral
1997 - 1998



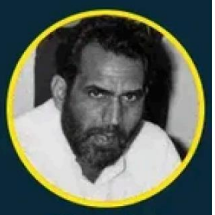
H.D. Deve Gowda
1996 - 1997



Atal Bihari Vajpayee (May 1996)
1998 - 2004



P.V. Narsimha Rao
1991 - 1996



Chandra Shekhar
1990 - 1991

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