

PRIME MINISTER

- In the scheme of parliamentary system of government provided by the constitution, the President is the nominal executive authority (de jure executive) and Prime Minister is the real executive authority (de facto executive).
- In other words, **president is the head of the State while Prime Minister is the head of the government.**

Appointment of the Prime Minister:

- The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister.
- **Article 75** says only that the Prime Minister shall be appointed by the president.
- However, this does not imply that the president is free to appoint any one as the Prime Minister.
- In accordance with the conventions of the parliamentary system of government, the President has to appoint the leader of the majority party in the Lok Sabha as the Prime Minister.
- When no party has a clear majority in the Lok Sabha, then the President may exercise his personal discretion in the selection and appointment of the Prime Minister.
- In such a situation, the President usually appoints the leader of the largest party or coalition in the Lok Sabha as the Prime Minister and asks him to seek a vote of confidence in the House within a month.
- This discretion was exercised by the President, for the first time in 1979, when Neelam Sanjiva Reddy (the then President) appointed Charan Singh (the coalition leader) as the Prime Minister after the fall of the Janata Party government headed by Morarji Desai.
- There is also one more situation when the president may have to exercise his individual judgement in the selection and appointment of the Prime

**MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY**

Minister, that is, when the Prime Minister in office dies suddenly and there is no obvious successor.

- This is what happened when Indira Gandhi was assassinated in 1984.
- The then President Zail Singh appointed Rajiv Gandhi as the Prime Minister by ignoring the precedent of appointing a caretaker Prime Minister.
- Later on, the Congress parliamentary party unanimously elected him as its leader.
- However, if, on the death of an incumbent Prime Minister, the ruling party elects a new leader, the President has no choice but to appoint him as Prime Minister.
- In 1980, the Delhi High Court held that the Constitution does not require that a person must prove his majority in the Lok Sabha before he is appointed as the Prime Minister.
- The President may first appoint him the Prime Minister and then ask him to prove his majority in the Lok Sabha within a reasonable period.
- For example, Charan Singh (1979), VP Singh (1989), Chandrasekhar (1990), PV Narasimha Rao (1991), AB Vajpayee (1996), Deve Gowda (1996), IK Gujral (1997) and again AB Vajpayee (1998) were appointed as Prime Ministers in this way.
- In 1997, the Supreme Court held that a person who is not a member of either House of Parliament can be appointed as Prime Minister for six months, within which, he should become a member of either House of Parliament; otherwise, he ceases to be the Prime Minister.
- Constitutionally, the Prime Minister may be a member of any of the two Houses of parliament.
- For example, three Prime Ministers, Indira Gandhi (1966), Deve Gowda (1996) and Manmohan Singh (2004), were members of the Rajya Sabha.
- In Britain, on the other hand, the Prime Minister should definitely be a **member of the Lower House (House of Commons).**

Oath, Term and Salary:

- Before the Prime Minister enters upon his office, the president administers to him the oaths of office and secrecy.
- **In his oath of office, the Prime Minister swears:**
 - To bear true faith and allegiance to the Constitution of India,
 - To uphold the sovereignty and integrity of India,
 - To faithfully and conscientiously discharge the duties of his office, and
 - To do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill will.
- In his oath of secrecy, the Prime Minister swears that he will not directly or indirectly communicate or reveal to any person(s) any matter that is brought under his consideration or becomes known to him as a Union Minister except as may be required for the due discharge of his duties as such minister.
- The term of the Prime Minister is not fixed and he holds office during the pleasure of the president.
- However, this does not mean that the president can dismiss the Prime Minister at any time.
- So long as the Prime Minister enjoys the majority support in the Lok Sabha, he cannot be dismissed by the President.
- However, if he loses the confidence of the Lok Sabha, he must resign or the President can dismiss him.
- The salary and allowances of the Prime Minister are determined by the Parliament from time to time.
- He gets the salary and allowances that are payable to a Member of Parliament.
- Additionally, he gets a sumptuary allowance, free accommodation, travelling allowance, medical facilities, etc.
- In 2001, the Parliament increased his sumptuary allowance from 1,500 to 3,000 per month.

Powers and Functions of the Prime Minister:

The powers and functions of Prime Minister can be studied under the following heads:

Relation to Council of Ministers:

The Prime Minister enjoys the following powers as head of the Union council of ministers:

- He recommends persons who can be appointed as ministers by the president.
- The President can appoint only those persons as ministers who are recommended by the Prime Minister.
- He allocates and reshuffles various portfolios among the ministers.
- He can ask a minister to resign or advise the President to dismiss him in case of difference of opinion.
- He presides over the meeting of council of ministers and influences its decisions.
- He guides, directs, controls, and coordinates the activities of all the ministers.
- He can bring about the collapse of the council of ministers by resigning from office.
- Since the Prime Minister stands at the head of the council of ministers, the other ministers cannot function when the Prime Minister resigns or dies.
- In other words, the resignation or death of an incumbent Prime Minister automatically dissolves the council of ministers and thereby generates a vacuum.
- The resignation or death of any other minister, on the other hand, merely creates a vacancy which the Prime Minister may or may not like to fill.

Relation to the President:

The Prime Minister enjoys the following powers in relation to the President:

- He is the principal channel of communication between the President and the council of ministers.
- **It is the duty of the prime minister:**
 - To communicate to the President all decisions of the council of ministers relating to the administration of the affairs of the Union and proposals for legislation;
 - To furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and
 - 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.
- He advises the president with regard to the appointment of important officials like attorney general of India, Comptroller and Auditor General of India, chairman and members of the UPSC, election commissioners, chairman and members of the finance commission and so on.

Relation to Parliament:

- The Prime Minister is the leader of the Lower House.
- **In this capacity, he enjoys the following powers:**
 - He advises the President with regard to summoning and proroguing of the sessions of the Parliament.
 - He can recommend dissolution of the Lok Sabha to President at any time.
 - He announces government policies on the floor of the House.

Other Powers & Functions:

- In addition to the above-mentioned three major roles, the Prime Minister has various other roles. These are:

- He is the chairman of the Planning Commission (now NITI Aayog), National Development Council, National Integration Council, Inter-State Council and National Water Resources Council.
- He plays a significant role in shaping the foreign policy of the country.
- He is the chief spokesman of the Union government.
- He is the crisis manager-in-chief at the political level during emergencies.
- As a leader of the nation, he meets various sections of people in different states and receives memoranda from them regarding their problems, and so on.
- He is leader of the party in power.
- He is political head of the services.
- Thus, the Prime Minister plays a very significant and highly crucial role in the politico-administrative system of the country.
- Dr B R Ambedkar stated, 'If any functionary under our constitution is to be compared with the US president, he is the Prime Minister and not the president of the Union'.

Role Descriptions:

- The various comments made by the eminent political scientists and constitutional experts on the role of Prime Minister in Britain holds good in the Indian context also.

These are mentioned below:

Lord Morely:

- He described 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".

Herbert Marrison:

- “As the head of the Government, he (prime minister) is ‘primus inter pares’.
- But, it is today for too modest an appreciation of the Prime Minister’s position”.

Sir William Vernor Harcourt:

- He described Prime Minister as ‘inter stellas luna minores’ (a moon among lesser stars).
- Jennings “He is, rather, a sun around which planets revolve.
- He is the keystone of the constitution.
- All roads in the constitution lead to the Prime Minister.”

H.J. Laski:

- On the relationship between the Prime Minister and the cabinet, he said that the Prime Minister “is central to its formation, central to its life, and central to its death”.
- He described him as “the pivot around which the entire governmental machinery revolves.”

H.R.G. Greaves:

- “The Government is the master of the country and he (Prime Minister) is the master of the Government.”

Munro:

- He called Prime Minister as “the captain of the ship of the state”.

Ramsay Muir:

- He described Prime Minister as “the steersman of steering wheel of the ship of the state.”
- The role of the Prime Minister in the British parliamentary government is so significant and crucial that observers like to call it a ‘Prime Ministerial government.’

**MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY**

- Thus, R H Crossman says, ‘The post-war epoch has been the final transformation of cabinet government into Prime Ministerial government.’
- Similarly, Humphrey Berkely points out, ‘Parliament is not, in practice, sovereign.
- The parliamentary democracy has now collapsed at Westminster.
- The basic defect in the British system of governing is the super ministerial powers of the Prime Minister.’
- The same description holds good to the Indian context too.

Relationship with the President:

- The following provisions of the Constitution deal with the relationship between the President and the Prime Minister:
- **Article 74** 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.
- However, the President may require the council of ministers to reconsider such advice and the President shall act in accordance with the advice tendered after such reconsideration.
- **Article 75 (a)** The Prime Minister shall be appointed by the President and the other ministers shall be appointed by the president on the advice of the Prime Minister; (b) The ministers shall hold office during the pleasure of the president; and (c) The council of ministers shall be collectively responsible to the House of the People.
- **Article 78 it shall be the duty of the Prime Minister:**
 - (a) To communicate to the President all decisions of the council of ministers relating to the administration of the affairs of the Union and proposals for legislation;
 - (b) To furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for;

and

**MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY**

- (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.

Chief Ministers Who Became Prime Ministers:

- Six people—Morarji Desai, Charan Singh, V.P. Singh, P.V. Narasimha Rao, H.D. Deve Gowda and Narendra Modi—became Prime Ministers after being Chief Ministers of their respective States.
- Morarji Desai, Chief Minister of the erstwhile Bombay State during 1952–56, became the first non-Congress Prime Minister in March 1977.
- Charan Singh, who succeeded him, was the Chief Minister of the undivided Uttar Pradesh in 1967–1968 and again in 1970.
- V.P. Singh, also from U.P., became Prime Minister in the short lived National Front government (December 1989–November 1990).
- P.V. Narasimha Rao, the first Prime Minister from South India, who held the post from 1991–1996, was Chief Minister of Andhra Pradesh between 1971–1973.
- H.D. Deve Gowda was Chief Minister of Karnataka when he was chosen to lead the United Front government in June 1996.
- Narendra Modi (BJP) was the Chief Minister of Gujarat when he became the Prime Minister in May 2014.
- He served as the Chief Minister of Gujarat for four times during 2001 to 2014.

COUNCIL OF MINISTERS

- As the Constitution of India provides for a parliamentary system of government modelled on the British pattern, the council of ministers headed by the prime minister is the real executive authority in our politico-administrative system.

- The principles of parliamentary system of government are not detailed in the Constitution, but two Articles (74 and 75) deal with them in a broad, sketchy and general manner.
- Article 74 deals with the status of the council of ministers while Article 75 deals with the appointment, tenure, responsibility, qualification, oath and salaries and allowances of the ministers.

Constitutional Provisions:

Article 74—Council of Ministers to aid and advise President:

- 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.
- However, the President may require the Council of Ministers to reconsider such advice and the President shall act in accordance with the advice tendered after such reconsideration.
- The advice tendered by Ministers to the President shall not be inquired into in any court.

Article 75—Other Provisions as to Ministers:

- The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister.
- The total number of ministers, including the Prime Minister, in the Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha.
- This provision was added by the 91st Amendment Act of 2003.
- A member of either house of Parliament belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister.
- This provision was also added by the 91st Amendment Act of 2003.
- The ministers shall hold office during the pleasure of the President.
- The council of ministers shall be collectively responsible to the Lok Sabha.

- The President shall administer the oaths of office and secrecy to a minister.
- A minister who is not a member of the Parliament (either house) for any period of six consecutive months shall cease to be a minister.
- The salaries and allowances of ministers shall be determined by the Parliament.

Article 77—Conduct of Business of the Government of India:

- All executive action of the Government of India shall be expressed to be taken in the name of the President.
- Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the President.
- Further, the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.
- The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.

Article 78—Duties of Prime Minister:

It shall be the duty of the Prime Minister

- To communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation.
- To furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for
- 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.

Article 88—Rights of Ministers as Respects the Houses:

- Every minister shall have the right to speak and take part in the proceedings of either
- House, any joint sitting of the Houses and any Committee of Parliament of which he may be named a member. But he shall not be entitled to vote.

Nature of Advice by Ministers:

- **Article 74** provides for a council of ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions.
- **The 42nd and 44th Constitutional Amendment Acts have made the advice binding on the President.**
- Further, the nature of advice tendered by ministers to the President cannot be enquired by any court.
- This provision emphasises the intimate and the confidential relationship between the President and the ministers.
- **In 1971**, the Supreme Court held that ‘even after the dissolution of the Lok Sabha, the council of ministers does not cease to hold office.
- **Article 74** is mandatory and, therefore, the president cannot exercise the executive power without the aid and advise of the council of ministers.
- Any exercise of executive power without the aid and advice will be unconstitutional as being violative of Article 74’.
- Again in 1974, the court held that ‘wherever the Constitution requires the satisfaction of the President, the satisfaction is not the personal satisfaction of the President but it is the satisfaction of the council of ministers with whose aid and on whose advice the President exercises his powers and functions’.

Appointment of Ministers:

- The Prime Minister is appointed by the President, while the other ministers are appointed by the President on the advice of the Prime Minister.

- This means that the President can appoint only those persons as ministers who are recommended by the Prime minister.
- Usually, the members of Parliament, either Lok Sabha or Rajya Sabha, are appointed as ministers.
- A person who is not a member of either House of Parliament can also be appointed as a minister.
- But, within six months, he must become a member (either by election or by nomination) of either House of Parliament, otherwise, he ceases to be a minister.
- A minister who is a member of one House of Parliament has the right to speak and to take part in the proceedings of the other House also, but he can vote only in the House of which he is a member.

Oath and Salary of Ministers:

- Before a minister enters upon his office, the president administers to him the oaths of office and secrecy.
- In his oath of office, the minister swears:
 - To bear true faith and allegiance to the Constitution of India,
 - To uphold the sovereignty and integrity of India,
 - To faithfully and conscientiously discharge the duties of his office, and
 - To do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill will.
- In his oath of secrecy, the minister swears that he will not directly or indirectly communicate or reveal to any person(s) any matter that is brought under his consideration or becomes known to him as a union minister except as may be required for the due discharge of his duties as such minister.
- In 1990, the oath by Devi Lal as deputy prime minister was challenged as being unconstitutional as the Constitution provides only for the Prime Minister and ministers.

- The Supreme Court upheld the oath as valid and stated that describing a person as Deputy Prime Minister is descriptive only and such description does not confer on him any powers of Prime Minister.
- It ruled that the description of a minister as Deputy Prime Minister or any other type of minister such as minister of state or deputy minister of which there is no mention in the Constitution does not vitiate the oath taken by him so long as the substantive part of the oath is correct.
- The salaries and allowances of ministers are determined by Parliament from time to time.
- A minister gets the salary and allowances that are payable to a member of Parliament.
- Additionally, he gets a sumptuary allowance (according to his rank), free accommodation, travelling allowance, medical facilities, etc.
- In 2001, the sumptuary allowance for the prime minister was raised from 1,500 to 3,000 per month, for a cabinet minister from 1,000 to 2,000 per month, for a minister of state from 500 to 1,000 per month and for a deputy minister from 300 to 600 per month.

Responsibility of Ministers:

Collective Responsibility:

- The fundamental principle underlying the working of parliamentary system of government is the principle of collective responsibility.
- **Article 75** clearly states that the council of ministers is collectively responsible to the Lok Sabha.
- This means that all the ministers own joint responsibility to the Lok Sabha for all their acts of omission and commission.
- They work as a team and swim or sink together.
- When the Lok Sabha passes a no-confidence motion against the council of ministers, all the ministers have to resign including those ministers who are from the Rajya Sabha.

- Alternatively, the council of ministers can advise the president to dissolve the Lok Sabha on the ground that the House does not represent the views of the electorate faithfully and call for fresh elections.
- The President may not oblige the council of ministers that has lost the confidence of the Lok Sabha.
- The principle of collective responsibility also means that the Cabinet decisions bind all cabinet ministers (and other ministers) even if they differed in the cabinet meeting.
- It is the duty of every minister to stand by cabinet decisions and support them both within and outside the Parliament.
- If any minister disagrees with a cabinet decision and is not prepared to defend it, he must resign.
- Several ministers have resigned in the past owing to their differences with the cabinet.
- For example, Dr BR Ambedkar resigned because of his differences with his colleagues on the Hindu Code Bill in 1953.
- CD Deshmukh resigned due to his differences on the policy of reorganisation of states.
- Arif Mohammed resigned due to his opposition to the Muslim Women (Protection of Rights on Divorce) Act, 1986.

Individual Responsibility:

- **Article 75** also contains the principle of individual responsibility.
- It states that the ministers hold office during the pleasure of the president, which means that the President can remove a minister even at a time when the council of ministers enjoys the confidence of the Lok Sabha.
- However, the President removes a minister only on the advice of the Prime Minister.
- In case of a difference of opinion or dissatisfaction with the performance of a minister, the Prime Minister can ask him to resign or advise the President to dismiss him.

- By exercising this power, the Prime Minister can ensure the realisation of the rule of collective responsibility.
- **In this context, Dr B R Ambedkar observed:**
- Collective responsibility can be achieved only through the instrumentality of the Prime Minister.
- Therefore, unless and until we create that office and endow that office with statutory authority to nominate and dismiss ministers, there can be no collective responsibility.”

No Legal Responsibility:

- In Britain, every order of the King for any public act is countersigned by a minister.
- If the order is in violation of any law, the minister would be held responsible and would be liable in the court.
- The legally accepted phrase in Britain is, “The king can do no wrong.”
- Hence, he cannot be sued in any court.
- In India, on the other hand, there is no provision in the Constitution for the system of legal responsibility of a minister.
- It is not required that an order of the President for a public act should be countersigned by a minister.
- Moreover, the courts are barred from enquiring into the nature of advice rendered by the ministers to the president.

Composition of the Council of Ministers:

- The council of ministers consists of three categories of ministers, namely, cabinet ministers, ministers of state, and deputy ministers.
- The difference between them lies in their respective ranks, emoluments, and political importance.
- At the top of all these ministers stands the Prime Minister—the supreme governing authority of the country.

**MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY**

- The cabinet ministers head the important ministries of the Central government like home, defence, finance, external affairs and so forth.
- They are members of the cabinet, attend its meetings and play an important role in deciding policies.
- Thus, their responsibilities extend over the entire gamut of Central government.
- The ministers of state can either be given independent charge of ministries/departments or can be attached to cabinet ministers.
- In case of attachment, they may either be given the charge of departments of the ministries headed by the cabinet ministers or allotted specific items of work related to the ministries headed by cabinet ministers.
- In both the cases, they work under the supervision and guidance as well as under the overall charge and responsibility of the cabinet ministers.
- In case of independent charge, they perform the same functions and exercise the same powers in relation to their ministries/departments as cabinet ministers do.
- However, they are not members of the cabinet and do not attend the cabinet meetings unless specially invited when something related to their ministries/departments are considered by the cabinet.
- Next in rank are the deputy ministers.
- They are not given independent charge of ministries/departments.
- They are attached to the cabinet ministers or ministers of state and assist them in their administrative, political, and parliamentary duties.
- They are not members of the cabinet and do not attend cabinet meetings.
- It must also be mentioned here that there is one more category of ministers, called parliamentary secretaries.
- They are the members of the last category of the council of ministers (which is also known as the ‘ministry’).
- They have no department under their control.
- They are attached to the senior ministers and assist them in the discharge of their parliamentary duties.

**MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY**

- However, since 1967, no parliamentary secretaries have been appointed except during the first phase of Rajiv Gandhi Government.
- At times, the council of ministers may also include a deputy prime minister.
- The deputy prime ministers are appointed mostly for political reasons.

Role of Cabinet:

- It is the highest decision-making authority in our politico-administrative system.
- It is the chief policy formulating body of the Central government.
- It is the supreme executive authority of the Central government.
- It is chief coordinator of Central administration.
- It is an advisory body to the president and its advice is binding on him.
- It is the chief crisis manager and thus deals with all emergency situations.
- It deals with all major legislative and financial matters.
- It exercises control over higher appointments like constitutional authorities and senior secretariat administrators.
- It deals with all foreign policies and foreign affairs.

Role Descriptions:

- The various comments made by the eminent political scientists and constitutional experts on the role of cabinet in Britain holds good in the Indian context also.

These are mentioned below:

- **Ramsay Muir** “The Cabinet is the steering wheel of the ship of the state.”
- **Lowell** “The Cabinet is the keystone of the political arch”.
- **Sir John Marriott** “The Cabinet is the pivot around which the whole political machinery revolves”.
- **Gladstone** “The Cabinet is the solar orb around which the other bodies revolve”.
- **Barker** “The Cabinet is the magnet of policy”.

- **Bagehot** “The Cabinet is a hyphen that joins, the buckle that binds the executive and legislative departments together”.
- **Sir Ivor Jennings** “The Cabinet is the core of the British Constitutional System. It provides unity to the British system of Government”.
- **L.S. Amery** “The Cabinet is the central directing instrument of Government”.
- The position of the Cabinet in the British Government has become so strong that Ramsay Muir referred to it as the ‘Dictatorship of the Cabinet’.
- In his book ‘How Britain is Governed’, he writes “A body which wields such powers as these may fairly be described as ‘omnipotent’ in theory, however, incapable it may be of using its omnipotence.
- Its position, whenever it commands a majority, is a dictatorship only qualified by publicity.
- This dictatorship is far more absolute than it was two generations ago”.
- The same description holds good in the Indian context too.

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.

**MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY**

- 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:
 - It being a small unit, is much more efficient decision-making body than a large cabinet.
 - It can meet more often and deal with business much more expeditiously than the large cabinet.
 - It helps the Prime Minister in maintaining secrecy in making decisions on important political issues.

Demerits:

- It reduces the authority and status of the cabinet as the highest decision-making body.
- 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.

CABINET COMMITTEES

Features of Cabinet Committees:

The following are the features of Cabinet Committees:

- They are extra-constitutional in emergence.
- They are not mentioned in the Constitution.
- However, the Rules of Business provide for their establishment.
- **They are of two types—standing and ad hoc.**
- The former are of a permanent nature while the latter are of a temporary nature.

**MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY**

- The ad hoc committees are constituted from time to time to deal with special problems.
- They are disbanded after their task is completed.
- They are set up by the Prime Minister according to the exigencies of the time and requirements of the situation.
- Hence, their number, nomenclature, and composition varies from time to time.
- Their membership varies from three to eight.
- They usually include only Cabinet Ministers.
- However, the non-cabinet Ministers are not debarred from their membership.
- They not only include the Ministers in charge of subjects covered by them but also include other senior Ministers.
- **They are mostly headed by the Prime Minister.**
- Some times other Cabinet Ministers, particularly the Home Minister or the Finance Minister, also acts as their Chairman.
- But, in case the Prime Minister is a member of a committee, he invariably presides over it.
- They not only sort out issues and formulate proposals for the consideration of the Cabinet, but also take decisions.
- However, the Cabinet can review their decisions.
- They are an organisational device to reduce the enormous workload of the Cabinet.
- They also facilitate in-depth examination of policy issues and effective coordination.
- They are based on the principles of division of labour and effective delegation.

List of Cabinet Committees:

In 1994, there were the following 13 Cabinet Committees:

- Cabinet Committee on Political Affairs

- Cabinet Committee on Natural Calamities
- Cabinet Committee on Parliamentary Affairs
- Appointments Committee of the Cabinet
- Cabinet Committee on Accommodation
- Cabinet Committee on Foreign Investment
- Cabinet Committee on Drug Abuse Control
- Cabinet Committee on Prices
- Cabinet Committee on Minority Welfare
- Cabinet Committee on Economic Affairs
- Cabinet Committee on Trade and Investment
- Cabinet Committee on Expenditure
- Cabinet Committee on Infrastructure

In 2013, the following 10 Cabinet Committees were in existence:

- Cabinet Committee on Economic Affairs
- Cabinet Committee on Prices
- Cabinet Committee on Political Affairs
- Appointments Committee of the Cabinet
- Cabinet Committee on Security
- Cabinet Committee on World Trade Organisation (WTO) Matters
- Cabinet Committee on Investment
- Cabinet Committee on Unique Identification Authority of India (UIDAI) related issues
- Cabinet Committee on Parliamentary Affairs
- Cabinet Committee on Accommodation

At present (2016), the following 6 Cabinet Committees are functional:

- Cabinet Committee on Political Affairs
- Cabinet Committee on Economic Affairs
- Appointments Committee of the Cabinet
- Cabinet Committee on Security

- Cabinet Committee on Parliamentary Affairs
- Cabinet Committee on Accommodation
- The Prime Minister Narendra Modi on June 10, 2014, announced discontinuation of four Standing Committees of the Cabinet.
- A statement by the Prime Minister's Office (PMO) said the functions of Cabinet Committee on Management of Natural Calamities which stands discontinued will be handled by the Committee under the Cabinet Secretary whenever natural calamities occur.
- The functions of Cabinet Committee on Prices will be handled by the Cabinet Committee on Economic Affairs;
- of the Cabinet Committee on World Trade Organisation Matters by the Cabinet Committee on Economic Affairs and, whenever necessary, by the full Cabinet.
- On the Cabinet Committee on Unique Identification Authority of India related issues it said that major decisions in this area have already been taken and the remaining issues will be brought to the Cabinet Committee on Economic Affairs.

Functions of Cabinet Committees:

The following four are the more important cabinet committees:

- The Political Affairs Committee deals with all policy matters pertaining to domestic and foreign affairs.
- The Economic Affairs Committee directs and coordinates the governmental activities in the economic sphere.
- Appointments Committee decides all higher level appointments in the Central Secretariat, Public Enterprises, Banks and Financial Institutions.
- Parliamentary Affairs Committee looks after the progress of government business in the Parliament.
- The first three committees are chaired by the Prime Minister and the last one by the Home Minister.

**MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY**

- Of all the Cabinet Committees, the most powerful is the Political Affairs Committee, often described as a “Super-Cabinet”.

Groups of Ministers:

- In addition to cabinet committees, several Groups of Ministers (GoMs) have been constituted to look into different issues / subjects.
- Some of these GoMs have been empowered to take decisions on behalf of the Cabinet whereas the others make recommendations to the Cabinet.
- In the past two decades, the institution of GoMs has become a viable and effective instrument of coordination among the ministries.
- These are ad hoc bodies formed to give recommendations to the cabinet on certain emergent issues and critical problem areas.
- Ministers heading the concerned ministries are inducted into the relevant GoMs and when the advice is crystallised they are disbanded.

In 2013, the following 21 Groups of Ministers (GoMs) were in existence:

- Group of Ministers (GoM) for evolving an integrated strategy for water management
- Group of Ministers (GoM) to consider the reports of the Administrative Reforms Commission
- Group of Ministers (GoM) for the civil aviation sector
- Group of Ministers (GoM) on National Pharmaceuticals Policy, 2006
- Group of Ministers (GoM) on power sector issues
- Group of Ministers (GoM) to examine various issues pertaining to the functioning of the Prasar Bharati
- Group of Ministers (GoM) regarding Bhopal Gas Leak Disaster
- Group of Ministers (GoM) to consider measures that can be taken by the Government to tackle corruption
- Group of Ministers (GoM) to consider environmental and developmental issues relating to coal mining and other developmental projects
- Group of Ministers (GoM) on media

- Group of Ministers (GoM) to consider, and make recommendations with regard to reports of the high level committee on Commonwealth Games, 2010
- Group of Ministers (GoM) to look into the constitution of an independent regulatory authority for the coal sector – approval for introducing the Coal Regulatory Authority Bill, 2012 in the Parliament
- Group of Ministers (GoM) to look into the issue of inclusion of erosion as an eligible calamity for relief under National Disaster Response Fund (NDRF)/State Disaster Response Fund (SDRF)
- Group of Ministers (GoM) to consider the official amendments to the Land Acquisition, Rehabilitation and Resettlement Bill, 2011
- Group of Ministers (GoM) to formulate policy for existing urea units beyond Stage-III of New Pricing Scheme (NPS)
- Group of Ministers (GoM) on setting up of the National Skill Development Authority
- Group of Ministers (GoM) regarding issue of Resident Identity Cards to all usual residents of the country of age 18 years and above under the scheme of National Population Register (NPR)
- Group of Ministers (GoM) to consider the recommendations of the panel of experts on reforms in central public sector enterprises
- Group of Ministers (GoM) to consider prescribing uniform terms and conditions of service of chairpersons and members of quasi-judicial tribunals / commissions / regulatory bodies, etc
- Group of Ministers (GoM) to consider and suggest an appropriate cadre structure for the Indian Revenue Service (Income Tax) and other support systems
- Group of Ministers (GoM) to look into the matter of reviving and revitalising Bharat Sanchar Nigam Limited (BSNL) and Mahanagar Telephone Nigam Limited (MTNL).

In 2013, there were the following six Empowered Groups of Ministers (EGoMs):

- Empowered Group of Ministers (EGoM) to decide the price band and final price of sale of shares held by Government of India in all central public sector enterprises
- Empowered Group of Ministers (EGoM) on gas pricing and commercial utilisation of gas
- Empowered Group of Ministers (EGoM) on ultra mega power projects
- Empowered Group of Ministers (EGoM) on Mass Rapid Transit System (MRTS)
- Empowered Group of Ministers (EGoM) on vacation of spectrum and auction of 3G spectrum, and to look into the grant of license and allocation of spectrum in 2G band in 22 service areas
- Empowered Group of Ministers (EGoM) on drought

The Second Administrative Reforms Commission (2005-2009) made the following observations and recommendations with respect to the working of the GoMs:

- The Commission observed that the constitution of a large number of GoMs has resulted in many GoMs not being able to meet regularly to complete their work thus leading to significant delays on many major issues.
- The Commission felt that more selective use of the institution of GoMs would perhaps lead to more effective coordination particularly if they are empowered to arrive at a decision on behalf of the Cabinet with time limits that are prescribed for completing the work entrusted to them.
- The Commission recommended that there is need to ensure that the existing coordination mechanism of GoMs function effectively and helps in early resolution of issues.
- Selective, but effective use of GoMs with clear mandate and prescribed time limits would be helpful.

Abolition of GoMs and EGoMs:

- Signalling a break from the past, the Narendra Modi government on May 31, 2014, announced the “abolition” of all Groups of Ministers (GoMs) and Empowered Groups of Ministers (EGoMs) “for greater accountability and empowerment.”
- Nine EGoMs and 21 GoMs were set up by the previous UPA government to take decisions on various matters such as corruption, inter-State water disputes, administrative reforms and gas and telecom pricing, before bringing them for the Cabinet’s consideration.
- During the UPA-II, 27 GoMs and 24 EGoMs were formed with former Defence Minister A.K. Antony heading most of the EGoMs.
- A press statement issued by the Prime Minister’s Office (PMO) termed the initiative a “major move” to empower Ministries and departments. While allocating portfolios to his Council of Ministers, the Prime Minister said “all important policy matters” would be their domain.
- The issues pending before the EGoMs and GoMs will now be processed by the Ministries and departments.
- “This would expedite the process of decision making and usher in greater accountability in the system,” the statement said.
- “Wherever the Ministries face any difficulties, the Cabinet Secretariat and the Prime Minister’s Office will facilitate the decision-making process.”
- The announcement came two days after Mr. Modi unveiled his 10-point agenda with a directive to the ministers to prepare a list of issues that they will take up in the first 100 days in office, with focus on efficiency, delivery systems and implementation.
- The former minister and Congress spokesperson Manish Tewari said that the GoMs and the EGoMs were meant to operate as a single-window clearance on issues related to various ministries.

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY
ATTORNEY GENERAL OF INDIA

- The Constitution (Article 76) has provided for the office of the Attorney General for India.
- He is the highest law officer in the country.

Appointment and Term:

- The Attorney General (AG) is appointed by the president.
- He must be a person who is qualified to be appointed a 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
- An advocate of some high court for ten years or an eminent jurist, in the opinion of the president.
- The term of office of the AG is not fixed by the Constitution. Further, the Constitution does not contain the procedure and grounds for his removal.
- 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.
- Conventionally, he resigns when the government (council of ministers) resigns or is replaced, as he is appointed on its advice.
- The remuneration of the AG is not fixed by the Constitution. He receives such remuneration as the president may determine.

Duties and Functions:

As the chief law officer of the Government of India, the duties of the AG include the following:

- 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.

**MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY**

- To discharge the functions conferred on him by the Constitution or any other law.

The president has assigned the following duties to the AG:

- To appear on behalf of the Government of India in all cases in the Supreme Court in which the Government of India is concerned.
- To represent the Government of India in any reference made by the president to the Supreme Court under Article 143 of the Constitution.
- To appear (when required by the Government of India) in any high court in any case in which the Government of India is concerned.

Rights and Limitations:

- In the performance of his official duties, the Attorney General 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 the Houses of 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 (**Article 88**).
- He enjoys all the privileges and immunities that are available to a member of Parliament (**Article 105**).

Following limitations are placed on the Attorney General in order to avoid any complication and conflict of duty:

- He should not advise or hold a brief against the Government of India.
- He should not advise or hold a brief in cases in which he is called upon to advise or appear for the Government of India.
- He should not defend accused persons in criminal prosecutions without the permission of the Government of India.
- He should not accept appointment as a director in any company or corporation without the permission of the Government of India.
- However, the Attorney General is not a full-time counsel for the Government.

MANIDHANAHEYAM FREE IAS ACADEMY – TNPSC - IV & VAO EXAM
UNIT – V – INDIAN POLITY

- He does not fall in the category of government servants. Further, he is not debarred from private legal practice.

Solicitor General of India:

- In addition to the AG, there are other law officers of the Government of India.
- They are the solicitor general of India and additional solicitor general of India. They assist the AG in the fulfilment of his official responsibilities.
- It should be noted here that only the office of the AG is created by the Constitution.
- In other words, Article 76 does not mention about the solicitor general and additional solicitor general.
- **The AG is not a member of the Central cabinet.**
- There is a **separate law minister in the Central cabinet** to look after legal matters at the government level.