

THE COUNCIL OF MINISTERS, THE PRIME MINISTER AND THE CHIEF MINISTERS

11.1 INTRODUCTION

You have read in the previous lessons that India has a parliamentary form of government. Under this system, the President is the constitutional or nominal head of State. The executive power in reality is not exercised by the President but by the Council of Ministers headed by the Prime Minister. It is stated in the Constitution that there shall be a Council of Ministers with Prime Minister at its head to aid and advise the President in the exercise of his functions. The President is bound by the advice of the Council of Ministers. The entire administration of the country is carried on by the Prime Minister and the Council of Ministers. You have already read in the previous lessons that the Indian Constitution provides for a federal system. We have Union Government at the Centre and a State Government at the state level. There is distribution of powers between the Central Government and the Governments of the States. Like the President at the Centre, the Governor is the constitutional head of the State. In this lesson we shall discuss the composition and functions of the Union Council of Ministers, the role of the Prime Minister and also the Chief Ministers of the States.

11.2 OBJECTIVES

After going through this lesson, you will be able to :

- explain the role of the Prime Minister in the Parliamentary government of India;
 - describe as to how the Council of Ministers is constituted;
 - analyse the meaning and implications of individual and collective responsibility;
 - explain that the powers of the President are actually exercised by the Council Ministers;
 - state how the Chief Minister is appointed and State Council of Ministers is formed;
 - recall the powers and functions of the Chief Ministers and the Council of Ministers.
-

11.3 COUNCIL OF MINISTERS AT THE CENTRE

The Constitution lays down that there shall be a Council of Ministers with the Prime Minister as its head to aid and advise the President in the exercise of his functions. The President shall in the exercise of his functions act in accordance with such advice. The Prime Minister is appointed by the President. Other Ministers are appointed by the President on the advice of the Prime Minister. After the election to the Lok Sabha, the leader of the majority party is invited by the President to form the Government. If no political party enjoys majority in the Lok Sabha, the President explores other possibilities of forming the government. In this process the President generally invites the leader of the single largest party in the Lok Sabha to form the government who may seek the support of other political parties to ensure majority and form a coalition government. In 1989, Shri V.P. Singh formed the government at the Centre with the support of the Bhartiya Janata Party (BJP) and left parties from outside. The V.P. Singh Government fell in 1990 when the BJP withdrew its support. After the fall of the V.P. Singh Government, the Congress which was the single largest party refused to form the government. Then Chandershekhar formed the government with the Congress supporting it from outside. This Government lasted only for a few months.

In 1996 no party got majority in the general elections. The BJP emerged as the single largest party in the Lok Sabha. The President invited Shri Atal Behari Vajpayee, leader of the single largest party, to form the Government. But the Vajpayee Government failed to secure the support of the majority in the Lok Sabha and resigned before voting on the confidence motion took place. Subsequently, the United Front Government of 13 parties was formed at the Centre, headed by H.D. Deve Gowda. It was supported by the Congress and the Communist Party (Marxist) from outside. But in April, 1997 the Deve Gowda Government also fell when Congress withdrew its support. On 21 April 1997 another United Front government was formed with I.K. Gujaral as the Prime Minister and on the support of the Congress and the Communist Party (Marxist) from outside. After the Lok Sabha election held in February 1998, a new coalition of several parties was formed. In this coalition led by Shri Atal Behari Vajpayee, B.J.P. was the largest constituent.

The Prime Minister submits a list recommending the names of persons to the President to be sworn in as Ministers. While forming the Council of Ministers, the Prime Minister keeps in mind that due representation is given to all regions of the country, that all leaders of different groups and factions within his party are accommodated and that due representation is given to various religions and communities. In a coalition government, the parties forming the coalition are given due representation in the Council of Ministers. After the formation of the Council of Ministers, the Prime Minister allocates portfolios to the Ministers.

In order to be a member of the Council of Ministers, a person has to be a member of one of the Houses of Parliament. If a Minister is not a member of either House at the time of his appointment, he has to become a member of Parliament within a period of six months, failing which he ceases to be a member of the Council of Ministers. All the Ministers are collectively and individually responsible to the Lok Sabha. In 1962 Shri V.K. Krishna Menon, then the Defence Minister, had to resign after the Chinese invasion. Shri T.T. Krishnamachari as Finance Minister and Shri Lal Bahadur Shastri as Railway Minister resigned owning individual and moral responsibility for lapses on the part of their Ministries. Shri Morarji Desai as Prime Minister asked Shri Charan Singh and Shri Raj Narain to quit as Ministers because they had flouted the principle of collective responsibility in 1978.

Generally, there are three categories of Ministers in the Council of Ministers. They are Cabinet Ministers, Ministers of State and Deputy Ministers. The Cabinet Ministers are senior Ministers who are heads of their ministries. They shoulder the responsibility of running their ministries. The Cabinet meets frequently. It adopts all policies of the government

and approves all legislative proposals. The Ministers of State come next to the Cabinet Ministers. They are junior Ministers and assist the Cabinet Ministers. There are some Ministers of State who hold independent charge of the departments. The Ministers of State are not members of the Cabinet and do not normally participate in the Cabinet meetings. The Ministers of State with independent charge attend the Cabinet meetings when decisions relating to their departments are taken. The Deputy Ministers are junior to the Ministers of State. All the Ministers are expected to answer questions and defend government policies in the Parliament.

INTEXT QUESTIONS 11.1

1. Who presides over the meetings of the Union Cabinet ?
2. Who appoints members of the Council of Ministers ?
3. Who owned responsibility and resigned after the Chinese aggression in 1962 ?

11.4 THE PRIME MINISTER

The Prime Minister is the real executive head in India. The Prime Minister is the most important person in the government of the country. You have read that the Prime Minister is appointed by the President but he has to appoint the leader of the majority party or the leader of a combination of parties in the Lok Sabha. The Prime Minister can not be removed so long as he enjoys the confidence of the Lok Sabha. The Prime Minister selects all other ministers who are appointed by the President on his advice. The Ministers are individually and collectively responsible to the Lok Sabha.

The Prime Minister is the leader of the majority party in the Lok Sabha. He is not only the connecting link between the Parliament and the President but also head of the Council of Ministers. The Prime Minister is the leader of the Lok Sabha. He can demand resignation of a minister who does not cooperate with him. He reshuffles his Council of Ministers as and when he feels it necessary. When the Prime Minister resigns or dies, the entire Council of Ministers goes out of office.

The Prime Ministers of India



Pt. Jawahar Lal Nehru



Gulzari Lal Nanda (Acting)

The Prime Ministers of India



Lal Bahadur Shastri



Indira Gandhi



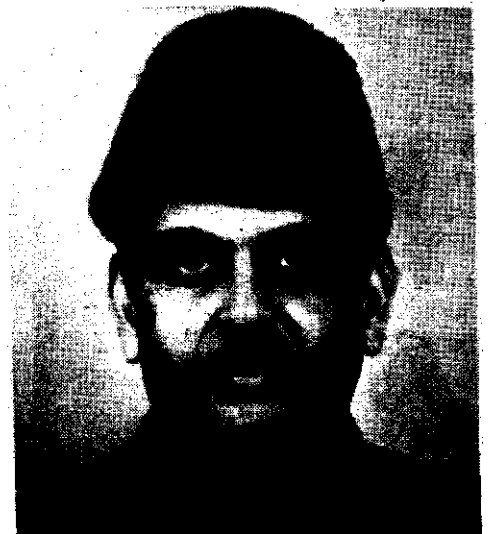
Morarji Desai



Chaudhary Charan Singh



Rajiv Gandhi



Vishwanath Prastap Singh

The Prime Minister of India



Chandra Shekhar



P.V. Narasimha Rao



H.D. Deva Gowda



I.K. Gujral



Atal Behari Vajpai



Dr. Manmohan Singh

Functions of the Prime Minister

1. The Prime Minister is the real head of the government. He controls the entire administration. His powers are real and vast. The Prime Minister forms his Council of Ministers. The President appoints ministers on the advice of the Prime Minister.
2. The Prime Minister distributes portfolios among the Ministers. He can make changes in the Council of Ministers to make it more effective. He can change portfolios of the Ministers and can bring new Ministers in the Council of Ministers.
3. He presides over the meetings of the Cabinet and conducts its proceedings. As head of the Cabinet, he influences the decisions taken by the Ministers.
4. The Prime Minister plays an important role in policy formulation. He lays down general policies of his government. He coordinates the work of all ministries.
5. In case the Lok Sabha adopts a vote of no-confidence against the Council of Ministers, the Prime Minister has to resign which amounts to the resignation of the ministry as a whole.
6. The Prime Minister acts as the link between the President and the Council of Ministers. Individual Ministers do not have direct formal contact with the President. Their recommendations are conveyed to the President by the Prime Minister. Thus the Prime Minister is the main advisor to the President. The President dissolves the Lok Sabha on his advice. The Prime Minister has the privilege of securing dissolution of the Lok Sabha. The Prime Minister ensures obedience of the members of his party by the threat of dissolution of the Lok Sabha.
7. All important appointments are made on the recommendation of the Prime Minister. Appointment of Governors, Ambassadors, Controller and Auditor General of India, Attorney General, Members of the Union Public Service Commission and Finance Commission are made by the President on the advice of the Prime Minister.
8. The Prime Minister plays an important role in the formulation of foreign policy. He participates in international conferences. He represents the country in international fora. Our Prime Minister addressed the U.N. General Assembly. They have taken keen interest in the Commonwealth and Non-aligned Conferences. The Prime Minister visits several countries to promote better relations and mutual understanding. International agreements and treaties are concluded with other countries with the consent of the Prime Minister.

The Prime Minister is the leader of the nation. His views are heard more carefully both within and outside the country. He occupies an important position in the country. His powers are vast. His position and powers depend upon his personality. The Prime Minister is head of the ruling party. The Parliament and the Government at the same time. With a stable Parliamentary support, he emerges a leader not only of the Parliament but also of the Nation. He is the Chief Advisor to the President and the real head of the Government.

INTEXT QUESTIONS 11.2

(A) 1. Who appoints the Prime Minister of India ?

2. Who enjoys the real executive powers in India ?

(B) Fill in the blanks :

- (a) The Prime Minister is appointed by the _____
(President, Vice-President, Chief Justice of India).
- (b) The Prime Minister must enjoy the confidence of the _____
(Rajya Sabha, Lok Sabha, Both Houses of Parliament)
- (c) The leader of the majority party is invited to form the government by the _____
(President, Vice-President, Speaker of Lok Sabha)
- (d) Dissolution of the Lok Sabha is recommended by the _____
(President, Vice-President, Prime Minister)
- (e) There are _____ levels of Ministers in the Union Council of Ministers. (Two, Three, Four)
- (f) The _____ Presides over the Cabinet meetings.
(President, Vice-President, Prime Minister)

11.5 THE CHIEF MINISTER

Chief Minister is the head of the government in the State. The Council of Ministers with the Chief Minister as its head exercises real authority at the State level. Each State has a Council of Ministers to aid and advise the Governor in the exercise of his functions. You have read in lesson No. 10 that the Governor has discretionary powers also. When the Governor sends a report to the President for proclamation of constitutional emergency in the State, he acts within his own discretion.

Chief Minister is appointed by the Governor. The person who commands the majority support in the State Legislative Assembly (Vidhan Sabha) is appointed as the Chief Minister by the Governor. The other Ministers are appointed by the Governor on the advice of the Chief Minister. The Ministers included in the Council of Ministers must belong to either House of the State Legislature. A person who is not a member of the State Legislature may be appointed a minister, but he ceases to hold office if he is not elected to the State Legislature within six months of his appointment. The portfolios are allocated by the Governor on the advice of the Chief Minister.

Functions of the Chief Minister

Chief Minister is the head of the State Council of Ministers. The constitutional position of the Chief Minister is more or less similar to that of the Prime Minister. The Chief Minister plays an important role in the administration of the State. We can discuss his functions as follows :

1. Chief Minister is the real head of the State government. Ministers are appointed by the Governor on the advice of the Chief Minister. The Governor allocates portfolios to the Ministers on the advice of the Chief Minister.
2. Chief Minister presides over the Cabinet meetings. He coordinates the functioning of different Ministries. He guides the functioning of the Cabinet.

3. Chief Minister plays a key role in framing the laws and policies of the State Government. Bills are introduced by the Ministers in the State Legislature with his approval. He is the Chief spokesman of the policies of his government both inside and outside the State Legislature.
4. The Constitution provides that the Chief Minister shall communicate to the Governor all decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation.
5. The Chief Minister shall furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for.
6. If the Governor so requires, the Chief Minister submits for 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 Cabinet.
7. The Chief Minister is the sole link of communication between the Cabinet and the Governor. The Governor has the right to be informed by the Chief Minister about the decisions taken by the Council of Ministers.

The above functions show that the real authority is vested with the Council of Ministers headed by the Chief Minister. The Council of Ministers is the real executive in the State. The position of the State Council of Ministers largely depends upon the strength of the ruling party in the State Assembly and the personality of the Chief Minister. The position of the Chief Minister is more strong when his party is in power at the Centre as well. As long as the Chief Minister and his Council of Ministers enjoy the confidence of majority in the Legislative Assembly, he exercises the real executive power in the State.

11.6 RELATION OF THE GOVERNOR WITH THE CHIEF MINISTER

The Governor is the constitutional head of the State. All executive actions in the State are taken in his name. The Governor appoints the Chief Minister and on the advice of the Chief Minister he appoints other Ministers. The Governor is responsible for the smooth running of the State administration. It is his duty to see that the State administration is carried on in accordance with the provisions of the Constitution. If he finds that the constitutional machinery of the State has broken down or the administration cannot be carried on in accordance with the provisions of the constitution, he may recommend the union government to proclaim emergency in the State. The Governor in his report can advise the President to impose President's rule in the State. If the President is satisfied, he will declare President's rule in the State. After proclamation, the State comes under the control of the Centre and the Governor acts as the Centre's agent. The Council of Ministers is dismissed and the Assembly (Vidhan Sabha) is dissolved or placed under animated suspension.

The Constitution provides that there shall be a Council of Ministers with the Chief Minister as its head to aid and advise the Governor in exercise of his functions, except when he is required by the Constitution to act on his discretion. When the Chief Minister enjoys the confidence of the majority in the State Legislature, then the Governor's capacity to exercise his discretionary powers is reduced. In such a situation the Chief Minister is the real head of the State administration and the Governor is the constitutional head. So we see that the Governor plays a dual role. He is the constitutional head of the State, acts on the advice of the Council of Ministers and serves as the agent of the Central Government. The relations between the Governor and the Chief Minister are influenced by the political and constitutional conditions in the State. In normal conditions, the Governor is the

constitutional head of the State but during the President's Rule he becomes the agent of the Centre and assumes control of the State administration.

INTEXT QUESTIONS 11.3

1. (a) Who appoints the Chief Minister ?

.....
.....

(b) Who selects the Ministers for appointment in the State ?

.....
.....

2. Fill in the blanks :

(a) The Governor appoints the Ministers on the advice of the _____
(Prime Minister, Chief Minister, Vice-President)

(b) The State Cabinet meetings are presided over by the _____
(Governor, Speaker, Chief Minister)

(c) The Council of Ministers is responsible to the _____
(Governor, Chief Minister, Legislative Assembly)

WHAT YOU HAVE LEARNT

India has a Parliamentary form of government. The Prime Minister is the real head of the government. The President is the Constitutional head of the State. The Prime Minister is appointed by the President. He enjoys the support of majority in the Lok Sabha.

The Council of Ministers headed by the Prime Minister aids and advises the President in the exercise of this functions. The Council of Ministers consists of Cabinet Ministers, Ministers of State and Deputy Ministers. The President appoints the Ministers on the advice of the Prime Minister. The Ministers are individually and collectively responsible to the Lok Sabha.

The Prime Minister is the Leader of the Nation. He is responsible for running the administration of the Country. He guides the Council of Ministers in laying down the policies of the government. He presides over the Cabinet meetings. He represents the nation at all national and international forum. The Prime Minister is the link between the President and the Council of Ministers. He supervises and coordinates the working of different Ministries. He remains in office as long as he enjoys the support of majority in the Lok Sabha.

The Chief Minister is the real head of government at the State level. The Governor appoints the Chief Minister. The person who commands the support of majority in the State Legislative Assembly is appointed as the Chief Minister by the Governor. Other Ministers are appointed by the Governor on the advice of the Chief Minister. The Chief Minister presides over the Cabinet meetings. He lays down the policies of the State government. He is the sole link between his Ministers and the Governor. He Coordinates the functioning of different ministries.

During normal times, the Governor exercises his powers on the advice of the Chief Minister but when there is breakdown of Constitutional machinery in the State, the Governor

exercises discretionary powers and is not bound by the advice of the Chief Minister and his Council of Ministers. He administers the state, during constitutional emergency, on behalf of the President.

TERMINAL EXERCISES

1. How is the Council of Ministers formed at the Centre ?
2. Describe the three categories of Ministers in the Council of Ministers.
3. Explain the procedure for the appointment of the Prime Minister.
4. What is the role of the Prime Minister ?
5. How is the Chief Minister appointed ?
6. Explain the position of the Chief Minister in the State.

ANSWERS

Intext Questions 11.1

- (1) Prime Minister
- (2) President
- (3) V.K. Krishna Menon

Intext Questions 11.2

- A. 1. President
2. Prime Minister and the Council of Ministers
- B. (a) President (b) Lok Sabha
- (c) President
- (d) Prime Minister (e) Three
- (f) Prime Minister

Intext Questions 11.3

1. (a) Governor
- (b) Chief Minister
2. (a) Chief Minister
- (b) Chief Minister
- (c) Legislative Assembly

HINTS TO TERMINAL EXERCISES

1. Refer to Section 11.3
2. Refer to Section 11.3
3. Refer to Section 11.4
4. Refer to Section 11.4
5. Refer to Section 11.5
6. Refer to Section 11.5