INDIAN ADMINISTRATIVE SYSTEM

Subject code : 18MPA12C

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The content is prepared according to the text book and reference book given in the syllabus.

Year	Subject Title	Sem.	Sub Code
2018 -19	Core 2:Indian Administrative System	I	18MPA12C
Onwards			

UNIT – I: EVOLUTION OF INDIAN ADMINISTRATION

Administration in Pre- colonial, Colonial and Post- colonial era- welfare state- Salient features of Indian Constitution- Fundamental Rights – Directive Principles of State Policy.

UNIT – II: UNION ADMINISTRATION

President- Prime Minister- Council of Ministers- Cabinet Secretariat- Cabinet Committees- Prime Minister's Office- Central Secretariat- Ministries and Departments.

UNIT – III: CONSTITUTIONAL AUTHORITIES

Finance Commission – Union Public Service Commission – Election Commission – National Commission for SCs & STs – Attorney General of India – Comptroller and Auditor General of India

UNIT – IV: STATE ADMINISTRATION

Governor – Chief Minister, – Cabinet – State Secretariat – Departments – Directorate – Collectorate-State Public Service Commission.

UNIT – V: ISSUES IN INDIAN ADMINISTRATION

Minister – Civil Servant Relation – Generalist Vs. Specialists – Union- State Relations(Administrative and Financial) – Planning Commission- National Development Council- Corruption- Administrative Reforms Impact of Information Technology on Indian Administration – Globalization and Indian Administration

Reference Books

ArunShourie,The Parliamentary System In India,Rupa,Newdelhi,2007.

J.C.Johari ,Indian Parliament: A Critical Study of Its Evolution, Composition And Working,Metropolitant Book, New Delhi,2006.

Shukla.V.N. Constitution Of India,Eastern Book Company,Lucknow,2013.

INDIAN ADMINISTRATIVE SYSTEM

Degree: I M.A.

Semester: I **Subject Code: 18MPA12C**

UNIT: II

UNION ADMINISTRATION

PRESIDENT:

The president of India, officially the President of the Republic of India, is the ceremonial head of state of India and the Commander-in-chief of the Indian Armed Forces. The president is indirectly elected by an electoral college comprising the Parliament of India (both houses) and the legislative assemblies of each of India's states and territories, who themselves are all directly elected. Although the Article 53 of the Constitution of India states that the president can exercise his powers directly or by subordinate authority, with few exceptions, all of the executive powers vested in the president are, in practice, exercised by the prime minister (a subordinate authority) with the help of the Council of Ministers. The president is bound by the constitution to act on the advice of the prime minister and cabinet as long as the advice is not violating the constitution. Article 58 of the constitution sets the principal qualifications one must meet to be eligible to the office of the president. A president must be: a citizen of India of 35 years of age or above qualified to become a member of the Lok Sabha.

A person shall not be eligible for election as president if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.

Certain office-holders, however, are permitted to stand as presidential candidates. These are:

The current vice-president
The governor of any state
A Minister of the Union or of any state (including prime minister and chief ministers)

The **president of India**, officially the **President of the Republic of India** is the ceremonial head of state of India and the Commander-in-chief of the Indian Armed Forces.

The president is indirectly elected by an electoral college comprising the Parliament of India (both houses) and the legislative assemblies of each of India's states and territories, who themselves are all directly elected. Although Article 53 of the Constitution of India states that the president can exercise his powers directly or by subordinate authority, with few exceptions, all of the executive powers vested in the president are, in practice, exercised by the prime minister (a subordinate authority) with the help of the Council of Ministers.[2] The president is bound by the constitution to act on the advice of the prime minister and cabinet as long as the advice is not violating the constitution.

India achieved independence from the British on 15 August 1947, initially as a dominion within the Commonwealth of Nations with George VI as king, represented in the country by a governor-general.[3] Still, following this, the Constituent Assembly of India, under the leadership of B.R.Ambedkar, undertook the process of drafting a completely new constitution for the country. The Constitution of India was eventually enacted on 26 November 1949 and came into force on 26 January 1950, making India a republic. The offices of monarch and governor-general were replaced by the new office of President of India, with Rajendra Prasad as its first incumbent.

The Indian constitution accords with the president, the responsibility and authority to defend and protect the Constitution of India and its rule of law. Invariably, any action taken by the executive or legislature entities of the constitution shall become law only after the president's assent. The president shall not accept any actions of the executive or legislature which are unconstitutional.

The president is the foremost, most empowered and prompt defender of the constitution (Article 60), who has pre-emptive power for ensuring constitutionality in the actions of the executive or legislature. The role of the judiciary in upholding the Constitution of India is the second line of defence in nullifying any unconstitutional actions of the executive and legislative entities of the Indian Union. Under the draft constitution the President occupies the same position as the King under the English Constitution. He is the head of the state but not of the Executive. He represents the Nation but does not rule the Nation. He is the symbol of the Nation. His place in the administration is that of a ceremonial device on a seal by which the nation's decisions are made known.

Limitations

Legislature – Any bill passed by parliament can either be signed, withheld or returned to parliament by the President of India. If President signs, it becomes a law. If President returns or withholds the bill till expiry and same bill is again introduced and passed in the parliament, it automatically becomes a law without President's signature.

Executive – Although the President is bound by the constitution to act on the advice of the Prime Minister, it is ultimately the President who gives final order. Hence, declining the PM's advice or withholding it for long without being able to constitutionally challenge this decision is beyond the power of the President. Similarly the PM can object to any decision taken alone by the President without consulting the cabinet.

Judiciary – Only the judiciary has the power to convert any death sentence (rarest) to life imprisonment.

Duty

The primary duty of the president is to preserve, protect and defend the constitution and the law of India as made part of his oath (Article 60 of Indian constitution). The president is the common head of all independent constitutional entities. All his actions, recommendations (Article 3, Article 111, Article 274, etc.) and supervisory

powers (Article 74(2), Article 78C, Article 108, Article 111, etc.) over the executive and legislative entities of India shall be used in accordance to uphold the constitution. There is no bar on the actions of the president to contest in the court of law.

Legislative powers

Legislative power is constitutionally vested in the Parliament of India of which the president is the head, to facilitate the lawmaking process per the constitution (Article 78, Article 86, etc.). The president summons both the houses (Lok Sabha and Rajya Sabha) of the parliament and prorogues them. He can dissolve the Lok Sabha.

The president inaugurates parliament by addressing it after the general elections and also at the beginning of the first session every year per Article 87(1). The presidential address on these occasions is generally meant to outline the new policies of the government.

All bills passed by the parliament can become laws only after receiving the assent of the president per Article 111. After a bill is presented to him, the president shall declare either that he assents to the Bill, or that he withholds his assent from it. As a third option, he can return a bill to parliament, if it is not a money bill, for reconsideration. President may be of the view that a particular bill passed under the legislative powers of parliament is violating the constitution, he can send back the bill with his recommendation to pass the bill under the constituent powers of parliament following the Article 368 procedure. When, after reconsideration, the bill is passed accordingly and presented to the president, with or without amendments, the president cannot withhold his assent from it. The president can also withhold his assent to a bill when it is initially presented to him (rather than return it to parliament) thereby exercising a pocket veto on the advice of prime minister or council of ministers per Article 74 if it is inconsistent to the constitution.[10] Article 143 gave power to the president to consult the supreme court about the constitutional validity of an issue. The president shall assent to constitutional amendment bills without power to withhold the bills per Article 368 (2).

When either of the two Houses of the Parliament of India is not in session, and if the

government feels the need for an immediate procedure, the president can promulgate ordinances which have the same force and effect as an act passed by parliament under its legislative powers. These are in the nature of interim or temporary legislation and their continuance is subject to parliamentary approval. Ordinances remain valid for no more than six weeks from the date the parliament is convened unless approved by it earlier. Under Article 123, the president as the upholder of the constitution shall be satisfied that immediate action is mandatory as advised by the union cabinet and he is confident that the government commands majority support in the parliament needed for the passing of the ordinance into an act and parliament can be summoned to deliberate on the passing of the ordinance as soon as possible. The promulgated ordinance is treated as an act of parliament when in force and it is the responsibility of the president to withdraw the ordinance as soon as the reasons for promulgation of the ordinance are no longer applicable. Bringing laws in the form of ordinances has become a routine matter by the government and president, but the provisions made in Article 123 are meant for mitigating unusual circumstances where immediate action is inevitable when the extant provisions of the law are inadequate. Re-promulgation of an ordinance after failing to get approval within the stipulated time of both houses of parliament is an unconstitutional act by the president. The president should not incorporate any matter in an ordinance which violates the constitution or requires an amendment to the constitution. The president should take moral responsibility when an ordinance elapses automatically or is not approved by the parliament or violates the constitution.

Executive powers

The President of the Indian Union will be generally bound by the advice of his Ministers. ... He can do nothing contrary to their advice nor can do anything without their advice. The President of the United States can dismiss any Secretary at any time. The President of the Indian Union has no power to do so long as his Ministers command a majority in Parliament As per Article 53, the executive power of the country is vested in the president and is exercised by president either directly or through officers subordinate to him in accordance with the constitution. When

parliament thinks fit it may accord additional executive powers to the president per Article 70 which may be further delegated by the president to the governors of states per Article 160. Union cabinet with prime minister as its head, should aid and advice the president in performing his functions. Per Article 74 (2), the council of ministers or prime minister are not accountable legally to the advice tendered to the president but it is the sole responsibility of the president to ensure compliance with the constitution in performing his duties. President or his subordinate officers is bound by the provisions of the constitution notwithstanding any advice by union cabinet.

As per Article 142, it is the duty of the president to enforce the decrees of the supreme court.

Judicial powers

The primary duty of the president is to preserve, protect and defend the constitution and the law of India per Article 60. The president appoints the Chief Justice of India and other judges on the advice of the chief justice. He dismisses the judges if and only if the two Houses of the parliament pass resolutions to that effect by a two-thirds majority of the members present.

The Indian government's chief legal adviser, Attorney General of India, is appointed by the president of India under Article 76(1) and holds office during the pleasure of the president. If the president considers a question of law or a matter of public importance has arisen, he can also ask for the advisory opinion of the supreme court per Article 143. Per Article 88, the president can ask the attorney general to attend the parliamentary proceedings and report to him any unlawful functioning if any.

Appointment powers

The president appoints as prime minister, the person most likely to command the support of the majority in the Lok Sabha (usually the leader of the majority party or coalition). the president then appoints the other members of the Council of Ministers, distributing portfolios to them on the advice of the prime minister. The Council of Ministers remains in power at the 'pleasure' of the president.

The president appoints 12 members of the Rajya Sabha from amongst persons who

have special knowledge or practical experience in respect of such matters as literature, science, art and social service. The president may nominate not more than two members of Anglo Indian community as Lok Sabha members per Article 331 Governors of states are also appointed by the president who shall work at the pleasure of the president. Per Article 156, the president is empowered to dismiss a governor who has violated the constitution in his acts.

The president is responsible for making a wide variety of appointments. These include:

The chief justice and other judges of the Supreme Court of India and state/union territory high courts.

The Chief Minister of the National Capital Territory of Delhi (Article 239 AA 5 of the constitution).

The Comptroller and Auditor General.

The Chief Election Commissioner and other Election Commissioners.

The chairman and other Members of the Union Public Service Commission.

The Attorney General.

Ambassadors and High Commissioners to other countries (only through the list of names given by the prime minister).

Officers of the All India Services (IAS, IPS and IFoS), and other Central Civil Services in Group 'A'.

Financial powers

A money bill can be introduced in the parliament only with the president's recommendation.

The president lays the Annual Financial Statement, the Union budget, before the parliament.

The president can take advances out of the Contingency Fund of India to meet unforeseen expenses.

The president constitutes a Finance commission after every five years to recommend the distribution of the taxes between the centre and the States

Diplomatic powers

All international treaties and agreements are negotiated and concluded on behalf of the president. However, in practice, such negotiations are usually carried out by the prime minister along with his Cabinet (especially the Foreign Minister). Also, such treaties are subject to the approval of the parliament. The president represents India in international forums and affairs where such a function is chiefly ceremonial. The president may also send and receive diplomats, i.e. the officers from the Indian Foreign Service. The president is the first citizen of the country.

Military powers

The president is the Supreme Commander of the Indian Armed Forces. The president can declare war or conclude peace, on the advice of the Union Council of Ministers headed by the prime minister. All important treaties and contracts are made in the president's name.

Pardoning powers

As mentioned in Article 72 of the Indian constitution, the president is empowered with the powers to grant pardons in the following situations:]

Punishment is for an offence against Union law.

Punishment is by a military court.

A sentence that is of death.

The decisions involving pardoning and other rights by the president are independent of the opinion of the prime minister or the Lok Sabha majority. In most cases, however, the president exercises his executive powers on the advice of the prime minister and the cabinet

Emergency powers

The president can declare three types of emergencies: national, state and financial, under articles 352, 356 & 360 in addition to promulgating ordinances under article

National emergency

A national emergency can be declared in the whole of India or a part of its territory for causes of war or armed rebellion or an external aggression. Such an emergency was declared in India in 1962 (Indo-China war), 1971 (Indo-Pakistan war), and 1975 to 1977 (declared by Indira Gandhi).

Under Article 352 of the India constitution, the president can declare such an emergency only on the basis of a written request by the cabinet of ministers headed by the prime minister. Such a proclamation must be approved by the parliament with an at least two-thirds majority within one month. Such an emergency can be imposed for six months. It can be extended by six months by repeated parliamentary approval-there is no maximum duration.

In such an emergency, Fundamental Rights of Indian citizens can be suspended. The six freedoms under Right to Freedom are automatically suspended. However, the Right to Life and Personal Liberty cannot be suspended (Article 21

The president can make laws on the 66 subjects of the State List (which contains subjects on which the state governments can make laws). Also, all money bills are referred to the president for approval.The term of the Lok Sabha can be extended by a period of up to one year, but not so as to extend the term of parliament beyond six months after the end of the declared emergency.

National Emergency has been proclaimed 3 times in India till date. It was declared first in 1962 by President Sarvepalli Radhakrishnan, during the Sino-Indian War. This emergency lasted through the Indo-Pakistani War of 1965 and up to 1968. It was revoked in 1968. The second emergency in India was proclaimed in 1971 by President V. V. Giri on the eve of the Indo-Pakistani War of 1971. The first two emergencies were in the face of external aggression and War. They were hence external emergencies. Even as the second emergency was in progress, another internal emergency was proclaimed by President Fakhruddin Ali Ahmed, with Indira Gandhi as prime minister in 1975. In 1977, the second and the third emergencies were together revoked.

State emergency

If the president is not fully satisfied, on the basis of the report of the governor of the concerned state or from other sources that the governance in a state cannot be carried out according to the provisions in the constitution, he can proclaim under Article 356 a state of emergency in the state.[6] Such an emergency must be approved by the parliament within a period of 2 months.

Under Article 356 of the Indian constitution, it can be imposed from six months to a maximum period of three years with repeated parliamentary approval every six months. If the emergency needs to be extended for more than three years, this can be achieved by a constitutional amendment, as has happened in Punjab and Jammu and Kashmir.

During such an emergency, the president can take over the entire work of the executive, and the governor administers the state in the name of the president. The Legislative Assembly can be dissolved or may remain in suspended animation. The parliament makes laws on the 66 subjects of the state list] (see National emergency for explanation).

A State Emergency can be imposed via the following:

By Article 356 – If that state failed to run constitutionally, i.e. constitutional machinery has failed. When a state emergency is imposed under this provision, the state is said to be under "President's rule.

By Article 365 – If that state is not working according to the direction of the Union government issued per the provisions of the constitution.[

This type of emergency needs the approval of the parliament within 2 months. It can last up to a maximum of three years via extensions after each 6-month period. However, after one year it can be extended only if

A state of National Emergency has been declared in the country or in the particular state.

The Election Commission finds it difficult to organise an election in that state.

The Sarkaria Commission held that presidents have unconstitutionally misused the provision of Article 356 many times for achieving political motives, by dismissing

the state governments although there was no constitutional break down in the states.[During 2005, President's rule was imposed in Bihar state, misusing Article 356 unconstitutionally to prevent the democratically elected state legislators to form a government after the state elections.

There is no provision in the constitution to re-promulgate president's rule in a state when the earlier promulgation ceased to operate for want of parliaments approval within two months duration. During 2014 in Andhra Pradesh, president's rule was first imposed on 1 March 2014 and it ceased to operate on 30 April 2014. President's rule was promulgated after being fully aware that the earliest parliament session is feasible at the end of May 2014 after the general elections. It was reimposed again unconstitutionally on 28 April 2014 by the president.

Financial emergency

Article 282 accords financial autonomy in spending the financial resources available with the states for public purpose. Article 293 gives liberty to states to borrow without any limit to its ability for its requirements within the territory of India without any consent from the Union government. However, Union government can insist for compliance of its loan terms when a state has outstanding loan charged to the consolidated fund of India or an outstanding loan in respect of which a guarantee has been given by the Government of India under the liability of consolidated fund of India.

Under article 360 of the constitution, the president can proclaim a financial emergency when the financial stability or credit of the nation or of any part of its territory is threatened. However, until now no guidelines defining the situation of financial emergency in the entire country or a state or a union territory or a panchayat or a municipality or a corporation have been framed either by the finance commission or by the central government.

Such an emergency must be approved by the parliament within two months by a simple majority. It has never been declared. A state of financial emergency remains in force indefinitely until revoked by the president.

The president can reduce the salaries of all government officials, including judges of the supreme court and high courts, in cases of a financial emergency. All money

bills passed by state legislatures are submitted to the president for approval. He can direct the state to observe certain principles (economy measures) relating to financial matters.

Eligibility

Article 58 of the constitution sets the principal qualifications one must meet to be eligible to the office of the president. A president must be:
a citizen of India
of 35 years of age or above
qualified to become a member of the Lok Sabha
A person shall not be eligible for election as president if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.
Certain office-holders, however, are permitted to stand as presidential candidates. These are:
The current vice-president
The governor of any state
A Minister of the Union or of any state (including prime minister and chief ministers)[18]:72
In the event that the vice-president, a state governor or a minister is elected president, they are considered to have vacated their previous office on the date they begin serving as president.
A member of parliament or of a State Legislature can seek election to the office of the president but if he is elected as president, he shall be deemed to have vacated his seat in parliament or State Legislature on the date on which he enters upon his office as President **[Article 59(1)]**.
Article 57 provides that a person who holds, or who has held, office as president shall, subject to the other provisions of this constitution, be eligible for re-election to that office.
Under the Presidential and Vice-Presidential Elections Act, 1952,[40] a candidate to

be nominated for the office of president needs 50 electors as proposers and 50 electors as seconders for his name to appear on the ballot.[41]

Article 56(1) of the constitution provides that the president shall hold office for a term of five years from the date on which he enters upon his office. According to Article 62, an election to fill a vacancy caused by the expiration of the term of office of President shall be completed before the expiration of the term. An election to fill a vacancy in the office of President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than six months from, the date of occurrence of the vacancy; and the person elected to fill the vacancy shall, subject to the provisions of Article 56, be entitled to hold office for the full term of five years from the date on which he enters upon his office. To meet the contingency of an election to the office of President not being completed in time due to unforeseen circumstances like countermanding of election due to death of a candidate or on account of postponement of the poll for any valid reason, Article 56(1)(c) provides that the president shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

Conditions for the presidency

Certain conditions, per Article 59 of the Indian constitution, debar an otherwise eligible citizen from contesting the presidential elections. The conditions are:

The president shall not be a member of either house of the parliament or of a house of the legislature of any state, and if a member of either house of the parliament or of a house of the legislature of any state be elected president, he shall be deemed to have vacated his seat in that house on the date on which he enters upon his office as president.

The president shall not hold any other office of profit.

The president shall be entitled without payment of rent to the use of his official residences and shall be also entitled to such emoluments, allowances and privileges as may be determined by parliament by law and until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second

Schedule.
The emoluments and allowances of the president shall not be diminished during his term of office

Election process

Whenever the office becomes vacant, the new president is chosen by an electoral college consisting of the elected members of both houses of parliament (M.P.s), the elected members of the State Legislative Assemblies (Vidhan Sabha) of all States and the elected members of the legislative assemblies (MLAs) of union territories with legislatures, i.e., National Capital Territory (NCT) of Delhi, Jammu and Kashmir, and Puducherry. The election process of President is more extensive process than prime minister who is also elected indirectly (not elected by people directly) by the Lok Sabha members only. Whereas President being the constitutional head with duties to protect, defend and preserve the constitution and rule of law in a constitutional democracy with constitutional supremacy, is elected in an extensive manner by the members of Lok Sabha, Rajya Sabha and state legislative assemblies in a secret ballot procedure.
The nomination of a candidate for election to the office of the president must be subscribed by at least 50 electors as proposers and 50 electors as seconders. Each candidate has to make a security deposit of ₹15,000 (US$210) in the Reserve Bank of India.[42] The security deposit is liable to be forfeited in case the candidate fails to secure one-sixth of the votes polled.
The election is held in accordance with the system of proportional representation (PR) by means of the single transferable vote (STV) method. The voting takes place by a secret ballot system. The manner of election of President is provided by Article 55 of the constitution.[43]
Each elector casts a different number of votes. The general principle is that the total number of votes cast by Members of parliament equals the total number of votes cast by State Legislators. Also, legislators from larger states cast more votes than those from smaller states. Finally, the number of legislators in state matters; if a

state has few legislators, then each legislator has more votes; if a state has many legislators, then each legislator has fewer votes.

The actual calculation for votes cast by a particular state is calculated by dividing the state's population by 1000, which is divided again by the number of legislators from the State voting in the electoral college. This number is the number of votes per legislator in a given state. Every elected member of the parliament enjoys the same number of votes, which may be obtained by dividing the total number of votes assigned to the members of legislative assemblies by the total number of elected representatives of the parliament.

Although Indian presidential elections involve actual voting by MPs and MLAs, they tend to vote for the candidate supported by their respective parties.

Oath or affirmation

The president is required to make and subscribe in the presence of the Chief Justice of India—or in his absence, the senior-most judge of the supreme court—an oath or affirmation that he/she shall protect, preserve and defend the constitution as follows:

I, (name), do swear in the name of God (or solemnly affirm) that I will faithfully execute the office of President (or discharge the functions of the President) of the Republic of India, and will to the best of my ability preserve, protect and defend the Constitution and the law, and that I will devote myself to the service and well-being of the people of the Republic of India.

— Article 60, Constitution of India

Impeachment

The president may also be removed before the expiry of the term through impeachment for violating the Constitution of India by the Parliament of India. The process may start in either of the two houses of the parliament.

Supreme court shall inquire and decide regarding all doubts and disputes arising out of or in connection with the election of a president per Article 71(1) of the constitution. supreme court can remove the president for the electoral malpractices or upon being not eligible to be Lok Sabha member under the Representation of the People Act, 1951.[52] Subject to Article 71 (3), parliament made applicable rules/procedure to petition the supreme court for resolving the disputes only that arise during the election process of the president but not the doubts that arise from his unconstitutional actions/deeds or changing Indian citizenship during the tenure of president which may violate the requisite election qualifications.[53]

The president may also be removed before the expiry of the term through impeachment for violating the Constitution of India by the Parliament of India. The process may start in either of the two houses of the parliament. The house initiates the process by levelling the charges against the president. The charges are contained in a notice that has to be signed by at least one-quarter of the total members of that house. The notice is sent up to the president and 14 days later, it is taken up for consideration.

A resolution to impeach the president has to be passed by a two-thirds majority of the total number of members of the originating house. It is then sent to the other house. The other house investigates the charges that have been made. During this process, the president has the right to defend oneself through an authorised counsel. If the second house also approves the charges made by special majority again, the president stands impeached and is deemed to have vacated their office from the date when such a resolution stands passed. No president has faced impeachment proceedings so the above provisions have never been used.[54]

Under Article 361 of the constitution, though the president cannot be summoned for questioning except on his voluntary willingness to testify in the court in support of his controversial deeds, the unconstitutional decisions taken by the president would be declared invalid by the courts. The case would be decided by the courts based on the facts furnished by the Union government for the president's role. As clarified by the supreme court in the case Rameshwar Prasad & Ors vs Union of Anr India & on 24 January 2006; though the president cannot be prosecuted and imprisoned during

his term of office, he can be prosecuted after he/she steps down from the post for any guilt committed during the term of presidency as declared earlier by the courts.[55] No president has resigned on impropriety to continue in office for declaring and nullifying his unconstitutional decisions by the courts till now. No criminal case at least on the grounds of disrespecting constitution is lodged till now against former presidents to punish them for their unconstitutional acts; though many decisions taken during the term of a president have been declared by the supreme court as unconstitutional, mala fides, void, ultra vires, etc.[56]

On the expiry of their term.

By reason of death.

By reason of resignation.

Removal by supreme court.

Removal by impeachment.

Article 65 of the Indian constitution says that the Vice-President of India will have to discharge the duties, if the office falls vacant due to any reason other than the expiry of the term.[28]:20.10 The vice-president reverts to their office when a new president is elected and enters office. When the president is unable to act because of absence, illness or any other cause, the vice-president discharges the president's functions until the president resumes the duties.

A vice-president who acts as or discharges the functions of the president has all the powers and immunities of the president and is entitled to the same emoluments as the president. When a vice-president discharges the duties of the president, he/she does not function as the Chairperson of the Rajya Sabha.

The Indian parliament has enacted the law—The President (Discharge of Functions) Act, 1969] for the discharge of the functions of the president when vacancies occur in the offices of the president and of the vice-president simultaneously, owing to removal, death, resignation of the incumbent or otherwise. In such an eventuality, the chief justice—or in his absence, the senior most judge of the Supreme Court of India available—discharges the functions of the president until a newly elected president enters upon his office or a newly elected vice-president begins to act as

president under Article 65 of the constitution, whichever is the earlier.[20]:96 For example, in 1969, when President Zakir Husain died in Office, Vice-President V. V. Giri served as the acting president of India. However, later, V.V Giri resigned from both posts (Acting President of India and Vice-President of India) as he became a candidate in the 1969 presidential election in India. In this event, the then Chief Justice of India, Justice Mohammad Hidayatullah served as the acting president of India until the next president was elected.

PRIME MINISTER:

A prime minister is the head of the cabinet and the leader of the ministers in the executive branch of government, often in a parliamentary or semipresidential system. Under those systems, a prime minister is not the head of state of their respective state nor a monarch; rather the prime minister is the head of government, serving typically under a monarch in a hybrid of aristocratic and democratic government forms or a president in a republican form of government. In parliamentary systems fashioned after the Westminster system, the prime minister is the presiding and actual head of government and head of the executive branch. In such systems, the head of state or their official representative (e.g., monarch, president, governor-general) usually holds a largely ceremonial position, although often with reserve powers.

In many systems, the prime minister selects and may dismiss other members of the cabinet, and allocates posts to members within the government. In most systems, the prime minister is the presiding member and chairman of the cabinet. In a minority of systems, notably in semi- presidential systems of government, a prime minister is the official who is appointed to manage the civil service and execute the directives of the head of state.

The **prime minister of India** (IAST: Bhārat ke Pradhānamantrī) is the leader of the executive branch of the Government of India. The prime minister is the chief adviser to the president of India and the head of the Union Council of Ministers. They can be a member of any of the two houses of the Parliament of India—the Lok

Sabha (House of the People) and the Rajya Sabha (Council of the States); but has to be a member of the political party or coalition, having a majority in the Lok Sabha. The prime minister is the senior-most member of cabinet in the executive of government in a parliamentary system. The prime minister selects and can dismiss members of the cabinet; allocates posts to members within the government; and is the presiding member and chairperson of the cabinet.

The Union Cabinet headed by the prime minister is appointed by the President of India to assist the latter in the administration of the affairs of the executive. Union cabinet is collectively responsible to the Lok Sabha as per Article 75(3) of the Constitution of India. The prime minister has to enjoy the confidence of a majority in the Lok Sabha and shall resign if they are unable to prove majority when instructed by the president.

India follows a parliamentary system in which the prime minister is the presiding head of the government and chief of the executive of the government. In such systems, the head of state, or, the head of state's official representative (i.e., the monarch, president, or governor-general) usually holds a purely ceremonial position and acts—on most matters—only on the advice of the prime minister.

The prime minister—if they are not already—shall become a member of parliament within six months of beginning his/her tenure. A prime minister is expected to work with other central ministers to ensure the passage of bills by the parliament.

1947–1984

Since 1947, there have been 14 different prime ministers.[a] The first few decades after 1947 saw the Indian National Congress' (INC) almost complete domination over the political map of India. India's first prime minister—Jawaharlal Nehru—took oath on 15 August 1947. Nehru went on to serve as prime minister for 17 consecutive years, winning four general elections in the process. His tenure ended in May 1964, on his death.[2][3] After the death of Nehru, Lal Bahadur Shastri—a former home minister and a leader of the Congress party—ascended to the position of Prime Minister. Shastri's tenure saw the Indo-Pakistani War of 1965. Shashtri subsequently died of a reported heart attack in Tashkent, after signing the Tashkent

Declaration.

After Shastri, Indira Gandhi—Nehru's daughter—was elected as the country's first woman prime minister. Indira's first term in office lasted 11 years, in which she took steps such as nationalisation of banks; end of allowances and political posts, which were received by members of the royal families of the erstwhile princely states of British India. In addition, events such as the Indo-Pakistani War of 1971; the establishment of a sovereign Bangladesh; accession of Sikkim to India, through a referendum in 1975; and India's first nuclear test in Pokhran occurred during Indira's first term. In 1975, President Fakhruddin Ali Ahmed—on Indira's advice—imposed a state of emergency, therefore, bestowing the government with the power to rule by decree, the period is known for human right violations. After widespread protests, the emergency was lifted in 1977, and a general election was to be held. All of the political parties of the opposition—after the conclusion of the emergency—fought together against the Congress, under the umbrella of the Janata Party, in the general election of 1977, and were successful in defeating the Congress. Subsequently, Morarji Desai—a former deputy prime minister—became the first non-Congress prime minister of the country. The government of Prime Minister Desai was composed of groups with opposite ideologies, in which unity and co-ordination were difficult to maintain. Ultimately, after two and a half years as PM; on 28 July 1979, Morarji tendered his resignation to the president; and his government fell. Thereafter, Charan Singh—a deputy prime minister in Desai's cabinet—with outside, conditional support from Congress, proved a majority in Lok Sabha and took oath as prime minister. However, Congress pulled its support shortly after, and Singh had to resign; he had a tenure of 5 months, the shortest in the history of the office.

In 1980, after a three-year absence, the Congress returned to power with an absolu te majority. Indira Gandhi was elected prime minister a second time. During her second tenure, Operation Blue Star an Indian Army operation inside the Golden Temple, the most sacred site in Sikhism was conducted, resulting in reportedly thousands of deaths. Subsequently, on 31 October 1984, Gandhi was shot dead by Satwant Singh and Beant Singh two of her bodyguards in the garden of her

residence at 1, Safdarjung Road, New Delhi. 1984–1999

After Indira, Rajiv her eldest son and 40 years old at the time—was sworn in on the evening of 31 October 1984, becoming the youngest person ever to hold the office of prime minister. Rajiv immediately called for a general election. In the subsequent general election, the Congress secured an absolute majority, winning 401 of 552 seats in the Lok Sabha, the maximum number received by any party in the history of India. Vishwanath Pratap Singh—first finance minister and then later defence minister in Gandhi's cabinet—uncovered irregularities, in what became known as the Bofors scandal, during his stint at the Ministry of Defence; Singh was subsequently expelled from Congress and formed the Janata Dal and—with the help of several anti-Congress parties—also formed the National Front, a coalition of many political parties

In the general election of 1989, the National Front—with outside support from the Bharatiya Janata Party (BJP) and the Left Front—came to power.[] V. P. Singh was elected prime minister.[20] During a tenure of less than a year, Singh and his government accepted the Mandal Commission's recommendations.] Singh's tenure came to an end after he ordered the arrest of BJP member Lal Krishna Advani,[as a result, BJP withdrew its outside support to the government, V. P. Singh lost the subsequent vote-of-no-confidence 146–320 and had to resign.[23] After V. P. Singh's resignation, Chandra Shekhar along with 64 members of parliament (MPs) floated the Samajwadi Janata Party (Rashtriya),[24] and proved a majority in the Lok Sabha with support from Congress.[25] But Shekhar's premiership did not last long, Congress proceeded to withdraw its support; Shekhar's government fell as a result, and new elections were announced.[]
In the general election of 1991, Congress—under the leadership of P. V. Narasimha Rao—formed a minority government; Rao became the first PM of South Indian origin.[27] After the dissolution of the Soviet Union, India was on the brink of bankruptcy, so, Rao took steps to liberalise the economy, and appointed Manmohan Singh—an economist and a former governor of the Reserve Bank of India—as finance minister.] Rao and Singh then took various steps to liberalise the economy,[27] these resulted in an unprecedented economic growth in

India His premiership, however, was also a witness to the demolition of the Babri Masjid, which resulted in the death of about 2,000 people.[29] Rao, however, did complete five continuous years in office, becoming the first prime minister outside of the Nehru—Gandhi family to do

After the end of Rao's tenure in May 1996, the nation saw four prime ministers in a span of three years, viz., two tenures of Atal Bihari Vajpayee; one tenure of H. D. Deve Gowda from 1 June 1996 to 21 April 1997; and one tenure of I. K. Gujral from 21 April 1997 to 19 March 1998. The government of Prime Minister Vajpayee—elected in 1998—took some concrete steps. In May 1998—after a month in power—the government announced the conduct of five underground nuclear explosions in Pokhran.] In response to these tests, many western countries, including the United States, imposed economic sanctions on India, but, due to the support received from Russia, France, the Gulf countries and some other nations, the sanctions—were largely—not considered successful. A few months later in response to the Indian nuclear tests, Pakistan also conducted nuclear tests.[34] Given the deteriorating situation between the two countries, the governments tried to improve bilateral relations. In February 1999, the India and Pakistan signed the Lahore Declaration, in which the two countries announced their intention to annul mutual enmity, increase trade and use their nuclear capabilities for peaceful purposes. In May 1999, All India Anna Dravida Munnetra Kazhagam withdrew from the ruling National Democratic Alliance (NDA) coalition; Vajpayee's government, hence, became a caretaker one after losing a motion-of-no-confidence 269–270, this coincided with the Kargil War with Pakistan. In the subsequent October 1999 general election, the BJP-led NDA and its affiliated parties secured a comfortable majority in the Lok Sabha, winning 299 of 543 seats in the lower house.

2000–present

Prime Minister Narendra Modi (left) meets his predecessor, Manmohan Singh (right), c. 2014.

Vajpayee continued the process of economic liberalisation during his reign, resulting in economic growth.] In addition to the development of infrastructure and basic facilities, the government took several steps to improve the infrastructure of the country, such as, the National Highways Development Project (NHDP) and the Pradhan Mantri Gram Sadak Yojana (PMGSY; IAST: Pradhānamaṃtrī Grāma Saḍa◌ ̣ka Yojanā; lit. Prime Minister Rural Road Scheme) for the development of roads. But during his reign, the 2002 Gujarat communal riots in the state of Gujarat took place; resulting in about 2,000 deaths.[41] Vajpayee's tenure as prime minister came to an end in May 2004, making him the first non-Congress PM to complete a full five-year tenure.

Prime Minister Manmohan Singh at The London Summit 2009.

In the 2004 election, the Congress emerged as the largest party in a hung parliament; Congress-led United Progressive Alliance (UPA)—with outside support from the Left Front, the Samajwadi Party (SP) and Bahujan Samaj Party (BSP) among others—proved a majority in the Lok Sabha,] and Manmohan Singh was elected prime minister; becoming the first Sikh prime minister of the nation. During his tenure, the country retained the economic momentum gained during Prime Minister Vajpayee's tenure.[Apart from this, the government succeeded in getting the National Rural Employment Guarantee Act, 2005, and the Right to Information Act, 2005 passed in the parliament. Further, the government strengthened India's relations with nations like Afghanistan; Russia the Gulf states; and the United States, culminating with the ratification of India–United States Civil Nuclear Agreement near the end of Singh's first term. At the same time, the November 2008 Mumbai terrorist attacks also happened during Singh's first term in office.

the general election of 2009, the mandate of UPA increased Prime Minister Singh's second term, however, was surrounded by accusations of high-level scandals and corruption. Singh Prime Minister Narendra Modi addressing the 69th United Nations General Assembly, c. 2014.

In the general election of 2014, the BJP-led NDA got an absolute majority, winning 336 out of 543 Lok Sabha seats; the BJP itself became the first party since 1984 to get a majority in the Lok Sabha. Narendra Modi—the Chief Minister of Gujarat—was elected prime minister, becoming the first prime minister to have been born in an independent India. Narendra Modi was re-elected as prime minister in 2019 with a bigger mandate than that of 2014. The BJP-led NDA winning 354 seats out of which BJP secured 303 seats.

Constitutional framework and position of prime minister

The Constitution envisions a scheme of affairs in which the president of India is the head of state; in terms of Article 53 with office of the prime minister being the head of Council of Ministers to assist and advise the president in the discharge of his/her constitutional functions. To quote, Article 53, 74 and 75 provide as under;

The executive powers of the Union shall be vested in the president and shall be exercised either directly or through subordinate officers, in accordance with the Constitution.

Article 53(1), Constitution of India

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.

Article 74(1), Constitution of India

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.

Article 75(1), Constitution of India

Like most parliamentary democracies, the president's duties are mostly ceremonial as long as the constitution and the rule of law is obeyed by the cabinet and the legislature. The prime minister of India is the head of government and has the responsibility for executive power. The president's constitutional duty is to preserve, protect and defend the Constitution and the law per article 60. In the constitution of India, the prime minister is mentioned in only four of its articles (articles 74, 75, 78 and 366), however he/she plays a crucial role in the government

of India by enjoying majority in the Lok Sabha.

According to Article 84 of the Constitution of India, which sets the principle qualification for member of Parliament, and Article 75 of the Constitution of India, which sets the qualifications for the minister in the Union Council of Ministers, and the argument that the position of prime minister has been described as primus inter pares (the first among equals),[63] A prime minister must:

be a citizen of India.

be a member of the Lok Sabha or the Rajya Sabha. If the person chosen as the prime minister is neither a member of the Lok Sabha nor the Rajya Sabha at the time of selection, they must become a member of either of the houses within six months.

be above 25 years of age if they are a member of the Lok Sabha, or, above 30 years of age if they are a member of the Rajya Sabha.

not hold any office of profit under the government of India or the government of any state or under any local or other authority subject to the control of any of the said governments.

If however a candidate is elected as the prime minister they must vacate their post from any private or government company and may take up the post only on completion of their term.

Oaths of office and secrecy

The prime minister is required to make and subscribe in the presence of the President of India before entering office, the oath of office and secrecy, as per the Third Schedule of the Constitution of India.

Oath of office:

do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as Prime Minister for the Union and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will.

Constitution of India, Third Schedule, Part I

do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Prime Minister for the Union except as may be required for the due discharge of my duties as such Minister.

Tenure and removal from office

The prime minister serves on 'the pleasure of the president', hence, a prime minister may remain in office indefinitely, so long as the president has confidence in him/her. However, a prime minister must have the confidence of Lok Sabha, the lower house of the Parliament of India.

However, the term of a prime minister can end before the end of a Lok Sabha's term, if a simple majority of its members no longer have confidence in him/her, this is called a vote-of-no-confidence. Three prime ministers, I. K. Gujral, H. D. Deve Gowda and Atal Bihari Vajpayee have been voted out from office this way. In addition, a prime minister can also resign from office; Morarji Desai was the first prime minister to resign while in office.

Upon ceasing to possess the requisite qualifications to be a member of Parliament subject to the Representation of the People Act, 1951.

Executive powers

The prime minister leads the functioning and exercise of authority of the government of India. The president of India—subject to eligibility—invites a person who is commanding support of majority members of Lok Sabha to form the government of India—also known as the central government or Union government—at the national level and exercise its powers.[66] In practice the prime minister nominates the members of their council of ministers to the president.[67][68][69] They also work upon to decide a core group of ministers (known

as the cabinet), as in charge of the important functions and ministries of the government of India.

The prime minister is responsible for aiding and advising the president in distribution of work of the government to various ministries and offices and in terms of the Government of India (Allocation of Business) Rules, 1961.[70] The co-ordinating work is generally allocated to the Cabinet Secretariat.[71] While the work of the government is generally divided into various Ministries, the prime minister may retain certain portfolios if they are not allocated to any member of the cabinet. The prime minister—in consultation with the cabinet—schedules and attends the sessions of the houses of parliament and is required to answer the question from the Members of Parliament to them as the in-charge of the portfolios in the capacity as prime minister of India.

Some specific ministries/department are not allocated to anyone in the cabinet but the prime minister themself. The prime minister is usually always in charge/head of:

Ministry of Personnel, Public Grievances and Pensions (as Minister of Personnel, Public Grievances and Pensions)

Cabinet Secretariat

Appointments Committee of the Cabinet

Cabinet Committee on Security

Cabinet Committee on Economic Affairs

NITI Aayog

Department of Atomic Energy

Department of Space

Nuclear Command Authority

The prime minister represents the country in various delegations, high level meetings and international organisations that require the attendance of the highest government office, and also addresses to the nation on various issues of national or other importance.

Per Article 78 of the constitution, the official communication between the union cabinet and the president are through the prime minister. Other wise constitution recognises the prime minister as a member of the union cabinet only outside the

sphere of union cabinet.

Administrative and appointment powers

The prime minister recommends to the president—among others—names for the appointment of:

Chief Election Commissioner of India (CEC) and other Election Commissioners of India (ECs)

Comptroller and Auditor General of India (C&AG)

Chairperson and members of the Union Public Service Commission (UPSC)

Chief Information Commissioner of India (CIC) and Information Commissioners of India

Chairperson and members of the finance commission (FC)

Attorney General of India (AG) and Solicitor General of India (SG)

As the chairperson of Appointments Committee of the Cabinet (ACC), the prime minister—on the non-binding advice of the Cabinet Secretary of India led-Senior Selection Board (SSB)—decides the postings of top civil servants, such as, secretaries, additional secretaries and joint secretaries in the government of India. Further, in the same capacity, the PM decides the assignments of top military personnel such as the Chief of the Army Staff, Chief of the Air Staff, Chief of the Naval Staff and commanders of operational and training commands In addition, the ACC also decides the posting of Indian Police Service officers—the All India Service for policing, which staffs most of the higher level law enforcement positions at federal and state level—in the government of India.

Also, as the Minister of Personnel, Public Grievances and Pensions, the PM also exercises control over the Indian Administrative Service (IAS),[1] the country's premier civil service, which staffs most of the senior civil service positions; the Public Enterprises Selection Board (PESB); and the Central Bureau of Investigation (CBI), except for the selection of its director, who is chosen by a committee of: (a) the prime minister, as chairperson; (b) the leader of the opposition in Lok Sabha; and (c) the chief justice.

Unlike most other countries, the prime minister does not have much influence over the selection of judges, that is done by a collegium of judges consisting of the Chief

Justice of India, four senior most judges of the Supreme Court of India and the chief justice—or the senior-most judge—of the concerned The executive as a whole, however, has the right to send back a recommended name to the collegium for reconsiderationthis, however, is not a full Veto power, and the collegium can still put forward rejected name.

Legislative powers

The prime minister acts as the leader of the house of the chamber of parliament—generally the Lok Sabha—he/she belongs to. In this role, the prime minister is tasked with representing the executive in the legislature, he/she is also expected to announce important legislation, and is further expected to respond to the opposition's concerns.] Article 85 of the Indian constitution confers the president with the power to convene and end extraordinary sessions of the parliament, this power, however, is exercised only on the advise of the prime minister and his/her council, so, in practice, the prime minister does exercise some control over affairs of the parliament.

Article 75 of the Constitution of India confers the parliament with the power to decide the remuneration and other benefits of the prime minister and other ministers are to be decided by the Parliament.[91] and is renewed from time to time. The original remuneration for the prime minister and other ministers were specified in the Part B of the second schedule of the constitution, which was later removed by an amendment.

In 2010, the prime minister's office reported that he/she does not receive a formal salary, but was only entitled to monthly allowances. That same year The Economist reported that, on a purchasing power parity basis, the prime minister received an equivalent of $4106 per year. As a percentage of the country's per-capita GDP (gross domestic product), this is the lowest of all countries The Economist surveyed

Residence

The first residence of the Indian prime minister was Teen Murti Bhavan. His successor Lal Bahadur Shastri chose 10, Janpath as an official residence. Indira Gandhi resided at 1, Safdarjung Road. Rajiv Gandhi became the first prime minister to use 7, Race Course Road as his residence, which was used by his successors.

Travel

For ground travel, the prime minister uses a highly modified, armoured version of a Range Rover.[95] The prime minister's motorcade comprises a fleet of vehicles, the core of which consists of at least three armoured BMW 7 Series sedans, two armoured Range Rovers, at least 8-10 BMW X5s, six Toyota Fortuners/Land Cruisers and at least two Mercedes-Benz Sprinter ambulances.

For air travel, Boeing 777-300ERs—designated by the call sign Air India One (AI-1 or AIC001), and maintained by the Indian Air Force—are used.[96][97] Apart from aircraft, there are several helicopters used such as Mi-8 for carrying the prime minister for travelling a short distance. These aircraft and helicopters are operated by the Indian Air Force.

Protection

The prime minister's Office (PMO) acts as the principal workplace of the prime minister. The office is located at South Block, and is a 20-room complex, and has the Cabinet Secretariat, the Ministry of Defence and the Ministry of External Affairs adjacent to it. The office is headed by the Principal Secretary to the Prime Minister of India, generally a former civil servant, mostly from the Indian Administrative Service (IAS) and rarely from the Indian Foreign Service (IFS). sometimes accompany him/her on foreign visits. The prime minister's family is also assigned protection by the Special Protection Group.

Former prime ministers are entitled to a bungalow, former prime ministers are also entitled the same facilities as those given to a serving cabinet minister,[100] this includes a fourteen-member secretarial staff, for a period of five years; reimbursement of office expenses; six domestic executive-class air tickets each year; and security cover from the Special Protection Group.

In addition, former prime ministers rank seventh on the Indian order of precedence, equivalent to chief ministers of states (within their respective states) and cabinet minister As a former member of the parliament, the prime minister also receives pension after they leave office. In 2015, a former MP receives a minimum pension of ₹20,000 (US$280) per month, plus—if he/she served as an MP for more than five years—₹1,500 (US$21) for every year served.
Some prime ministers have had significant careers after their tenure, including H. D. Deve Gowda, who remained a Member of the Lok Sabha until 2019,
and Manmohan Singh continues to be a Member of the Rajya Sabha.

COUNCIL OF MINISTERS:

The Union Council of Ministers exercises executive authority in the Republic of India. It consists of senior ministers, called 'cabinet ministers', junior ministers, called 'ministers of state' and, rarely, deputy ministers. The council is led by the Prime Minister of India. A smaller executive body called the Union Cabinet is the supreme decision-making body in India. Only the prime minister and ministers of the rank of cabinet minister are members of the Union Cabinet in accordance with Article 75. Pursuant to Article 75(3), the Council of Ministers is responsible collectively to the lower house of the Indian parliament, called the Lok Sabha (House of the People). When a bill introduced by a minister in the Lok Sabha is not approved by it, the entire council of ministers is responsible and not the minister. The council of ministers upon losing the confidence of Lok Sabha shall resign to facilitate the new government formation. A minister shall not take any decision without being considered by the council of ministers per Article 78(c). All union cabinet members shall submit in writing to the President to propose a proclamation of emergency by the president in accordance with Article 352.

The Council of Ministers is given to the supreme executive organ in some governments. The term is usually equivalent to the word "cabinet". (Council of State is a similar term that also may refer to a Cabinet.) Councils of Ministers are

usually composed of those ministers who are responsible for a ministry, and are usually led by a President of the Council of Ministers, a term that is usually translated as Prime Minister or Premier.

1. As per provisions in the Constitution, there must be a Council of Ministers with the Prime Minister as the head to aid and advice the President who shall in the exercise of his functions, act in accordance with such advice.
2. The Prime Minister is appointed by the President and other Ministers are also appointed by the President on the advice of the Prime Minister. The Minister hold office during the pleasure of the President.
3. The Council of Ministers is formed as soon as the Prime Minister is sworn in.
4. A Minister who for any period of six consecutive months is not a member of either house of Parliament shall at the expiration of the period cease to be a Minister.
5. Although the Constitution provides that the President appoints the Prime Minister, his choice is limited. A person cannot be a Prime Minister who does not command majority in the House of the People (Lok Sabha). Thus, the President has to appoint a person as Prime Minister who commands majority in the House of the People.
6. The Council of Ministers is collectively responsible to the House of the People (Lok Sabha).
7. A member of the Rajya Sabha can also be appointed the Prime Minister.
8. At Present there are three types of Minister- (i) Cabinet Minister (ii) Minister of State, and (iii) Deputy Minister.**[Article 76]**

POERS AND FUNCTIONS

1. The main function of the Council of the Ministers is to aid and advice the President.
2. The Council of Ministers determines the legislative programme of the Union and uses its initiative in the introduction and passage of Government legislation.

3. The Council of Ministers prepares the budget of the Union Government and moves demand for grants.
4. The foreign policy of India is formulated by the Council of Ministers and the emergency powers of the President are mostly exercised by the Ministers.

DUTIES

this is the duty of the Prime Minister -
1. 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.
2. 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
3. if the President so require, 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 of Ministers.**[Article 78]**

CABINET SECRETARIAT:

The Cabinet Secretariat is responsible for the administration of the Government of India. It functions from the Secretariat Building, New Delhi, where most of the Cabinet of India sits. It comprises a set of two buildings on opposite sides of Rajpath which are home to some of the most important ministries of the Government of India, situated on Raisina Hill, New Delhi, India. The Cabinet Secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules, 1961 and the Government of India (Allocation of Business) Rules 1961, facilitating a smooth transaction of business in Ministries/ Departments of the Government by ensuring adherence to these rules. The Secretariat assists in decision-making in Government by ensuring InterMinisterial coordination, ironing out differences amongst Ministries/ Departments and evolving consensus through the instrumentality of the standing/ad hoc Committees of Secretaries.

A **cabinet** is a body of high-ranking state officials, typically consisting of the top leaders of the executive branch. Members of a cabinet are usually called cabinet ministers or secretaries. The function of a cabinet varies: in some countries it is a collegiate decision-making body with collective responsibility, while in others it may function either as a purely advisory body or an assisting institution to a decision making head of state or head of government. Cabinets are typically the body responsible for the day-to-day management of the government and response to sudden events, whereas the legislative and judicial branches work in a measured pace, in sessions according to lengthy procedures.

In some countries, particularly those that use a parliamentary system (e.g., the UK), the Cabinet collectively decides the government's direction, especially in regard to legislation passed by the parliament. In countries with a presidential system, such as the United States, the Cabinet does not function as a collective legislative influence; rather, their primary role is as an official advisory council to the head of government. In this way, the President obtains opinions and advice relating to forthcoming decisions. Legally, under both types of system, the Westminster variant of a parliamentary system and the presidential system, the Cabinet "advises" the Head of State: the difference is that, in a parliamentary system, the monarch, viceroy or ceremonial president will almost always follow this advice, whereas in a presidential system, a president who is also head of government and political leader may depart from the Cabinet's advice if they do not agree with it. In practice, in nearly all parliamentary democracies that do not follow the Westminster system, and in three countries that do (Japan, Ireland, and Israel), very often the Cabinet does not "advise" the Head of State as they play only a ceremonial role. Instead, it is usually the head of government (usually called Prime Minister) who holds all means of power in their hands (e.g. in Germany, Sweden, etc.) and to whom the Cabinet reports.

The second role of cabinet officials is to administer executive branches, government agencies, or departments. In the United States federal government, these are the federal executive departments. Cabinets are also important originators for legislation. Cabinets and ministers are usually in charge of the preparation of

proposed legislation in the ministries before it is passed to the parliament. Thus, often the majority of new legislation actually originates from the cabinet and its ministries

In most governments, members of the Cabinet are given the title of Minister, and each holds a different portfolio of government duties ("Minister of Foreign Affairs", "Minister of Health", etc.). In a few governments, as in the case of Mexico, the Philippines, the United Kingdom, and United States, the title of Secretary is also used for some Cabinet members ("Secretary of Education", or "Secretary of State for X" in the UK). In many countries (e.g. Germany, Luxembourg, France, etc.), a Secretary (of State) is a cabinet member with an inferior rank to a Minister. In Finland, a Secretary of State is a career official that serves the Minister. In some countries, the Cabinet is known by names such as "Council of Ministers", "Government Council" or "Council of State", or by lesser known names such as "Federal Council" (in Switzerland), "Inner Council" or "High Council". These countries may differ in the way that the cabinet is used or established.
The supranational European Union uses a different convention: the European Commission refers to its executive cabinet as a "college", with its top public officials referred to as "commissioners", whereas a "European Commission cabinet" is the personal office of a European Commissioner.
In presidential systems such as the United States, members of the Cabinet are chosen by the president, and may also have to be confirmed by one or both of the houses of the legislature. In most presidential systems, cabinet members cannot be sitting legislators, and legislators who are offered appointments must resign if they wish to accept.

In parliamentary systems, several different policies exist with regard to whether legislators can also be Cabinet ministers: cabinet members must, must not, or may be members of parliment, depending on the country. In the United Kingdom, cabinet ministers are mandatorily appointed from among sitting members of the parliament. In countries with a strict separation between the executive and legislative branches of government, e.g. Luxembourg, Switzerland and Belgium,

cabinet members have to give up their seat in parliament. The intermediate case is when ministers typically are members of parliament, but are not required to be, as in Finland. The candidate prime minister and/or the president selects the individual ministers to be proposed to the parliament, which may accept or reject the proposed cabinet composition. Unlike in a presidential system, the cabinet in a parliamentary system must not only be confirmed, but enjoy the continuing confidence of the parliament: a parliament can pass a motion of no confidence to remove a government or individual ministers. Often, but not necessarily, these votes are taken across party lines.

In some countries (e.g. the US) attorneys general also sit in the cabinet, while in many others this is strictly prohibited as the attorneys general are considered to be part of the judicial branch of government. Instead, there is a minister of justice, separate from the attorney general. Furthermore, in Sweden, Finland and Estonia, the cabinet includes a Chancellor of Justice, a civil servant that acts as the legal counsel to the cabinet.

In multi-party systems, the formation of a government may require the support of multiple parties. Thus, a coalition government is formed. Continued cooperation between the participating political parties is necessary for the cabinet to retain the confidence of the parliament. For this, a government platform is negotiated, in order for the participating parties to toe the line and support their cabinet. However, this is not always successful: individual parties or members of parliament can still vote against the government, and the cabinet can break up from internal disagreement or be dismissed by a motion of no confidence.

The size of cabinets varies, although most contain around ten to twenty ministers. Researchers have found an inverse correlation between a country's level of development and cabinet size: on average, the more developed a country is, the smaller is its cabinet

ORGINS

A council of advisors of a head of state has been a common feature of government throughout history and around the world. In Ancient Egypt, priests assisted the pharaohs in administrative duties. In Sparta, the Gerousia, or council of elders, normally sat with the two kings to deliberate on law or to judge cases. The Maurya Empire under the emperor Ashoka was ruled by a royal council. In Kievan Rus', the prince was obliged to accept the advice and receive the approval of the duma, or council, which was composed of boyars, or nobility. An inner circle of a few members of the duma formed a cabinet to attend and advise the prince constantly. The ruins of Chichen Itza and Mayapan in the Maya civilization suggest that political authority was held by a supreme council of elite lords. In the Songhai Empire, the central government was composed of the top office holders of the imperial council. In the Oyo Empire, the Oyo Mesi, or royal council, were members of the aristocracy who constrained the power of the Alaafin, or king. During the Qing dynasty, the highest decision-making body was the Deliberative Council.

In the United Kingdom and its colonies, cabinets began as smaller sub-groups of the English Privy Council. The term comes from the name for a relatively small and private room used as a study or retreat. Phrases such as "cabinet counsel," meaning advice given in private to the monarch, occur from the late 16th century, and, given the non-standardized spelling of the day, it is often hard to distinguish whether "council" or "counsel" is meant.[10]

The Oxford English Dictionary credits Francis Bacon in his Essays (1605) with the first use of "Cabinet council", where it is described as a foreign habit, of which he disapproves: "For which inconveniences, the doctrine of Italy, and practice of France, in some kings' times, hath introduced cabinet counsels; a remedy worse than the disease".

Charles I began a formal "Cabinet Council" from his accession in 1625, as his Privy Council, or "private council", was evidently not private enough, and the first recorded use of "cabinet" by itself for such a body comes from 1644, and is again hostile and associates the term with dubious foreign practices. The process has

repeated itself in recent times, as leaders have felt the need to have a Kitchen Cabinet or “sofa government.

CABINET COMMITTEES:

The Appointments Committee of the Cabinet (ACC) decides appointments to several top posts under the Government of India. The committee is composed of the Prime Minister of India who is the Chairman, the Minister of Home Affairs. The Establishment Officer’s Division (EO Division) processes all proposals for senior appointments in the Government of India that require the approval of the Appointments Committee of the Cabinet under the Government of India Transactions of Business Rules, 1961. This Committee decides on all important empanelments and shift of officers serving on Central deputation. In addition, all appointments by promotion that require ACC approval are processed through the E.O. Division. For this purpose, the Establishment Officer functions as the Secretary to the Appointments Committee of the Cabinet. The Additional Secretary and Establishment Officer in the Department of Personnel and Training is the ex-officio Member Secretary of the Civil Services Board that is chaired by the Cabinet Secretary. This Board makes recommendations for appointments in respect of the posts of Deputy Secretary, Director and Joint Secretary under the Central Staffing Scheme. In addition, the Board makes recommendations to the ACC for the inclusion of officers in the Joint Secretaries suitability list.

The **Cabinet Committee on Security** (CCS) of the Central Government of India discusses, debates and is the final decision-making body on senior appointments in the national security apparatus, defence policy and expenditure, and generally all matters of India's national security. The CCS is chaired by the Prime Minister of India. The CCS consists of the following members:

Narendra Modi, Prime Minister

Amit Shah, Minister of Home Affairs

Rajnath Singh, Minister of Defence

Subrahmanyam Jaishankar, Minister of External Affairs

Nirmala Sitharaman, Minister of Finance and Corporate Affairs

Other senior Cabinet Committees (as of 2020) include:[4]

Appointments Committee of the Cabinet - chaired by the Prime Minister of India

Cabinet Committee on Accommodation - chaired by the Home Minister of India

Cabinet Committee of Economic Affairs - chaired by the Prime Minister of India

Cabinet Committee of Parliamentary Affairs - chaired by the Home Minister of India

Cabinet Committee on Political Affairs - chaired by the Prime Minister of India

Cabinet Committee on Growth and Investment - chaired by the Prime Minister of India

Cabinet Committee on Employment and Skill Development- chaired by the Prime Minister of India

PRIME MINISTER'S OFFICE:

The Prime Minister's Office (PMO) consists of the immediate staff of the Prime Minister of India, as well as multiple levels of support staff reporting to the Prime Minister. The PMO is headed by the Principal Secretary. The PMO was originally called the Prime Minister's Secretariat until 1977, when it was renamed during the Morarji Desai ministry.

It is part of the Government of India located in the South Block of the Secretariat Building. The PMO provides secretarial assistance to the Prime Minister. It is headed by the Principal Secretary to the Prime Minister. The PMO includes the anti-corruption unit and the public wing dealing with grievances. The office houses the Prime Minister and few selected officers of Indian Civil Service who work with him to manage and coordinate government and his office. The Prime Minister through his office coordinates with all ministers in the central union cabinet, minister of independent charges and governors and ministers of state government. The PMO is located at the South Block of the Secretariat Building.

During the tenure of Jawaharlal Nehru as Prime Minister, the then Prime Minister's Secretariat was headed by a Joint Secretary until his death.[2] The post of Principal Secretary to Prime Minister was created during the tenure of Indira Gandhi as Prime Minister. The Principal Secretary to PM is the head of the Prime Minister's Office

FUNCTIONS

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The subject-matter of files required to be submitted to the Prime Minister depends on whether he is holding direct charge of the Ministry or whether there is a Cabinet Minister or Minister of State (Independent Charge) in charge of the Ministry. In the case of the latter, most matters are dealt with by the Cabinet Minister / Minister of State-in-charge. Only important policy issues, which the Minister concerned feels should be submitted to the Prime Minister for orders or information, are received in the PMO.

In cases where the Prime Minister is the Minister-in-charge, all matters requiring Ministerial approval not delegated to the Minister of State/Deputy Minister, if any, are submitted for orders. The Prime Minister has traditionally been the Minister-in-charge of the Ministry of Personnel, Public Grievances and Pensions and the Departments of Space and Atomic Energy.

Some of the important matters that require the Prime Minister's personal attention include the following:

Important defence-related issues;

Decorations, both civilian and defence, where Presidential approval is required;

All important policy issues;

Proposals for appointment of Indian Heads of Missions abroad and requests for grant of agreement for foreign Heads of Missions posted to India;

All important decisions relating to the Cabinet Secretariat;

Appointments to State Administrative Tribunals and the Central Administrative Tribunal, UPSC, Election Commission, Appointment of members of

statutory/constitutional Committees, Commissions attached to various Ministries;
All policy matters relating to the administration of the Indian Administrative Service and other Civil Services and administrative reforms;
Special Packages announced by the Prime Minister for States are monitored in the PMO and periodical reports submitted to Prime Minister; and
The Prime Minister's Office (PMO) located in South Block, overlooking the grandeur of Rashtrapati Bhawan. Though in the 1990s I.K. Gujral and some of his predecessors, used Prime Minister's Residence (PMR) spread over a 10-acre complex as office.[4] It is sandwiched between the cabinet secretariat on one side and the ministries of external affairs and defence on the other. The 20-room PMO is equipped to provide both infrastructural and manpower support to the nation's chief executive. Hi-tech accessories and sophisticated communication devices were installed to monitor domestic and international developments.

CENTRAL SECRETARIAT:

Central Secretariat Service (CSS) is the administrative civil service under Group A and Group B of the Central Civil Services of the executive branch of the Government of India. They are governed by Central Secretariat Service Rules of 1962, which has been issued under the powers of Article 309 of the Constitution of India. The service members work under restrictions and rules of Central Civil Services (Conduct) Rules. The service serves as the backbone of administrative work and provides permanent bureaucracy and functionary staff in the Union Government ministries, Cabinet Secretariat, Central Secretariat and other offices of Government of India. Based on CSS service model, State governments like Bihar, Uttar Pradesh have organized their own independent services like Bihar Secretariat Service and Provincial Secretariat Service of UP. The Union Government ministries such like Railways, Defence and External Affairs, have organized their own independent services based on CSS model which are known as Railway Board Secretariat Service, Armed Forces Headquarters Civil Services and Indian Foreign Service, Group B (general cadre) respectively.

In the year 1919, the Imperial Secretariat Service came into being as one of the offshoots of the Lewllyn-Smith Committee which had been set up on the eve of the introduction of the Montagu–Chelmsford Reforms.[] The posts of Assistant, Assistant Secretary and Under Secretary were filled by officers drawn from the Imperial Secretariat Service during the British Raj.[] The recruitment of the members was made by Central Staff Selection Board, which was precursor of the Union Public Service Commission set up in 1926.[]

In 1946, after India gained independence from Britain, the Imperial Secretariat Service was replaced by Central Secretariat Service in India. However, in Pakistan, a Central Secretariat Service was formed in Central Superior Services of Pakistan,] which was later replaced and renamed to Office Management Group (OMG) and Secretariat Group (SG Bangladesh, Bangladesh Civil Service (Secretariat) cadre[16] was formed like India and later merged into Bangladesh Administrative Service.

The Central Secretariat Service was formed in 1946 and was established before the creation of All India Services - Indian Administrative Service in 1950, Indian Forest Service in 1966 and Indian Police Service in 1948. CSS is one of the earliest organized services[11] in India. The CSS cadre is a standalone service and does not form feeder service to any of All India Services or any of the Central Civil Service

RECRUITMENT

From 1946 until 2003, 50 percent of direct recruitment into CSS was through the Civil Services Examination conducted by the Union Public Service Commission, the next 25 percent recruitment was through Annual Departmental Examination and next 25 percent by promotion.

However, after the cadre restructuring in 2003, the direct recruitment into CSS through the Civil Services Examination has been stopped.

The mode of recruitment was changed to the grade of Section Officer by way of 50% through Limited Departmental Competitive Examination by Union Public Service Commission and 50% by seniority.

PLACEMENT

After appointment by the President, the officers (Entry grade/Probationers) are allocated to different Ministries/Departments under Government of India. The Group B officers work in the levels of Assistant Section Officer and Section Officer/Assistant Director (For Directorate). The Group A officers work in the levels of Under Secretary/Deputy Director (For Directorate), Deputy Secretary/Joint Director (For Directorate), Director, Joint Secretary and Additional Secretary under Central Staffing Scheme of Government of India.

The officers are posted in various Ministries and Departments, Prime Minister's Office, National Security Council Secretariat, intelligence agencies, Apex /Autonomous organizations of Government of India located at different places in the Secretariat in New Delhi. They are also appointed in personal staff of Union Council of Ministers of India and also as advisor in Union Government ministries

MINISTERS AND DEPARTMENTS OF INDIA:

Ministry of Agriculture and Farmers Welfare

- Department of Agricultural Research and Education (DARE)
- Department of Agriculture, Cooperation and Farmers Welfare

Ministry of AYUSH

Ministry of Chemicals and Fertilizers

- Department of Chemicals and Petrochemicals
- Department of Fertilizers
- Department of Pharmaceuticals

Ministry of Civil Aviation

Ministry of Coal

Ministry of Commerce and Industry

- Department for Promotion of Industry and Internal Trade
- Department of Commerce

Ministry of Communications

- Department of Posts
- Department of Telecommunications (DOT)

Ministry of Consumer Affairs, Food and Public Distribution

- Department of Consumer Affairs
- Department of Food and Public Distribution

Ministry of Corporate Affairs

Ministry of Culture

Ministry of Defence

- Department of Defence
- Department of Defence Production
- Department of Defence Research & Development
- Department of Ex-Servicemen Welfare

Ministry of Development of North Eastern Region

Ministry of Earth Sciences

- India Meteorological Department (IMD)

Ministry of Education

- Department of Higher Education
- Department of School Education and Literacy

Ministry of Electronics and Information Technology

Ministry of Environment, Forest and Climate Change

Ministry of External Affairs

Ministry of Finance

- Department of Economic Affairs
- Department of Expenditure
- Department of Financial Services
- Department of Investment and Public Asset Management
- Department of Revenue

Ministry of Fisheries, Animal Husbandry and Dairying

- Department of Animal Husbandry and Dairying
- Department of Fisheries

Ministry of Food Processing Industries

Ministry of Health and Family Welfare

- Department of Health and Family Welfare
- Department of Health Research, Ministry of Health & Family Welfare

Ministry of Heavy Industries and Public Enterprises

- Department of Heavy Industry
- Department of Public Enterprises

Ministry of Home Affairs

- Central Armed Police Forces
- Central Police Organisation
- Department of Border Management
- Department of Home
- Department of Internal Security
- Department of Jammu & Kashmir (J & K) Affairs

- Department of Official Language
- Department of States

Ministry of Housing and Urban Affairs

Ministry of Information and Broadcasting

Ministry of Jal Shakti

- Department of Drinking Water and Sanitation
- Department of Water Resources, River Development and Ganga Rejuvenation

Ministry of Labour and Employment

Ministry of Law and Justice

- Department of Justice
- Department of Legal Affairs
- Legislative Department

Ministry of Micro, Small and Medium Enterprises

Ministry of Mines

Ministry of Minority Affairs

Ministry of New and Renewable Energy

Ministry of Panchayati Raj

Ministry of Parliamentary Affairs

Ministry of Personnel, Public Grievances and Pensions

- Department of Administrative Reforms and Public Grievances (DARPG)
- Department of Pension & Pensioner's Welfare
- Department of Personnel and Training

Ministry of Petroleum and Natural Gas

Ministry of Power

Ministry of Railways

Ministry of Road Transport and Highways

Ministry of Rural Development

- Department of Land Resources (DLR)
- Department of Rural Development (DRD)

Ministry of Science and Technology

- Department of Biotechnology (DBT), Government of India
- Department of Science and Technology (DST)
- Department of Scientific and Industrial Research (DSIR)

Ministry of Shipping

Ministry of Skill Development and Entrepreneurship

Ministry of Social Justice and Empowerment

- Department of Empowerment of Persons with Disabilities
- Department of Social Justice and Empowerment

Ministry of Statistics and Programme Implementation

Ministry of Steel

Ministry of Textiles

Ministry of Tourism

Ministry of Tribal Affairs

Ministry of Women and Child Development

Ministry of Youth Affairs and Sports

- Department of Sports
- Department of Youth Affairs

Department of Atomic Energy

Department of Space