

Introduction

India has been ornamented with the Parliamentary system of government which includes the Prime Minister, and his Council of Ministers being vested with the responsibility of the executive of the nation to govern India’s administrative structure. The Central Council of Ministers plays a key role in helping the ruling government to function in a better way taking into account the increasing complexities of democracy.

With a country of 2nd largest population in the world, India is governed by its supreme law, the Constitution of India, 1950 which expressly lays down provisions for the Council of Ministers under Articles 74, and Article 75 providing with the status of the Council of Ministers, and their appointment, tenure, responsibility, qualification, oath and salaries and allowances respectively.

Article 74 of the Indian Constitution

Article 74 of the Constitution of India deals with the function of the Council of Ministers which is to aid and advise the President of the nation. The provision reads as:

- ❑ The Prime Minister along with the Council of Ministers will provide aid and advise to the President will act in accordance with such advice in order to execute his/her functions. Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration.
- ❑ Any confusion concerning the first point will not be a subject-matter of the courts.
- ❑ It is to be noted that although the Council of Ministers can assist the President in executing his functions, such advice or assistance is subject to reconsideration if asked by the President.

Article 75 of the Indian Constitution

Article 75 of the Indian Constitution concerns other provisions associated with the Council of Ministers consisting of six clauses namely:

- ❑ While the President appoints the Prime Minister, the Council of Ministers is to be appointed by the President in alignment with the Prime Minister’s

advice.

- ❑ A Minister is supposed to hold his office the way the President wants.
- ❑ The Central Council of Ministers is collectively responsible to the House of People, or the Lok Sabha.
- ❑ The responsibility of administering oaths of office, and of secrecy of the Ministers according to the procedure provided in the Third Schedule vests of the President.
- ❑ For a Minister to be part of the Central Council of Ministers, has to be a member of either of the Houses of Parliament for a minimum period of six consecutive months. Absence of which will cease the individual to be a Minister.

The salaries and allowances of Ministers shall be such as Parliament may from time to time by law determine and, until Parliament so determines, shall be as specified in the Second Schedule.

The 91st Amendment Act, 2003 brought in two additions to Article 75 namely:

- ❑ The Prime Minister, and the Council of Ministers, constituting the total number of Ministers shall not exceed 15% of the total strength of the Lower House of the Parliament.
- ❑ Members of a political party who have been disqualified on grounds of defection will be disqualified to be designated as a Minister, irrespective of whichever House of the Parliament the member belongs to.

Article 77 of the Indian Constitution

- ❑ The provision for the conduct of the business of the Government of India has been incorporated under Article 77 of the Indian Constitution that provides primary focus on the President of India who has the power to have his name on every executive action taken by the Indian government.
- ❑ Clause 3 of Article 77, states that it is the President who will be responsible for preparing governing rules for business transactions and allocating such business transactions among the Ministers as, and however the President feels.

Article 78 of the Indian Constitution

The duties of the Prime Minister have been envisaged in Article 78 of the Constitution of India. The duties of the Prime Minister have been listed hereunder:

- ❑ It is the responsibility of the Prime Minister to keep the President well informed about the decisions undertaken by the Council of Ministers in association with administrative matters with legislation proposals.
- ❑ The Prime Minister shall furnish certain administrative information concerning Union affairs to the President as and when he demands.
- ❑ If the President so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

Article 88 of the Constitution of India

Article 88, of the Indian Constitution talks about the rights of the Ministers with respect to the Houses of Parliament. Every Minister and Attorney General of India shall have the right to speak in, and otherwise participate in, the proceedings of either House, any joint sitting of the Houses, and any committee of Parliament to which he may be named a member, but shall not be entitled to vote for Officers of Parliament by virtue of this article.

Nature of advice by Ministers

It is by the nature of the advice provided by the Council of Ministers that the relationship between the President and the former can be determined. Article 74 of the Indian Constitution lays down that the Prime Minister with his Council of Ministers is to aid and advise the President to execute his functions.

Further, by the 42nd and the 44th Constitutional Amendment Act, this advice was made binding on the President. The nature of advice has been excluded from judicial review as well. All of these reflect on the fact that the relationship between the President and the Council of Ministers is confidential by nature. The language of Article 74 is mandatory by nature, and therefore the President has to follow the advice given by the Prime Minister, and the Council of Ministers, in order to function.

Appointment And Composition of Ministers

Prime Minister and the Council of Ministers are done by the President of India. It is only in the latter's case that the President has to consult the Prime Minister. Therefore, in the case of the appointment of the Council of Ministers, the Prime Minister's recommendation holds

greater value. Ministers are appointed on two grounds:

- ❑ They are members of either of the Houses of the Parliament;
- ❑ If they are not members of the Parliament Houses, then within a span of six months he/she must become a member by means of nomination, or election.

Oath and Salary of Ministers

It is the President who administers oaths of office, and secrecy for the Council of Ministers where the latter swears before the former:

- ❑ To bear true faith and allegiance to the Constitution of India,
- ❑ To uphold the sovereignty and integrity of India,
- ❑ To faithfully and conscientiously discharge the duties of his office, and
- ❑ To do right to all manner of people in accordance with the Constitution, and the law, without fear or favour, affection or ill will.

The Indian Parliament determines the salaries and allowances of the Council of Ministers which varies from time to time. The salary of a Minister is the same as a member of the Parliament which is accompanied by free accommodation, travel allowance, medical facilities in accordance with the rank he holds.

Removal

- ❑ Upon death.
- ❑ Upon self-resignation, or resignation or death of Prime Minister.
- ❑ Upon dismissal by the President for Minister's unconstitutional acts per Article 75(2).
- ❑ Upon direction from the Judiciary for committing violation of law.
- ❑ Upon ceasing eligibility to be a member of Parliament.

Under the provision of "Collective Responsibility" under Article 75, the Prime Minister and the entire Council of Ministers resign if a Vote of No Confidence is passed in the Lower House (Lok Sabha) of the Indian Parliament.

The Council of Ministers comprises of three categories of Ministers namely:

- ❑ **The Cabinet Ministers:** Responsible for important ministries of the government such as defence, education, health, textile, etc, and deciding on policies thereby assisting the Prime Minister.
 - ❑ **Ministers of State:** This class of Ministers is further
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divided into two classes namely independent, and attached to the Cabinet Ministers. In both the cases, the State Ministers work in accordance to the guidance, and advice by the Cabinet Ministers. These Ministers are restricted from attending Cabinet meetings unless specially invited.

- ❑ **Deputy Ministers:** This rank of Ministers is attached to either the Cabinet Ministers, or the Ministers of State, and is responsible for assisting them with duties ranging from administrative to political.

Along with these three classes of Ministers, the parliamentary secretaries are considered to be another group of Ministers who are attached to the senior group of Ministers and function as an assistant to them to discharge parliamentary duties.

Responsibility of Ministers

The responsibilities of the Council of Ministers can be categorized into three categories namely:

- ❑ **Collective Responsibility:** Collective responsibility is considered to be the underlying principle on the basis of which the parliamentary system as a whole function. Put simply, collective responsibility refers to Ministers owning joint responsibility for their actions to the House of People, the Lok Sabha. Another interpretation of the principle of collective responsibility is that the Cabinet Ministers are bound by the Cabinet's decision irrespective of whether the former accept it or not.
- ❑ **Individual Responsibility:** Article 75 of the Constitution lays down both the concept of collective responsibility and individual responsibility. While the former has been discussed previously, the latter signifies as the Ministers holding office on the wish of the President, they can be removed by the President whenever he feels the need.
- ❑ **No legal responsibility:** The Ministers are not vested with any kind of legal responsibility which is reflected in the absence of provisions ensuring the same in the Indian Constitution. Followed by this, the Indian courts are also barred from reviewing the advice given by the Council of Ministers to the President.

The Council of Ministers vis a vis a Cabinet

One often gets confused by the fact as to whether the Council of Ministers and the Cabinet is the same thing or different. The major differences between the two have been listed below:

- ❑ The Council of Ministers is a much wider body in comparison to the Cabinet. While the former might consist of 70 to 80 members, the latter is concise with not beyond 20 Ministers.
- ❑ The Cabinet is a part of the Council of Ministers which includes two other categories of Ministers namely the Ministers of State, and the Deputy Ministers.
- ❑ While the Cabinet is vested with collective functions, no such things exist with respect to the Council of Ministers.
- ❑ While the Cabinet makes decisions, the Council of Ministers is responsible for implementing the same. The Cabinet also looks after the application of its decision by the Council.

While the Council of Ministers is collectively responsible towards the Lok Sabha, the Cabinet is responsible for enforcing such responsibility on the Council.

Powers of Cabinet Ministers

Power to formulate the policies

- ❑ The Cabinet Ministers formulates both external and domestic policies and are considered as the policy-making organ of the government.
- ❑ The Cabinet takes decisions on the various matters such as defence, economic policy, industrial policy, formulation of new states and the President's rule in the state.
- ❑ The decisions made by the Cabinet are communicated to the Deputy Minister and Minister of the state which helps the cabinet ministers in managing the business of the government jointly.
- ❑ The members of the Planning Commission are appointed by the Cabinet.

Power over the Executive

- ❑ The Cabinet Ministers have the supreme control over the Executives.
- ❑ The real functionaries in the executive authority are the Cabinet Ministers.
- ❑ The Cabinet Ministers presides over the Ministries of the Government and carries out the policies and gets approved by the Parliament.

Power as the Coordinator

- ❑ The Cabinet Ministers act as the coordinator of the various department of the government.
 - ❑ Various Ministries of the government are coordinated by the cabinet ministers.
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Financial Powers

- ❑ It is the responsibility of the Cabinet Ministers to look after the expenditure of the Government.
- ❑ The Finance Minister of the Cabinet prepares the annual budget which contains the estimated incomes for the ensuing year and also has the power to introduce the money bill with the consent of the President.
- ❑ It is the responsibility of each cabinet ministers to see that the proposals of his ministry are approved in the house.
- ❑ The Cabinet and the administrative departments take the initiative of preparing, defending and presenting the bill in the Parliament.

Power of Making Appointments

- ❑ The President appoints the high-power authorities on the recommendation of the Cabinet Ministers.
- ❑ Such important authorities include Ambassadors, High Commissioners, Attorney General of India, Governors of the States, Supreme Court and High Court Judges and the members of the Union Public Service Commission.

Other Powers

- ❑ Cabinet Ministers provide information to the public by answering questions put to them by the members of the Lok Sabha.
- ❑ The special address of the President to the Parliament is prepared by the Cabinet.
- ❑ The Cabinet Ministers is responsible for planning and implementing of Amendments to the Constitution.

Differences between Cabinet and Council of Ministers

Cabinet	Council of Ministers
The cabinet consists of many senior ministers who hold important portfolios such as defence, home affairs, education etc. The size of the cabinet is about 15-20 Ministers.	They consist of Cabinet Ministers, Deputy Ministers and Ministers of State. The Council of Ministers usually consists of about 60 to 70 ministers of the Government.
It was conferred the status of a constitutional body after the passing of the 44 th Constitutional Amendment Act of 1978.	It is a Constitutional body.
The Cabinet consists of some of the most experienced ministers. Thus, the Prime Minister seeks their advice on important matters. The decisions of the Cabinet are binding to all ministers.	It is up to the Prime Minister to consult with the Council of Ministers or not when it comes to making important decisions.

It meets, as a body, frequently and usually once in a week to deliberate and take decisions regarding the transaction of government business. Thus, it has collective functions.	It does not meet, as a body, to transact government business. It has no collective functions.
It exercises, in practice, the powers of the council of ministers and thus, acts for the latter.	It is vested with all powers but in theory.
It enforces the collective responsibility of the Council of Ministers to the Lower House of Parliament.	It is collectively responsible to the Lower House of the Parliament.
It supervises the implementation of its decisions by the Council of Ministers.	It implements the decisions taken by the Cabinet.

Kitchen Cabinet

It is an informal body made up of the Prime Minister and two to four influential colleagues in whom he has faith and with whom he can discuss any issue.

Every Indian Prime Minister has had an 'Inner Cabinet'—a circle within a circle. The 'Inner Cabinet,' also known as the 'Kitchen Cabinet,' was particularly powerful during Indira Gandhi's tenure.

Role And Significance

- ❑ It is a much more efficient decision-making body than a large cabinet because it is a smaller unit.
- ❑ It can meet more frequently and conduct business much more quickly than the large cabinet.
- ❑ It aids the Prime Minister in maintaining secrecy when making important political decisions.
- ❑ It advises the Prime Minister on key political and administrative issues and assists him in making critical decisions.
- ❑ It is made up of cabinet Ministers as well as outsiders such as the Prime Minister's friends and family members.

Constitutional Status

- ❑ The Kitchen Cabinet does not have constitutional status.
- ❑ It acts as an extra-constitutional body to take decisions and improve the overall efficiency of the Council of Ministers.

Cabinet committees

Features

- ❑ They are extra-constitutional in emergence. That is, they are not mentioned in the Constitution. However, the Rules of Business provide for their establishment.
- ❑ They are of two types – Standing and Ad hoc. The former is permanent while the latter is temporary.
- ❑ The ad hoc committees are constituted from time to time to deal with special problems.
- ❑ They are set up by the Prime Minister according to the exigencies of the time and requirements of the situation are disbanded after their task is completed. Hence, their number, nomenclature, and composition vary from time to time.
- ❑ The membership of cabinet committees varies from three to eight and usually include only Cabinet Ministers. However, the non-cabinet Ministers are not debarred from their membership.
- ❑ They not only include the Ministers in charge of subjects covered by them but also include other senior Ministers.
- ❑ They are mostly headed by the Prime Minister. Sometimes other Cabinet Ministers also act as their chairman. But, in case the Prime Minister is a member of a committee, he invariably presides over it.
- ❑ They not only sort out issues and formulate proposals for the consideration of the Cabinet but also take decisions. However, the Cabinet can review their decisions.

List of Cabinet Committees

At present there are 8 Cabinet Committees:

- ❑ Cabinet Committee on Political Affairs.
- ❑ Cabinet Committee on Economic Affairs.
- ❑ Appointments Committee of the Cabinet.
- ❑ Cabinet Committee on Security.
- ❑ Cabinet Committee on Parliamentary Affairs.
- ❑ Cabinet Committee on Accommodation.
- ❑ Cabinet Committee on Investment and Growth.
- ❑ Cabinet Committee on Employment and Skill Development.

Cabinet Committees - Functions

Cabinet Committee on Political Affairs:

- ❑ It addresses problems related to Centre-state relations.

- ❑ It also examines economic and political issues that require a wider perspective but have no internal or external security implications.
- ❑ Cabinet Committee on Economic Affairs.
- ❑ It is supposed to review economic trends, problems and prospects for evolving a consistent and integrated economic policy, coordinate all activities requiring policy decisions at the highest level, deal with fixation of prices of agricultural produce and prices of essential commodities.
- ❑ It considers proposals for investment of more than Rs 1,000 crore, deals with industrial licensing policies and reviews rural development and the Public Distribution System.

Appointments Committee of the Cabinet:

- ❑ It makes appointments to posts of the three service chiefs, Director General of Military Operations, chiefs of all Air and Army Commands, Director General of Defence Intelligence Agency, etc.
- ❑ It decides on all important empanelment's and shifts of officers serving on Central deputation.

Cabinet Committee on Security:

- ❑ It deals with issues relating to law and order, internal security and policy matters concerning foreign affairs with internal or external security implications and also goes into economic and political issues related to national security.
- ❑ It considers all cases involving capital defence expenditure more than Rs 1,000 crore and also issues related to the Department of Defence Production and the Department of Defence Research and Development, Services Capital Acquisition plans and schemes for procurement of security-related equipment.
Cabinet Committee on Parliamentary Affairs.
- ❑ It draws the schedule for Parliament sessions and monitors the progress of government business in Parliament.
- ❑ It scrutinises non-government business and decides which official Bills and resolutions are to be presented.

Cabinet Committee on Accommodation:

- ❑ It determines the guidelines or rules with regard to the allotment of government accommodation.
- ❑ It also takes a call on the allotment of government accommodation to non-eligible persons and organizations as also the rent to be charged from them.

- ❑ It can consider the allotment of accommodation from the General Pool to Members of Parliament.
- ❑ It can consider proposals for shifting existing Central Government Offices to locations outside the capital.

Cabinet Committee on Investment and Growth:

- ❑ It will identify key projects required to be implemented on a time-bound basis, involving investments of Rs 1,000 crore or more, or any other critical projects, as may be specified by it, with regard to infrastructure and manufacturing.
- ❑ It will prescribe time limits for giving requisite approvals and clearances by the ministries concerned in identified sectors and will also monitor the progress of such projects.

Cabinet Committee on Employment and Skill Development:

- ❑ It is supposed to provide direction to all policies, programs, schemes and initiatives for skill development aimed at increasing the employability of the workforce for effectively meeting the emerging requirements of the rapidly growing economy and mapping the benefits of demographic dividend.
- ❑ It is required to enhance workforce participation, foster employment growth and identification, and work towards the removal of gaps between requirements and availability of skills in various sectors.
- ❑ It will set targets for expeditious implementation of all skill development initiatives by the ministries and periodically review the progress in this regard.

The Cabinet Committees except for Cabinet Committee on Accommodation and Cabinet Committee on Parliamentary Affairs is headed by Prime Minister.

Currently, the Cabinet Committee on Accommodation is headed by the Home Minister and the Cabinet Committee on Parliamentary Affairs is the Defence Minister.

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

Criticism

- ❑ Sometimes, they are established on very trivial issues.
- ❑ Non-cabinet ministers are rarely appointed and memberships depend more on political considerations.

Conclusion

The relevance of the Central Council of Ministers cannot be ground on the grounds that it is only with the help of this set of Ministers that the actual head of the democratic nation, the Prime Minister can function, and fulfil his roles, and duties for the country and its people effectively. This article, therefore, aimed towards throwing light towards this set of Ministers whose contribution often goes neglected under the greater designation of the Prime Minister.