## About Prime Minister of India

The Prime Minister of India is the head of the executive branch of the Government of India. His position is distinct from that of the President of India, who is the head of the State. As India follows a parliamentary system of government modelled after the Westminster system, most of the executive powers are exercised by the Prime Minister. He acts as an advisor to the President and is the leader of the Council of Ministers. The President appoints the Prime Minister of India and on his advice, appoints the Council of Ministers. The Prime Minister can be a member of either the Lok Sabha or the Rajya Sabha.

### Roles and Responsibilities of Prime Minister

The roles and responsibilities of the Prime Minister are as follows:

#### Link between President and Council of Ministers:

The Prime Minister is the leader of the Council of Ministers and serves as the channel of communication between the President and the Council of Ministers. It is his duty to communicate to the President all the decisions taken by the Council of Ministers and to provide information regarding administration of the Union or proposals for the legislature as called for by the President.

**Selection Process of Prime Minister**

The Constitution states that the President of India should appoint the leader of the party or alliance which is in majority in the Lok Sabha as the Prime Minister of India. In case no party or alliance enjoys majority, the President appoints the leader of the largest party or alliance as the Prime Minister. But he has to win the confidence vote in the Lower House of the Parliament as early as possible. A member of either the Lok Sabha or the Rajya Sabha can be appointed as the Prime Minister. If he is not a member of either House of the Parliament then he has to be elected to either House within six months of his appointment. As the Prime Minister, he is the Leader of the House of which he is a member.

**Term and Retirement Age of Prime Minister**

Unlike the President, the Prime Minister does not have a fixed tenure. The full term of the Prime Minister is five years, which coincides with the normal life of the Lok Sabha. However, the term can end sooner if he loses the vote of confidence in the Lower House. So, it can be said that he remains in power as long as he enjoys the confidence of the Lok Sabha. The Prime Minister can also resign by writing to the President.

There are no term limits on the office of the Prime Minister. There is also no official retirement age.

**Eligibility Criteria to become Prime Minister of India**

To be eligible for the position of the Prime Minister of India, a person should:

* Be a citizen of India.
* Be a member of either the Lok Sabha or the Rajya Sabha.
* Complete 25 years of age if he is a member of the Lok Sabha or 30 years if he is a member of the Rajya Sabha.

A person cannot be the Prime Minister of India if he holds any office of profit under the Government of India, the government of any state, or any local or other authority subject to the control of any of the said governments.

Appointment of the Prime Minister

Article 75(1) says that the President shall appoint the Prime Minister and all other Ministers shall also be appointed by the President but on the advice of the Minister. According to Clause (1A) of Article75 the total number of Ministers including the Prime Minister shall not exceed 15% of the total number of members of the House of People[[i]](http://lawtimesjournal.in/the-prime-minister-in-the-constitution-of-india/%22%20%5Cl%20%22_edn1).

The Constitution does not clearly say whether the Prime Minister should be a member of the Lok Sabha or the Rajya Sabha. Article 75(5) says that a Minister who is not a member of either House of the Parliament for 6 months shall cease to be a Minister on expiration of such term. An outsider may be appointed a Minister but he must become a Member of Parliament within the period of 6 months[[ii]](http://lawtimesjournal.in/the-prime-minister-in-the-constitution-of-india/%22%20%5Cl%20%22_edn2).

Categories of Ministers

The Council of Ministers includes 3 categories of Ministers. They are

* The Ministers of Cabinet Rank – Such Ministers are the Heads of their Departments. However, all the Cabinet Ministers are not the members of the Cabinet. When they are invited by the Prime Minister to attend meetings regarding their Departments, they do so.
* The Ministers of State – They are of Cabinet status and hold their Departments independently.
* The Deputy Ministers – Such Ministers don’t have any separate charge of a Department. They assist the Ministers with whom their administrative duties are attached.

Qualifications

The following are the qualifications of the Parliament:

* He should a citizen of India
* He must be the member of either Houses of the Parliament.
* If he is the member of the Lok Sabha he should have completed 25years of age. If he is the member of Rajya Sabha he should have completed 30years of age.

Disqualifications

* If he holds any office of profit under the Central or State Government other than an office which does not disqualify its holder as declared by the Parliament.
* If a competent Court has declared him as a person with unsound mind.
* If he is an undischarged insolvent
* If he is not a citizen of India or has acquired the citizenship of any foreign State.

Collective Responsibility

The Council of Ministers stand collectively responsible to the Lok Sabha[[iii]](http://lawtimesjournal.in/the-prime-minister-in-the-constitution-of-india/%22%20%5Cl%20%22_edn3). This means that the Council of Ministers work as a team. They are collectively responsible for every action they make. Once a decision has been made, all the Ministers are together responsible for it. If a Minister does not agree with a decision he has to resign.

The Prime Minister maintains discipline in the Cabinet. If a Minister disagrees with the Prime Minister or the Cabinet has to resign.

Individual Responsibility

The Ministers also have individual responsibility regarding the working of their Department in the Parliament. The Minister is answerable for every act of his Department. If a Minister has taken a decision by himself, the Cabinet doesn’t support him. In such a case he has to resign because he is solely responsible.

Functions of the Prime Minister

The functions of the Prime Minister are:

* To communicate to the President the decisions of the Council of Ministers regarding the administration of affairs of the Union and proposals for legislation.
* To provide information regarding the administration of the Union and proposals for legislation when asked by the President
* To submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but not considered by the Council, if the President requires.

The Prime Minister performs other important functions like:

Formation of the Ministry

The Ministry is formed by the Prime Minister. He is appointed by the President and then he selects his Ministers. A list of Ministers is provided to the President by him and accordingly the President appoints such Ministers. If the Prime Minister resigns, it means resignation of the whole ministry. He can remove the members of the Council of Ministers anytime by demanding their resignation or by getting them dismissed by the President.

Distribution of Portfolios

The Prime Minister distributes portfolios. He assigns various Departments to the Ministers. It is his responsibility to decide the size of the Cabinet and the Departments to be assigned.

Chairman of the Cabinet Committee

The Prime Minister acts as the Chairman of the Cabinet Committee. He presides over the meetings of the Cabinet and fixes the agenda of such meetings. The Ministers are individually responsible to him for the working of their Departments.

Chief Co-ordinator of Policies

The Prime Minister acts as the Chief Co-ordinator of the policies of several departments. When there is a conflict between the departments, he solves it. He keeps an eye on the working of each department.

Advisor of the President

The Prime Minister advises the President on various matters. He advises the President regarding the appointment of the Council of Ministers and the dissolution of the Lok Sabha. He communicates the President regarding the decisions and working of the Council of Ministers. Till the time, the Prime Minister enjoys the confidence of majority members of the Parliament; it is difficult for the President to dismiss him.

Leader of the Nation

The Prime Minister can be considered as the Leader of the Nation. He acts as the chief spokesman of the Governmental policies in the Parliament. He announces all the important policies in the Parliament.

#### Article 74 :  council of ministers to aid and advise president

(1) 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:
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.
(2) The question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any court.

#### ARTICLE 75:  OTHER PROVISIONS AS TO MINISTERS

(1) 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.
(1A) The total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent. of the total number of members of the House of the People.
(1B) A member of either House of Parliament belonging to any political party who is disqualified for being a member of that House under paragraph 2 of the Tenth Schedule shall also be disqualified to be appointed as a Minister under clause (1) for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such member would expire or where he contests any election to either House of Parliament before the expiry of such period, till the date on which he is declared elected, whichever is earlier.

(2) The Ministers shall hold office during the pleasure of the President.
(3) The Council of Ministers shall be collectively responsible to the House of the People.
(4) Before a Minister enters upon his office, the President shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule.
(5) A Minister who for any period of six consecutive months is not a member of either House of Parliament shall at the expiration of that period cease to be a Minister.
(6) 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 Attorney-General for India

#### ARTICLE 76 :  ATTORNEY-GENERAL FOR INDIA.

(1) The President shall appoint a person who is qualified to be appointed a Judge of the Supreme Court to be Attorney- General for India.
(2) It shall be the duty of the Attorney-General to give advice to the Government of India upon such legal matters, and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President, and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force.
(3) In the performance of his duties the Attorney-General shall have right of audience in all courts in the territory of India.
(4) The Attorney-General shall hold office during the pleasure of the President, and shall receive such remuneration as the President may determine.

## Conduct of Government Business

77. Conduct of business of the Government of India.—(1) All executive action of the Government of India shall be expressed to be taken in the name of the President.
(2) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the President, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.
(3) The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.

#### ARTICLE 78 : DUTIES OF PRIME MINISTER AS RESPECTS THE FURNISHING OF INFORMATION TO THE PRESIDENT, ETC.

—It shall be the duty of the Prime Minister—
(a) to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation;
(b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and
(c) if the President so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

## Info Bits Related with COM, PM and AG

1. 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. The co-ordinating work is generally allocated to the Cabinet Secretariat.
2. By Article 75 of the constitution of India, remuneration of the prime minister as well as other ministers are to be decided by the Parliament. In 2010, the prime minister’s office reported that he did not receive a formal salary, but was only entitled to monthly allowances.
3. The Attorney General, like an Advocate General of a State is not supposed to be a political appointee, in spirit, but this is not the case in practice. Every time a party comes to power in the general elections, all the law officers resign and law officers loyal to the new party are appointed.
4. The Attorney General has the right of audience in all Courts in India as well as the right to participate in the proceedings of the Parliament, though not to vote.
5. Unlike the Attorney General of the United States, the Attorney General of India does not have any executive authority, and is not a political appointee, those functions are performed by the Law Minister of India.
6. The Attorney General is assisted by a Solicitor General and four Additional Solicitors General. (Non-constitutional posts.)
7. The Cabinet is a smaller body than Council of Ministers which consists of a few important senior ministers who are in charge of separate departments. The Cabinet is described as “a wheel within a wheel”. It is the nucleus of the Council of Ministers.
8. Cabinet exercises all powers on behalf of the Council of Ministers. The policy decisions are taken in the Cabinet.
9. There are three categories of ministers (COM), in descending order of rank:
	* Union Cabinet Minister: senior minister in-charge of a ministry. A cabinet minister may also hold additional charges of other Ministries, where no other Cabinet minister is appointed.
	* Minister of State (Independent Charges): with no overseeing Union cabinet minister for that portfolio.
	* Minister of State : junior minister to overseeing cabinet minister, usually tasked with a specific responsibility in that ministry. For instance, an Minister of State in the Finance Ministry may only handle taxation.