

Council of Ministers (CoM)

What is the Council of Ministers?

- The **Council of Ministers** is the **highest executive decision-making body** of the Union Government.
- It is headed by the **Prime Minister** and functions to **aid and advise the President** (Article 74).

Strength of the Council of Ministers

- As per the **91st Constitutional Amendment Act, 2003**:
 - The total number of ministers shall not exceed **15%** of the total strength of the **Lok Sabha**.

Composition of the Council of Ministers

The CoM consists of the following categories:

1. **Cabinet Ministers**
 - Head major ministries (Home, Defence, Finance, External Affairs, etc.)
 - Form the **Cabinet**, the real decision-making body
2. **Ministers of State (Independent Charge)**
 - Head smaller ministries independently
 - Do not attend Cabinet meetings unless invited
3. **Ministers of State**
 - Assist Cabinet Ministers
4. **Deputy Ministers**
 - Assist Ministers in administrative and parliamentary work (Rarely appointed now)

Note: The post of **Deputy Prime Minister** is not constitutional, but political.

Key Constitutional Provisions Related to CoM

Article 74

- Council of Ministers, with the PM at the head, to **aid and advise the President**
- Advice is **binding and cannot be questioned in court**

Article 75

- PM appointed by the President; other ministers on the PM's advice
- Ministers hold office during the **pleasure of the President**
- **Collective responsibility** to the Lok Sabha
- The Minister must be an MP within **6 months**
- Oath administered by the President (Third Schedule)

Article 77

- Executive actions taken in the **name of the President**
- The President makes rules for the **allocation of business**

Article 78

- PM's duty to:
 - Communicate decisions to the President
 - Furnish the information sought by the President

Article 88

- Ministers have the **right to speak** in both Houses of Parliament (even if not a member)

Oath and Salary of Ministers

- **Oath:** Administered by the President (Third Schedule)
- **Salary & allowances:**
 - Determined by **Parliament**
 - Specified in the **Second Schedule**

Responsibilities of the Council of Ministers

Collective Responsibility

- Enshrined in **Article 75**
- CoM is collectively responsible to the **Lok Sabha**
- Defeat in a **No-Confidence Motion** → entire CoM resigns

Individual Responsibility

- Ministers serve at the **pleasure of the President**
- Removal is done on the **advice of the Prime Minister**

Significance of CoM in Parliamentary Democracy

- **Policy formulation**
- **Policy implementation**
- **Leadership of the executive**
- **Accountability to Parliament**
- **Must maintain the confidence of the Lok Sabha**

Council of Ministers vs Cabinet

Council of Ministers	Cabinet
Includes all ministers	Includes only Cabinet Ministers
Large body ($\leq 15\%$ of Lok Sabha)	Small, powerful body
Constitutional body	Inner core of CoM
Powers exist in theory	Exercises real executive power
Decisions are not directly binding	Decisions are binding on all ministers

MCQs

Q1. The maximum strength of the Union Council of Ministers cannot exceed 15% of the total strength of the Lok Sabha, as per which Constitutional Amendment?

- A. 42nd Constitutional Amendment Act
- B. 44th Constitutional Amendment Act
- C. 91st Constitutional Amendment Act
- D. 97th Constitutional Amendment Act

Answer: C

Q2. Which Article of the Indian Constitution provides for the principle of collective responsibility of the Council of Ministers?

- A. Article 74
- B. Article 75
- C. Article 77
- D. Article 88

Answer: B

Q3. Which of the following ministers are members of the Cabinet?

- A. All Ministers of State
- B. Only Cabinet Ministers
- C. Cabinet Ministers and Ministers of State
- D. Cabinet Ministers and Deputy Ministers

Answer: B

Q4. A person who is not a member of either House of Parliament can remain a Union Minister for a maximum period of:

- A. 3 months
- B. 6 months
- C. 12 months
- D. Entire term of the Lok Sabha

Answer: B

Q5. The advice tendered by the Council of Ministers to the President:

- A. Can be rejected by the President
- B. Can be reviewed by the Supreme Court
- C. Is binding and cannot be inquired into by courts
- D. Is binding only in emergency situations

Answer: C