

Council of Ministers - CoMs

Central

Art 74 – Status – to aid & advice President

Art 75 - appointment, tenure, responsibility, qualification, oath & Salary... Council of Ministers shall not exceed fifteen per cent of the total number of members of the House of the People, disqualified under Tenth Schedule- no Minister, office during pleasure of the President, collectively responsible to the House of the People, six months to MP
...

Art 77 –

Art 78 –

1971 SC – CoMs does NOT cease to hold office after dissolution... to aid & advice

State

Art 163 – Status – to aid & advice Governor

Governor has discretion to decide discretion or not

Art 164 - appointment, tenure, responsibility, qualification, oath & Salary... Council of Ministers shall not exceed fifteen per cent of the total number of members of the House of the People, disqualified under Tenth Schedule- no Minister, office during pleasure of the President, collectively responsible to the Assembly, six months to MLA/MLC; CH, JH, MP & OD – Tribal Minister

Art 166 –

Art 167 –

Appointment of Ministers

MP : Lok Sabha or Rajya Sabha

Non Member – 6 Months

Minister can take part in the proceedings of both houses – votes only where she/he member

Oath, Term & Salary

Oath of Office (Minister)

Faith & allegiance to Constitution

Uphold Sovereignty & Integrity

Faithfully & Conscientiously discharge duties

To do right to all people...without fear or favour, affection or ill will

Oath of Secrecy (Minister)

Directly or indirectly will not communicate or reveal any matter...

Description of a minister as Dy. PM or MoS or Dy. Minister of which there is no mention in the constitution does not vitiate the oath

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MLA/MLC

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Responsibility of Ministers

**Collective – Lok Sabha –
Minister does not disagree
with cabinet**

Individual – President

**No legal Responsibility (but
in UK) – No need to
countersign**

**Composition of Council of
Ministers - Difference in rank,
emoluments & political
importance**

➤ **Cabinet**

➤ **MoS (IC)**

➤ **MoS**

➤ **DY. Minister**

➤ **Parliamentary Secretary –
up to 1967 except 1st phase
of R. Gandhi Gov.**

Sometimes Dy. PM

**S. Patel, M. Desai (I. Gandhi),
C. Singh (M. Desai), J. Ram
(C. Singh), D. Lal (VP. Singh),
L.K. Advani (A.B. Vajpayee)**

Responsibility of Ministers

**Collective –Assembly – Minister
does not disagree with cabinet**

Individual – Governor

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UK) – No need to countersign**

**Composition of Council of
Ministers - Difference in rank,
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➤ **Cabinet**

➤ **MoS (IC)**

➤ **MoS**

➤ **DY. Minister**

***State government is divided
into Depts and NOT ministries**

Sometimes Dy. CM



CoMs

- Wider body – 60 to 70**
- All categories**
- Does not meet as a body**
- Theoretically powerful**
- Functions determined by Cabinet**
- Implement decisions of Cabinet**
- Constitutional body**
- Collective – Lok Sabha**

Cabinet

- Smaller 15 to 20**
- Cabinet only**
- Meets as a body**
- Exercise power in practice**
- Directs & Supervises CoMs**
- Inserted in Art 352 by 44th A.Act**
- Enforces collective responsibility**

Kitchen Cabinet

- ✓ **Extra-Constitutional**
- ✓ **PM + 2 to 4 Members**
- ✓ **Outsiders also**
- ✓ **Also in UK & US**

Cabinet Committees

- ✓ **Extra Constitutional**
- ✓ **Rules of business provides for their establishment**
- ✓ **2 types standing, ad hoc**
- ✓ **Set by PM**
- ✓ **Usually Cabinet Ministers**
- ✓ **Mostly headed by PM**
- ✓ **To sort out issues, formulate proposals, take decisions**
- ✓ **Based on principle of division of labour**
- ✓ **In states also**



4 important Cabinet Committees

Political (Super Cabinet) – domestic & foreign policies

Economic Affairs, Appointments, Parliamentary Affairs (chaired by PM)

Group of Ministers – ad hoc bodies - to look into different issues

Empowered to take decisions or recommendation to Cabinet

2nd ARC observation about GoMs

Large GoMs created delays

Selective use of GoMs will be efficient

Time limit for completing the work