BLOGS

Learn in a Minute: Council of Ministers under Constitutional Law

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The Indian Constitution establishes a parliamentary system of governance, in which the Council of Ministers plays a pivotal role. Read more about it here!

Introduction

The Council of Ministers, led by the Prime Minister, is collectively responsible for implementing the government's policies and advising the President of India. The Council's structure, duties, and responsibilities are enshrined primarily in Part V of the Constitution, particularly under Articles 74 and 75.

Structure of the Council

The Council of Ministers consists of three categories:

1. Cabinet Ministers: These are senior ministers heading major ministries like Finance, Defence, and External Affairs. They are the core decision-makers.
2. Ministers of State (Independent Charge): These ministers handle specific portfolios independently and are not under the supervision of cabinet ministers.
3. Ministers of State: They assist cabinet ministers in their work.

Constitutional Provisions Relating to the Council of Ministers

Article 74: Aid and Advice of the Council of Ministers

Article 74 mandates the establishment of a Council of Ministers to aid and advise the President. This article ensures that the President exercises executive powers based on the advice of the Council.

- Post the 42nd Amendment (1976), the advice tendered by the Council of Ministers is binding on the President.
- The Council of Ministers provides advice on governance, appointments, and policy matters.

Article 75: Appointment, Tenure, and Collective Responsibility

This article governs the appointment of the Council of Ministers and their functioning:

- The President appoints the Prime Minister, who is generally the leader of the majority party in the Lok Sabha.
- On the advice of the Prime Minister, the President appoints other ministers.
- The Council is collectively responsible to the Lok Sabha, meaning the entire Council must resign if the Lok Sabha passes a no-confidence motion against it.
- A minister must be a Member of Parliament or secure membership within six months of appointment.

Duties and Responsibilities of the Council of Ministers

- The principle of collective responsibility ensures that all decisions of the Council are unanimous. Even if a minister disagrees with a decision, they are bound by it or must resign.
- The Council is tasked with formulating and implementing policies on behalf of the government. This involves crafting legislation, managing economic policies, and addressing national security concerns.
- The Council must answer to the Lok Sabha. Mechanisms such as Question Hour, debates, and no-confidence motions ensure legislative oversight.
- The Council aids and advises the President in executive decision-making. This includes promulgating ordinances, appointing governors, and representing India internationally.
- Each minister oversees the functioning of their respective ministry. They are responsible for ensuring smooth administration and policy execution.
- The Council plays a critical role in addressing emergencies, such as natural disasters, pandemics, or political crises, by formulating and executing appropriate responses.

Conclusion

The Council of Ministers is the backbone of India's parliamentary democracy. Its constitutional mandate ensures that executive power is exercised responsibly and transparently. By being collectively responsible to the Lok Sabha and answerable to the President, the Council embodies the principle of accountability, which is crucial for maintaining the rule of law and democratic governance in India.

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