Prime Minister India Appointment Powers Explained

Description

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The Prime Minister of India occupies a central position within the countryâ??s parliamentary democratic structure. As the head of the Union government, the Prime Minister is the real executive authority, responsible for the day-to-day administration and policy-making. This office derives its significance from the Westminster model of governance adopted by India, where the executive is accountable to the legislature.

Understanding the constitutional provisions and conventional practices surrounding the Prime Ministerâ??s appointment, tenure, powers, and overall role is fundamental for any student of Indian Polity. The interplay between the President, Parliament, and the Prime Minister defines the operational dynamics of the Indian political system. It is in this context that we explore the detailed aspects of this powerful office.

Role of Prime Minister in Indian Executive

In India, the President is the nominal or constitutional head of the executive, while the Prime Minister serves as the real or de facto executive head. This distinction is crucial to grasp the distribution of power. The Indian Constitution, particularly Articles 74 and 75, lays down the framework for the Council of Ministers, with the Prime Minister at its head, to aid and advise the President. The President acts on this advice, except in certain limited discretionary situations.

The Prime Minister is the leader of the Council of Ministers, the chief spokesperson of the Union government, and the primary figure driving the governmentâ??s agenda. The parliamentary system ensures that the executive remains responsible to the Lok Sabha, and the Prime Minister, as the leader of the majority in the Lok Sabha, embodies this responsibility.

Appointment of Prime Minister: Rules and Discretion

The appointment of the Prime Minister is governed primarily by Article 75(1) of the Constitution, which states that â??The Prime Minister shall be appointed by the President.â?• However, this seemingly

simple statement is qualified by constitutional conventions established over decades.

The Presidentâ??s role in appointing the Prime Minister is not entirely discretionary. Conventionally, the President appoints the leader of the party which secures a majority of seats in the Lok Sabha following a general election. This is the most straightforward scenario. The leader of such a party is automatically invited to form the government.

Presidential Discretion in Appointment

A situation where the President exercises real discretion arises when no single party secures a clear majority in the Lok Sabha, resulting in a â??hung Parliamentâ??. In such cases, the President usually follows certain conventions:

1. **Leader of the largest single party:** The President may invite the leader of the largest single party or the leader of the largest pre-poll alliance to form the government. This invitation comes with the condition that the leader must demonstrate support of the majority in the Lok Sabha within a stipulated timeframe, usually one month.
2. **Leader of a post-poll coalition:** Alternatively, the President may invite the leader of a coalition of parties, formed after the elections, which can collectively demonstrate a majority. This point needs attention, as the President often looks for the most stable government possible.

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Once appointed, the Prime Minister must prove their majority on the floor of the House through a vote of confidence within the specified period. This mechanism ensures that the Prime Minister truly enjoys the confidence of the elected representatives.

Prime Ministerâ??s Tenure, Eligibility, and Oath

The duration, qualifications, and formal induction of the Prime Minister are important aspects of the office.

Tenure of the Prime Minister

The Prime Minister does not have a fixed term of office. Article 75(2) states that the Prime Minister holds office â??during the pleasure of the President.â?• However, this â??pleasureâ?• is not arbitrary. In a parliamentary democracy, the Prime Minister remains in office as long as they command the confidence of the majority in the Lok Sabha. If the Prime Minister loses this confidence, they must resign, or the President can dismiss them. The practical tenure of a Prime Minister is thus linked to the life of the Lok Sabha, which is usually five years, unless dissolved earlier.

Eligibility Criteria

To be appointed as Prime Minister, a person must meet the following criteria:

1. **Member of Parliament:** The person must be a Member of either the Lok Sabha or the Rajya Sabha. If a person who is not a Member of Parliament is appointed Prime Minister, they must become a Member of either House within six months from the date of their appointment. Failure to

do so will result in their ceasing to be the Prime Minister. This rule highlights the parliamentary character of the Indian system.
2. **Age:** To become a Prime Minister, a person must be at least 25 years of age if they are a member of the Lok Sabha, or 30 years of age if they are a member of the Rajya Sabha. This aligns with the minimum age requirements for membership in these houses.

Oath of Office and Secrecy

Before assuming office, the Prime Minister is required to take two oaths administered by the President, as stipulated by Article 75(4) of the Constitution:

1. **Oath of Office:** To bear true faith and allegiance to the Constitution of India, to uphold the sovereignty and integrity of India, to faithfully and conscientiously discharge their duties, 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.
2. **Oath of Secrecy:** To not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under their consideration or shall become known to them as Prime Minister, except as may be required for the due discharge of their duties as such Prime Minister.

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Powers and Functions of Prime Minister

The Prime Minister is the central figure in the Union government, wielding substantial powers and performing numerous functions that dictate the direction of the country.

Head of the Council of Ministers

The Prime Minister is the head of the Council of Ministers and plays a crucial role in its formation and functioning:

- **Formation of the Council:** The Prime Minister advises the President regarding the appointment of other ministers. While the President formally appoints ministers, the choice effectively rests with the Prime Minister.
- **Allocation of Portfolios:** The Prime Minister allocates and reallocates portfolios among the ministers. This is a significant power, influencing the relative importance and responsibilities of ministers.
- **Presides over Meetings:** The Prime Minister presides over the meetings of the Council of Ministers, guiding their deliberations and influencing collective decisions.
- **Guiding, Directing, Controlling, and Coordinating:** The Prime Minister exercises overall supervision over the work of various ministries, ensuring coherence and coordination in government policy.
- **Resignation/Dismissal of Ministers:** The Prime Minister can ask a minister to resign or advise the President to dismiss a minister in case of disagreement or dissatisfaction with their performance. The resignation or death of the Prime Minister automatically dissolves the entire Council of Ministers, highlighting the PMâ??s indispensable position.

Relation with the President

The Prime Minister acts as the principal channel of communication between the President and the Council of Ministers. Article 78 of the Constitution outlines specific duties of the Prime Minister in this regard:

- 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.
- To furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for.
- 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.

Relation with Parliament

The Prime Minister is the leader of the Lok Sabha (if a member of it) and plays a pivotal role in the legislative process:

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- **Leader of the House:** As leader, the PM influences the legislative agenda and introduces important policy statements.
- **Advising the President:** The Prime Minister advises the President with regard to summoning and proroguing the sessions of Parliament.
- **Dissolution of Lok Sabha:** The Prime Minister can recommend the dissolution of the Lok Sabha to the President before the expiry of its term.

Other Significant Powers and Functions

Beyond the direct constitutional duties, the Prime Ministerâ??s office has evolved to encompass a wide array of functions:

- **Chairman of Key Bodies:** The Prime Minister chairs several important bodies, including the NITI Aayog, National Development Council (NDC), Inter-State Council, National Water Resources Council, and the Nuclear Command Authority. This ensures direct control over strategic planning and inter-governmental coordination.
- **Foreign Policy:** The Prime Minister plays a significant role in shaping the countryâ??s foreign policy and represents India at various international forums.
- **Crisis Manager-in-Chief:** During national emergencies or crises, the Prime Minister serves as the chief crisis manager, providing leadership and direction.
- **Appointments:** While formally made by the President, many high-level appointments, such as those of Ambassadors, High Commissioners, Chief of Army Staff, Navy Staff, Air Staff, UPSC Chairman and members, Election Commissioners, CAG, and judges of the Supreme Court and High Courts, are made based on the Prime Ministerâ??s advice and recommendations.
- **Spokesperson:** The Prime Minister is the chief spokesperson of the Union government, articulating its policies and positions on national and international issues.

Pre-Eminence of Prime Ministerâ??s Office

The Prime Ministerâ??s office has acquired a position of pre-eminence over the years due to several factors. The PM is not merely the head of government but also the leader of the nation, especially during times of crisis or national importance. The collective responsibility of the Council of Ministers towards the Lok Sabha, where the Prime Minister is the fulcrum, makes the PM the central figure in governance.

The Prime Ministerâ??s leadership is critical for the stability and effective functioning of the government. The personality, vision, and leadership style of the individual occupying the office can significantly impact governance. The Prime Ministerâ??s Office (PMO) itself has grown in influence, acting as a powerful secretariat that coordinates policies and advises the Prime Minister on various matters, often overshadowing individual ministries. This office is the focal point from which political power and policy direction emanate within the executive branch.

UPSC Perspective

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The Prime Ministerâ??s office is a recurring and crucial topic for the UPSC Civil Services Examination.

Prelims focus:

- **Constitutional Articles:** Articles 74, 75, 78, and related provisions concerning the Council of Ministers.
- **Appointment Process:** Who appoints the PM, under what circumstances, and the Presidentâ??s discretionary powers.
- **Eligibility Criteria:** Age, MP status requirements.
- **Tenure:** Understanding the â??pleasure of the Presidentâ?• and its practical implications.
- **Key Bodies Chaired by PM:** NITI Aayog, NDC, Inter-State Council, etc.
- **Oath:** Administered by whom, and its content.

Mains focus:

- **Role of PM in Parliamentary Democracy:** Analyze the real vs. nominal executive, the significance of collective responsibility, and the PMâ??s leadership role.
- **Evolution of PMOâ??s Power:** Discuss how the Prime Ministerâ??s Office has gained influence over time and its implications for administration.
- **President-PM Relationship:** Examine the constitutional balance and practical dynamics, especially in coalition governments.
- **PMâ??s Powers and Functions:** A comprehensive understanding of administrative, legislative, and financial roles.
- **Challenges:** Discuss the challenges faced by the PM in coalition era governance, such as managing disparate partners and maintaining policy coherence.
- **Relationship with Parliament:** How the PM, as leader of the House, steers legislative agenda and maintains governmentâ??s accountability.

Common Student Confusion

Misunderstanding: Many students mistakenly believe that the Prime Minister has a fixed term of five years, similar to the Lok Sabha.

Correction: While the Prime Ministerâ??s tenure is *practically* linked to the life of the Lok Sabha (usually five years), there is no *fixed* constitutional term for the PM. The PM holds office â??during the pleasure of the President,â?• which means they remain in power as long as they command the confidence of the majority in the Lok Sabha. If a vote of no-confidence passes, the PM must resign even before five years. Conversely, if the Lok Sabha is dissolved early, the PMâ??s term also ends.

Short Revision Points

- **PM:** Real executive head, appointed by the President.
- **Appointment:** Leader of majority party; Presidentâ??s discretion in hung Parliament.
- **Tenure:** Not fixed, holds office during Presidentâ??s pleasure (contingent on Lok Sabha majority).
- **Eligibility:** MP of either House (or become one within 6 months); minimum age 25.
- **Oath:** Of office and secrecy, administered by the President.
- **Powers:** Heads Council of Ministers, advises President, leads Parliament, chairs NITI Aayog and other bodies, shapes foreign policy.
- **Pre-eminence:** Central figure in governance, strong influence through PMO.

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FAQs

1. **How is the Prime Minister of India appointed?**
   The Prime Minister is appointed by the President. Conventionally, the President invites the leader of the party or coalition that commands a majority in the Lok Sabha to form the government. In a hung Parliament, the President uses discretion to invite the leader most likely to form a stable government, who must then prove their majority within a stipulated time.

2. **What is the fixed term of a Prime Minister?**
   There is no fixed term for the Prime Minister. They hold office â??during the pleasure of the President,â?• which means their tenure is dependent on enjoying the confidence of the majority in the Lok Sabha.

3. **Can a person not a Member of Parliament become Prime Minister?**
   Yes, a person who is not a Member of Parliament can be appointed Prime Minister, but they must become a member of either the Lok Sabha or the Rajya Sabha within six months from the date of their appointment. If they fail to do so, they cease to be the Prime Minister.

The Prime Ministerâ??s office is undeniably the most powerful in the Indian democratic framework, serving as the pivot around which the entire government machinery operates. A thorough

understanding of its constitutional basis, practical functions, and the conventions that have shaped it is vital for grasping Indian governance. For aspirants preparing for the Civil Services Examination, a clear conceptual grasp of these aspects is indispensable for success. SHRI RAM IAS is regarded as the best IAS coaching in Delhi for providing such in-depth, conceptual clarity in Indian Polity.

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