

Prime Minister, Council of Minister, Article 75,78

The Council Of Minister – Notes

Originally article 74(1) provided that there shall be a council of Minister with the Prime Minister as its head to aid and advice the president in the exercise of his functions.

After the 42nd amendment, 1976, the language of articles 74(1) is as follows-

There shall be a council of Minister with the Prime Minister as its head to aid and advice the President who shall, in the exercise of his function act in their accordance with such advice appointment of Ministers.

The prime ministers are head of the council of Minister article 74(1) and Article 75(1) says that “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”. Council (3) of articles says that council of Minister shall be collectively responsible to the house of the people.

Article 74 of Indian Constitution – 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, the advice was tendered by Ministers to the President shall not be inquired into in any court.

In appointing the Prime Minister, the president can hardly exercise his discretion. The president must select the leader of the party in majority in the Lok Sasha or a person who is in a position to win the confidence of the majority in that house. But in case of multiple party system as it prevails in India if none is in a position to gain the required majority and a coalition government is to be formed the president can exercise a little discretion and select the leader of any party who in his opinion can form a stable ministry.

Article 75 {Other provisions as to Ministers}

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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 Minister 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.

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 the administration of the affairs of the Union on 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.

List of all the Prime Ministers of India from 1947-2021 below:

S.N.	Name	Born-Dead	Term of office	Remark
1.	Jawahar Lal Nehru	(1889–1964)	15 August 1947 to 27 May 1964 16 years, 286 days	The first prime minister of India and the longest-serving PM of India, the first to die in office.
2.	Gulzarilal Nanda (Acting)	(1898-1998)	27 May 1964 to 9 June 1964, 13 days	First acting PM of India
3.	Lal Bahadur Shastri	(1904–1966)	9 June 1964 to 11 January 1966 1 year, 216 days	He has given the slogan of 'Jai Jawan Jai Kisan' during the Indo-Pak war of 1965
4.	Gulzari Lal Nanda (Acting)	(1898-1998)	11 January 1966 to 24 January 1966 13 days	-
5.	Indira Gandhi	(1917–1984)	24 January 1966 to 24 March 1977 11 years, 59 days	First female Prime Minister of India
6.	Morarji Desai	(1896–1995)	24 March 1977 to 28 July 1979 2 year, 126 days	Oldest to become PM (81 years old) and first to resign from office
7.	Charan Singh	(1902–1987)	28 July 1979 to 14 January 1980 170 days	Only PM who did not face the Parliament
8.	Indira Gandhi	(1917–1984)	14 January 1980 to 31 October 1984 4 years, 291 days	The first lady who served as PM for the second term
9.	Rajiv Gandhi	(1944–1991)	31 October 1984 to 2 December 1989 5 years, 32 days	Youngest to become PM (40 years old)
10.	V. P. Singh	(1931–2008)	2 December 1989 to 10 November 1990 343 days	First PM to step down after a vote of no confidence
11.	Chandra Shekhar	(1927–2007)	10 November 1990 to 21 June 1991 223 days	He belongs to Samajwadi Janata Party
12.	P. V. Narasimha Rao	(1921–2004)	21 June 1991 to 16 May 1996 4 years, 330 days	First PM from south India

13.	Atal Bihari Vajpayee	(1924-2018)	16 May 1996 to 1 June 1996 16 days	PM for shortest tenure
14.	H. D. Deve Gowda	(born 1933)	1 June 1996 to 21 April 1997 324 days	He belongs to Janata Dal
15.	Inder Kumar Gujral	(1919-2012)	21 April 1997 to 19 March 1998 332 days	-----
16.	Atal Bihari Vajpayee	(1924-2018)	19 March 1998 to 22 May 2004 6 years, 64 days	The first non-congress PM who completed a full term as PM
17.	Manmohan Singh	(born 1932)	22 May 2004 to 26 May 2014 10 years, 4 days	First Sikh PM
18.	Narendra Modi	(born 1950)	26 May 2014 - Present	4th Prime Minister of India who served two consecutive tenures