

Council of Ministers

Constitutional Position (Traps 1-10)

Trap 1

✗ Council of Ministers (CoM) is a statutory body.

✓ It is a constitutional body under Articles 74 (Union) & 163 (State).

Trap 2

✗ CoM is optional for the Union Government.

✓ Mandatory — President/Governor must act on their aid and advice.

Trap 3

✗ The Constitution clearly defines the size of CoM.

✓ No fixed number originally; capped at 15% of Lok Sabha strength (91st Amendment).

Trap 4

✗ CoM is collectively responsible to the President.

✓ Collectively responsible to the Lok Sabha (Art. 75(3)).

Trap 5

✗ At the state level, CoM is responsible to the Governor.

✓ Responsible to Legislative Assembly, not Governor.

Trap 6

✗ President can act without CoM advice.

✓ After 44th Amendment, President must act on advice; can only seek reconsideration once.

Trap 7

✗ CoM is directly accountable to the Rajya Sabha.

✓ Lok Sabha only; RS can discuss, not remove them.

Trap 8

✗ CoM's advice to President must be in writing since 1950.

✓ Made mandatory in writing by 44th Amendment (1978).

Trap 9

✗ CoM is mentioned only for Union level.

✓ Exists at both Union (Art. 74) and State (Art. 163) levels.

Trap 10

✗ CoM and Cabinet mean the same in the Constitution.

✓ Constitution mentions Council of Ministers; "Cabinet" appears only in Art. 352(3) (post-44th Amendment).

Composition & Classification (Traps 11-20)

Trap 11

✗ CoM includes only Cabinet Ministers.

✓ Includes Cabinet, Ministers of State, and Deputy Ministers.

Trap 12

✗ Deputy Ministers attend Cabinet meetings.

✓ They do not attend unless invited.

Trap 13

✗ Minister of State is superior to Cabinet Minister.

✓ Subordinate; may hold independent charge or assist a Cabinet Minister.

Trap 14

✗ Ministers of State are members of Cabinet Secretariat.

✓ Not necessarily; only those invited are.

Trap 15

✗ Cabinet Secretariat is a constitutional body.

✓ Executive wing supporting the Cabinet; not constitutional.

Trap 16

✗ PM decides all ranks of ministers.

✓ President appoints on PM'B advice.

Trap 17

✗ Number of ministers is uniform for all states.

✓ Varies — capped at 15% of Assembly strength (91st Amendment).

Trap 18

✗ Every minister must be from Lok Sabha.

✓ Can be from either House, or even outside (must get elected within 6 months).

Trap 19

✗ A non-MP cannot become minister.

✓ Can, but must enter Parliament within 6 months or resign.

Trap 20

✗ Ministers are civil servants.

✓ Political executives, not permanent officials.

Composition & Classification (Traps 21-30)



Trap 21

- ✗ **CoM's** hierarchy is mentioned in **Constitution**.
- ✓ Convention-based, not **constitutional**.



Trap 22

- ✗ **Ministers of State (Independent Charge)** are part of **Cabinet**.
- ✓ Not **Cabinet** members, but attend relevant meetings.



Trap 23

- ✗ All ministers draw equal salaries.
- ✓ Salaries vary by rank and responsibility.



Trap 24

- ✗ All ministers hold office for 5 years fixed term.
- ✓ Hold office during pleasure of the **President/Governor**.



Trap 25

- ✗ **Cabinet** is subordinate to **Council of Ministers**.
- ✓ **Cabinet** is inner core and exercises real authority.



Trap 26

- ✗ **President/Governor** appoints ministers independently.
- ✓ Appoints on advice of **PM/CM**.



Trap 27

- ✗ Ministers take oath before the **Speaker**.
- ✓ Before the **President** or **Governor** (**Art. 75(4)** / **164(3)**).



Trap 28

- ✗ **Oath of secrecy** is optional.
- ✓ Mandatory; **Schedule III** prescribes both oaths.



Trap 29

- ✗ **President** can remove ministers directly.
- ✓ Removes on advice of **PM**.



Trap 30

- ✗ **CoM** can exist without **PM**.
- ✓ Cannot — **PM** is its head and link between **President** and **CoM**.

Appointment & Oath (Traps 31-40)

Trap 31

✗ **President** appoints **PM** on **CoM**'s recommendation.

✓ **PM** first, then **ministers** on **PM**'s advice.

Trap 32

✗ Every **minister** must be an **elected MP** before **oath**.

✓ May take **oath** before election but must get **elected** within 6 months.

Trap 33

✗ **President** can refuse **oath** to a recommended **minister**.

✓ Bound by **PM**'s advice.

Trap 34

✗ **CM** appoints **state ministers** directly.

✓ **Governor** appoints on **CM**'s advice.

Trap 35

✗ **Governor** administers **oath** to himself.

✓ Administers **oath** to **CM** and other **ministers**.

Trap 36

✗ **Oath** for **Union** and **State ministers** differs in content.

✓ Identical — both under **Schedule III**.

Trap 37

✗ **Ministers** can hold dual portfolios only with **President**'s consent.

✓ No **constitutional bar**; **PM** allocates portfolios.

Trap 38

✗ **President** can appoint anyone as **minister** without **PM**.

✓ Invalid; must follow **PM**'s advice.

Trap 39

✗ **Cabinet Secretary** administers **oath** to **ministers**.

✓ **President** or **Governor** only.

Trap 40

✗ **PM** can skip **oath** if already **MP**.

✓ **Oath of office/secretcy** is mandatory regardless of status.

Tenure & Responsibility (Traps 41-50)

Trap 41

✗ Ministers hold office for 5 years fixed.

✓ Serve at pleasure of President/Governor.

Trap 42

✗ Individual minister is responsible only to PM.

✓ Collective responsibility to Lok Sabha applies to entire CoM.

Trap 43

✗ President can dismiss the entire CoM at will.

✓ Only when PM advises or loses confidence.

Trap 44

✗ Governor can remove ministers independently.

✓ Only on CM's advice.

Trap 45

✗ Ministers cannot be dismissed individually.

✓ Can be dismissed individually on PM's advice.

Trap 46

✗ Collective responsibility is mentioned only by convention.

✓ Explicitly stated in Art. 75(3) (Union) & 164(2) (State).

Trap 47

✗ Collective responsibility means joint salary.

✓ Means joint accountability to legislature.

Trap 48

✗ Individual responsibility doesn't exist.

✓ Exists — minister resigns for departmental errors or PM's loss of confidence.

Trap 49

✗ CoM continues even after PM's death.

✓ Dissolves automatically with PM's office.

Trap 50

✗ President's pleasure is absolute.

✓ Conditional on PM's majority support.

Tenure & Responsibility (Traps 51-60)

Trap 51

✗ Council of Ministers can bypass Parliament.

✓ Answerable to Parliament (Lok Sabha).

Trap 52

✗ Ministers are not accountable to courts.

✓ Accountable for official acts under law.

Trap 53

✗ CoM can remain in office without majority.

✓ Must resign or face confidence vote.

Trap 54

✗ Ministers are bound by Cabinet decisions only if they agree.

✓ Bound by collective responsibility, must defend Cabinet policy.

Trap 55

✗ President or Governor can directly question ministers in Parliament.

✓ Only members of legislature can.

Trap 56

✗ CoM exercises powers of the President.

✓ Exercises executive powers in President's name.

Trap 57

✗ CoM controls judiciary.

✓ Judiciary is independent; CoM cannot interfere.

Trap 58

✗ CoM prepares budget under Finance Secretary.

✓ Finance Minister, under Cabinet direction, prepares it.

Trap 59

✗ CoM frames laws directly.

✓ Parliament/Legislature passes; CoM initiates and implements.

Trap 60

✗ CoM decides defence matters independently of PM.

✓ PM chairs Cabinet Committee on Security.

Functions & Powers (Traps 61-70)

Trap 61

✗ **CoM** enforces laws but cannot make rules.

✓ Can make subordinate legislation (rules, orders).

Trap 62

✗ **CoM** prepares President's address to Parliament.

✓ Yes — Cabinet drafts it.

Trap 63

✗ **CoM** must consult President before every policy.

✓ Advises, not consults.

Trap 64

✗ **CoM** cannot decide foreign policy.

✓ Cabinet determines foreign and defence policy.

Trap 65

✗ **CoM** decides President's rule.

✓ Advises President based on Governor's report (Art. 356).

Trap 66

✗ **CoM** has no role in ordinance making.

✓ Advises President to issue ordinances (Art. 123).

Trap 67

✗ **CoM** can amend the Constitution.

✓ Only Parliament by Art. 368 can amend.

Trap 68

✗ **CoM** can create new ministries by executive order.

✓ Yes, under executive powers.

Trap 69

✗ **CoM** controls all statutory bodies automatically.

✓ Only those under administrative departments.

Trap 70

✗ **CoM** can direct courts to delay trials.

✓ Violation of judicial independence.

Functions & Powers (Traps 71-80)

1

Trap 71

✗ **CoM** frames the **Rules of Business**.

✓ **President/Governor** frames them on advice of **CoM (Art. 77/166)**.

2

Trap 72

✗ **CoM** submits reports directly to **judiciary**.

✓ Reports to **President/Governor** and **Legislature**.

3

Trap 73

✗ **CoM** can appoint **CAG**.

✓ **CAG** appointed by **President**.

4

Trap 74

✗ **CoM** enforces **parliamentary privileges**.

✓ **Parliament/Assemblies** enforce their own **privileges**.

5

Trap 75

✗ **CoM** determines **Governor's address** content.

✓ Yes — **Cabinet** drafts speech.

6

Trap 76

✗ **Cabinet** includes all **ministers**.

✓ Only **senior ministers** form **Cabinet**.

7

Trap 77

✗ **Cabinet** is mentioned nowhere in **Constitution**.

✓ Mentioned once — **Art. 352(3)** (post-**44th Amendment**).

8

Trap 78

✗ **Cabinet decisions** need **Parliament's approval** every time.

✓ Only when involving **legislation** or **expenditure**.

9

Trap 79

✗ **Cabinet meetings** are open to public.

✓ Strictly confidential.

10

Trap 80

✗ **Cabinet decisions** are by **President's direction**.

✓ **PM** leads **Cabinet decision-making**.

Cabinet vs Council of Ministers (Traps 81-90)

1 Trap 81

✗ Cabinet committees are constitutionally mandated.

✓ Administrative arrangements, not constitutional.

2 Trap 82

✗ Cabinet and CoM meet jointly always.

✓ Cabinet meets more frequently, CoM rarely in full.

3 Trap 83

✗ Cabinet is headed by President.

✓ Headed by PM/CM.

4 Trap 84

✗ Cabinet approval is not required for ordinances.

✓ Required as part of collective advice.

5 Trap 85

✗ Cabinet is answerable to Governor.

✓ Answerable to Legislature.

6 Trap 86

✗ Cabinet is dissolved automatically when CM dies.

✓ Yes — same rule as PM's death.

7 Trap 87

✗ Cabinet decisions bind only Cabinet Ministers.

✓ Bind entire Council of Ministers (collective responsibility).

8 Trap 88

✗ Cabinet can bypass Legislature under Rule of Business.

✓ Cannot — rules subject to law and Constitution.

9 Trap 89

✗ Cabinet can alter constitutional structure by order.

✓ Only Parliament can amend Constitution.

10 Trap 90

✗ Cabinet is subordinate to civil service.

✓ Civil service implements, Cabinet directs.

Miscellaneous & Factual (Traps 91-100)



Trap 91

✗ CoM's strength was fixed by 42nd Amendment.

✓ Fixed by 91st Amendment (2003).



Trap 92

✗ Ministers must be from ruling coalition only.

✓ Any party member or independent can be minister if majority supports.



Trap 93

✗ CoM exists only during Parliament session.

✓ Exists throughout, not tied to sessions.



Trap 94

✗ CoM can be headed by Speaker in absence of PM.

✓ Most senior Cabinet Minister acts as PM.



Trap 95

✗ CoM can give directions to Election Commission.

✓ EC is independent constitutional body.



Trap 96

✗ CoM's decisions are published in Gazette automatically.

✓ Only notified decisions appear officially.



Trap 97

✗ CoM prepares Constitution Amendment Bills.

✓ May draft and introduce, but Parliament passes.



Trap 98

✗ CoM's existence depends on President's pleasure alone.

✓ Linked to Lok Sabha's confidence.



Trap 99

✗ CoM can issue binding rules on States.

✓ Limited by federal distribution of powers.



Trap 100

✗ CoM is a ceremonial body.

✓ Real executive authority of the Union/State government.