

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/secrecy** 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.