



Prime Minister of India

Constitutional Position

✗ The Prime Minister is the Head of State.

✓ Head of Government; President is the Head of State.

✗ PM is directly elected by Lok Sabha.

✓ Appointed by the President (Art. 75).

✗ PM is a member of the Rajya Sabha only.

✓ Can be from either House of Parliament.

✗ The PM is part of the Legislature only.

✓ PM is part of Executive & Legislature (dual role).

✗ PM is personally accountable to Parliament.

✓ Council of Ministers is collectively responsible; PM leads it.

✗ The Constitution does not mention the Prime Minister's office.

✓ Mentioned explicitly in Articles 74 & 75.

✗ PM holds office for 5 years fixed term.

✓ Holds office during the pleasure of the President, effectively while commanding Lok Sabha majority.

✗ PM must be an elected MP before appointment.

✓ Can be appointed even before becoming MP, but must get elected within 6 months (Art. 75(5)).

✗ PM's oath is administered by Speaker.

✓ Administered by President.

✗ PM cannot be dismissed by President.

✓ May be dismissed if loses majority in Lok Sabha.

Appointment

✗ **President** can appoint anyone as **PM**.

✓ Must appoint leader commanding **Lok Sabha majority**.

✗ **PM** must belong to ruling party.

✓ Can head a **coalition government** or **minority govt** with **majority** support.

✗ **President** can refuse to appoint elected leader.

✓ Bound by **parliamentary convention** to appoint **majority leader**.

✗ **PM** must always be a **Lok Sabha** member.

✓ May be from **Rajya Sabha** (e.g., Manmohan Singh).

✗ If **PM** from **RS** loses **majority** in **LS**, he stays in office.

✓ Must resign after losing **LS confidence**.

✗ **Constitution** prescribes the method of **PM election**.

✓ No election procedure in **Constitution** — purely **convention**.

✗ **President** can appoint a **PM** without consulting any party.

✓ Only in **hung Parliament** scenario, using **discretion**.

✗ **PM's appointment** needs approval by **Parliament**.

✓ No formal approval; **majority test** is enough.

✗ **PM's office** is a **statutory post**.

✓ **Constitutional post**, not **statutory**.

✗ **PM** is subordinate to the **Cabinet**.

✓ Head of the **Council of Ministers**.

Tenure & Removal



✗ PM can be impeached like the President.

✓ No impeachment; only loss of majority removes PM.



✗ PM continues till Lok Sabha dissolves.

✓ Can resign or be dismissed earlier if majority lost.



✗ PM automatically loses office when Parliament is dissolved.

✓ Continues as caretaker PM till new government forms.



✗ PM can dissolve Rajya Sabha.

✓ Only Lok Sabha can be dissolved, not RS.



✗ PM must resign if budget is defeated in RS.

✓ Must resign if defeated in Lok Sabha.



✗ PM has a fixed retirement age.

✓ No age limit.



✗ PM can be removed by President without reason.

✓ Only if he ceases to command majority.



✗ PM's resignation automatically dissolves Council of Ministers.

✓ Yes — Council dissolves with PM's resignation (collective responsibility ends).



✗ PM can remain in office indefinitely.

✓ Yes — no term limit in Constitution.



✗ PM continues even after losing election personally.

✓ Only if he remains MP of either House and commands majority.

Powers – Executive

✗ **Executive powers of Union vest in PM.**

✓ In **President**, exercised on **advice** of **PM** & **Cabinet**.

✗ **PM can appoint judges.**

✓ Appointed by **President** in consultation with **collegium**; **PM** only **recommends**.

✗ **PM's resignation** has no effect on **CoM**.

✓ **D dissolves** entire **Council of Ministers**.

✗ **PM** determines the **size of Council of Ministers**.

✓ Bound by **91st Amendment**: max **15% of LS strength**.

✗ **PM** can **remove** any **minister** without **President's involvement**.

✓ **Advises President** to remove; **President** acts accordingly.

✗ **PM** decides all **appointments** alone.

✓ Key **appointments** are made by **President** on **PM's advice**.

✗ **PM allocates ministries by President's direction**.

✓ **PM distributes portfolios** among **ministers**.

✗ **PM** can act without **Cabinet advice**.

✓ Must **act through Cabinet**, except emergencies.

✗ **PM** directly controls **bureaucracy**.

✓ Exercises control through **Cabinet Secretariat** & **PMO**.

✗ **Cabinet decisions** can **override PM**.

✓ **PM** can **restructure**, **overrule**, or **resign** if disagreement persists.

Executive Powers (Continued)

✗ PM's advice to President is optional.

✓ Binding after 42nd and 44th Amendments.

✗ PM has no role in appointment of Governor.

✓ Governor appointed by President on advice of Union Cabinet headed by PM.

✗ PM has no role in Union Territories.

✓ Advises President (Administrator) through Home Ministry.

✗ PM cannot speak in the other House.

✓ PM can participate and speak in both Houses, but vote only in his own.

✗ PM decides parliamentary agenda alone.

✓ Determines Cabinet's legislative agenda.

✗ PM's role in emergency is minimal.

✓ Central; all emergency decisions based on his written recommendation.

✗ PM appoints AG directly.

✓ President appoints on PM's advice.

✗ PM is not part of Parliament.

✓ Yes, he is a member of either House (Art. 79).

✗ PM decides the Speaker of Lok Sabha.

✓ Speaker elected by Members of LS.

✗ PM has no role in ordinance making.

✓ Key role — advises President to issue ordinances (Art. 123).

Legislative Powers

1

✗ PM introduces budget.

✓ Finance Minister presents it on behalf of PM-led government.

2

✗ PM chairs both Houses of Parliament.

✓ Only when both meet in joint session, chaired by Speaker.

3

✗ PM certifies Money Bill.

✓ Speaker certifies, not PM.

4

✗ PM is the Leader of Rajya Sabha always.

✓ Leader of House he belongs to.

5

✗ PM can address Parliament only in question hour.

✓ Can address any session; his statements carry high authority.

6

✗ PM has no role in summoning sessions.

✓ Advises President to summon/prorogue sessions (Art. 85).

7

✗ PM cannot dissolve Lok Sabha.

✓ Can recommend dissolution to President (Art. 85).

8

✗ PM's parliamentary majority is certified by EC.

✓ Determined by House confidence, not EC.

9

✗ PM decides President's address to Parliament.

✓ Cabinet drafts it under PM's supervision.

10

✗ PM cannot move confidence motions.

✓ May move or face confidence/no-confidence motions.

Relations with President

✗ PM and President are co-equal executives.

✓ President is nominal; PM is real executive head.

✗ PM is not constitutionally bound to inform President.

✓ Must inform President of all Cabinet decisions (Art. 78).

✗ PM can prevent President from accessing information.

✓ President can demand information (Art. 78).

✗ President can dismiss PM without reason.

✓ Only if majority lost; not arbitrary.

✗ PM reports to Vice-President constitutionally.

✓ Reports to President only.

✗ President can act without PM in routine affairs.

✓ Must act on PM's advice (Art. 74).

✗ President decides PM's policies.

✓ Policies framed by Cabinet under PM.

✗ President can summon any minister directly.

✓ Can only through PM, except in special cases.

✗ President supervises PMO functioning.

✓ PMO reports to PM, not President.

✗ President can issue directions to PM.

✓ May advise; cannot compel against constitutional advice.

Presidential Relations (Continued) & Emergency Powers

“ **✗ PM signs all treaties personally.**
✓ President ratifies treaties, PM negotiates via ministers. ”

“ **✗ President can ignore PM's advice indefinitely.**
✓ After reconsideration, must act on advice (44th Amendment). ”

“ **✗ PM and President take oath before each other.**
✓ PM before President; President before Chief Justice of India. ”

“ **✗ President can call Cabinet meetings.**
✓ PM decides Cabinet meetings. ”

“ **✗ PM must consult President on Cabinet reshuffle.**
✓ Political prerogative of PM; President only formalises. ”

“ **✗ PM can declare Emergency directly.**
✓ President proclaims, on written Cabinet recommendation. ”

“ **✗ PM can impose President's Rule in states.**
✓ Advises President; formal action by President. ”

“ **✗ PM alone decides Emergency duration.**
✓ Parliament approves every 6 months. ”

“ **✗ PM directs armed forces personally.**
✓ Operational command is through Defence Minister; PM leads policy. ”

“ **✗ PM can suspend Fundamental Rights.**
✓ President suspends under Art. 359. ”

Emergency Powers & Administrative Role

✗ PM continues automatically after Emergency ends.

✓ Continuity subject to majority confidence.

✗ PM heads National Emergency implementation committee.

✓ Cabinet Committee on Security, chaired by PM, handles crises.

✗ PM needs Parliament's prior consent for Emergency.

✓ Consent taken after proclamation, not before.

✗ PM can remove Governors during Emergency.

✓ Only President can, on PM's advice.

✗ PM can revoke Emergency anytime personally.

✓ Done by President on Cabinet advice.

✗ PM heads all parliamentary committees.

✓ Heads only key Cabinet Committees (e.g., Security, Appointments).

✗ PM is not a member of Planning Commission.

✓ Historically Chairman of Planning Commission (till 2014).

✗ PM chairs NITI Aayog meetings.

✓ Ex-officio Chairperson of NITI Aayog.

✗ PM directly heads Finance Commission.

✓ Independent body; PM not part of it.

✗ PM is head of NDC (National Development Council).

✓ Yes — by convention (now replaced by NITI structure).

Miscellaneous & Tricky Prelims Facts

1

✗ **PM** can override collective responsibility principle.

✓ Bound by it; responsibility is joint.

2

✗ **PM** decides appointments to all constitutional posts.

✓ Done through Appointments Committee of Cabinet (ACC) chaired by PM.

3

✗ **PM's** decisions are recorded by President.

✓ PMO and Cabinet Secretariat maintain records.

4

✗ **PM** can issue binding rules to states.

✓ Only under specific constitutional provisions; mostly advisory.

5

✗ **PM's Office (PMO)** is constitutionally created.

✓ Non-constitutional executive office.

6

✗ **PM's salary** is fixed by Constitution.

✓ Fixed by Parliament, not Constitution.

7

✗ **PM's advice** to dissolve LS can be rejected.

✓ President must accept advice (44th Amendment norm).

8

✗ **First PM** from Rajya Sabha was Lal Bahadur Shastri.

✓ Manmohan Singh (2004–14) was first long-term RS PM.

9

✗ **PM** is accountable only to President.

✓ To Lok Sabha under collective responsibility.

10

✗ **PM** is merely a ceremonial post.

✓ **PM** is real executive authority and leader of governance.