



Prime Minister of India

Constitutional Position

✗ The Prime Minister is the Head of State.

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

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

✓ Mentioned explicitly in Articles 74 & 75.

✗ PM is directly elected by Lok Sabha.

✓ Appointed by the President (Art. 75).

✗ PM holds office for 5 years fixed term.

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

✗ PM is a member of the Rajya Sabha only.

✓ Can be from either House of Parliament.

✗ 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)).

✗ The PM is part of the Legislature only.

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

✗ PM's oath is administered by Speaker.

✓ Administered by President.

✗ PM is personally accountable to Parliament.

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

✗ 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 decides all appointments alone.

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

✗ PM can appoint judges.

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

✗ PM allocates ministries by President's direction.

✓ PM distributes portfolios among ministers.

✗ PM's resignation has no effect on CoM.

✓ Dissolves entire Council of Ministers.

✗ PM can act without Cabinet advice.

✓ Must act through Cabinet, except emergencies.

✗ PM determines the size of Council of Ministers.

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

✗ PM directly controls bureaucracy.

✓ Exercises control through Cabinet Secretariat & PMO.

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

✓ Advises President to remove; President acts accordingly.

✗ 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's** role in **emergency** is minimal.

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

✗ **PM** has no role in **appointment of Governor**.

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

✗ **PM** appoints **AG** directly.

✓ **President** appoints on **PM's advice**.

✗ **PM** has no role in **Union Territories**.

✓ Advises **President (Administrator)** through **Home Ministry**.

✗ **PM** is not part of **Parliament**.

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

✗ **PM** cannot speak in the other **House**.

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

✗ **PM** decides the **Speaker of Lok Sabha**.

✓ **Speaker** elected by **Members of LS**.

✗ **PM** decides **parliamentary agenda** alone.

✓ Determines **Cabinet's legislative agenda**.

✗ **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.

✗ President can act without PM in routine affairs.

✓ Must act on PM's advice (Art. 74).

✗ PM is not constitutionally bound to inform President.

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

✗ President decides PM's policies.

✓ Policies framed by Cabinet under PM.

✗ PM can prevent President from accessing information.

✓ President can demand information (Art. 78).

✗ President can summon any minister directly.

✓ Can only through PM, except in special cases.

✗ President can dismiss PM without reason.

✓ Only if majority lost; not arbitrary.

✗ President supervises PMO functioning.

✓ PMO reports to PM, not President.

✗ PM reports to Vice-President constitutionally.

✓ Reports to President only.

✗ 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.