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Article 78: Duties of the Prime Minister to Inform the President

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The President signs government orders. But the Council of Ministers takes the real decisions. So how does the President stay informed? Article 78 answers that.

1 What Does Article 78 Say?

What is the rule in one line?

It is the duty of the **Prime Minister** to keep the **President** informed. The article lists three separate duties, marked (a), (b) and (c).

Article 78 sits in Part V, Chapter I. It follows Article 77 on running the government.

Who owes the duty?

Only the Prime Minister. The duty does not fall on the Council of Ministers as a body. It does not fall on each Minister either.

So the Prime Minister is the single link between the Council and the President. Think of a team head who reports to the owner of a firm.

Key terms

Council of Ministers. This is the full team of Ministers headed by the Prime Minister. It has Cabinet Ministers, Ministers of State and Deputy Ministers. It helps and advises the President.

Its decisions are the ones the Prime Minister must pass on.

Convention. A convention is an unwritten rule that leaders follow, though no law forces it. For example, the Prime Minister usually meets the President now and then. Some parts of this bond rest on convention, not on Article 78.

> **Quick check 1.** Article 78 places the duty to inform the President on each individual Minister. *(True or False?)* See answer ↓

Sources: constitution.org

2 Why Does This Duty Exist?

What does Article 74 require?

Article 74(1) sets up a Council of Ministers, led by the Prime Minister. Its job is to **aid and advise** the President. The President must act on that advice.

The President may ask the Council to think again, once. After that, the President must act on the advice given.

What is the problem?

The President must follow advice. But a President who knows nothing cannot ask a useful question. Nor can that President ask the Council to think again.

Article 78 solves this. It makes sure the President sees the decisions, the information and the unresolved matters.

Can a court look at the advice?

No. Under Article 74(2), no court may ask what advice was given to the President. So the flow of information stays between the government and the President. Judges do not look into it.

Think it through: why give the Prime Minister this duty and not each Minister? One channel avoids mixed messages. The Prime Minister also sees the whole government, not only one department.

> **Quick check 2.** Article 74(2) allows a court to ask what advice the Ministers gave the President. *(True or False?)* See answer ↓

Sources: constitution.org

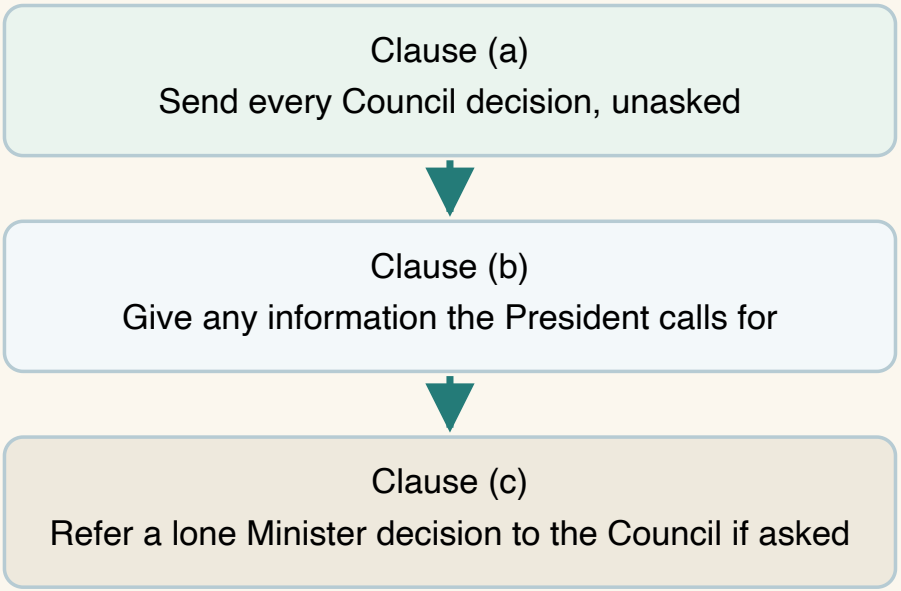
3 What Does Each Clause Do?

Clause (a): what must be sent without being asked?

The Prime Minister must **communicate** all Council decisions. These cover Union administration and proposals for new laws.

The word “all” matters. The Prime Minister cannot pick which decisions to share. The President need not ask first.

Clause (b): what must be given on request?



Tell, answer, refer. Original explanatory diagram.

The Prime Minister must **furnish** the information the President asks for. It must relate to Union administration and new laws.

This duty works on demand. The President asks and the Prime Minister answers.

Clause (c): what about a lone Minister's decision?

Sometimes a Minister decides alone. The Council never discussed it. If the President so requires, the Prime Minister must put that matter before the Council.

This clause is the sharpest of the three. It lets the President send one Minister's decision back to the whole team.

How do the clauses compare?

- **Clause (a):** automatic. The Prime Minister sends decisions on the Prime Minister's own initiative.
- **Clause (b):** on request. The President asks first.
- **Clause (c):** on requirement. It applies only when the President so requires.

Who appoints the Prime Minister?

Article 75(1) says the President appoints the Prime Minister. The President appoints other Ministers on the Prime Minister's advice. So the Prime Minister holds a special place in the Council. That is why Article 78 names the Prime Minister alone.

> **Quick check 3.** Under clause (c), the President may require the Prime Minister to place a Minister's unreviewed decision before the Council. *(True or False?)* See answer ↓

Sources: constitution.org

4 How Does Article 167 Compare?

What does Article 167 say?

Article 167 is the same rule for a State. It makes the **Chief Minister** inform the **Governor**. The three duties match Article 78 almost word for word.

- **(a):** pass on all State Council decisions on administration and new laws.
- **(b):** give information the Governor asks for.

- **(c):** if the Governor asks, put a lone Minister's decision before the Council.

How do the two articles line up?

- **Union:** Article 78, Prime Minister, President.
- **State:** Article 167, Chief Minister, Governor.

The numbers differ but the shape is the same. An exam may swap the two articles in an option.

> **Quick check 4.** Article 167 gives the Chief Minister similar duties towards the Governor. *(True or False?)* See answer ↓

Sources: constitution.org

5 What Happened in 1986-87?

What was the setting?

Giani Zail Singh was President from 1982 to 1987. Rajiv Gandhi became Prime Minister in 1984. Accounts say the two had a rocky bond.

In 1986, Parliament passed the Indian Post Office (Amendment) Bill. One clause let the government open mail on grounds such as public safety.

What did the President do?

President Zail Singh disagreed with that clause. He did not sign the Bill. He did not return it with comments either. He simply held it back.

Article 111 sets no time limit for the President to act on a Bill. That gap let the Bill sit. It is often called a **pocket veto**.

Pocket veto. A pocket veto means the head of state neither signs nor returns a Bill. The Bill just stays pending. This happened with the Post Office Bill. It was possible because Article 111 gives no deadline.

Where did Article 78 come in?

In a Budget Session, CPI(M) member Amal Datta said the Prime Minister had not kept the President informed. That would break Article 78. The Prime Minister denied it.

Later, a letter from the President's office was reported in the press. It said the facts were somewhat at variance with what the Prime Minister had said.

Why is this a lesson?

The episode shows the limits of a written duty. Article 78 gives the President the right to be informed. It names no penalty if the duty is missed. So the check works through the President's office, Parliament and public debate.

> **Quick check 5.** In the Post Office Bill episode, the President returned the Bill to Parliament with a message. *(True or False?)*
>
> See answer ↓

Sources: thebasicstructureconlaw.wordpress.com; constitution.org

6 How Has It Been Asked?

What have past papers tested?

CDS I 2022, Q76.

The question asked which Article requires the Prime Minister to furnish information about Council decisions. The answer is Article 78. Articles 74, 75 and 81 were the distractors. See Q76 in the full paper.

NDA II 2016, Q148.

The question asked which function falls to the Prime Minister. The answer is advising the President on the appointment of other Ministers, under Article 75(1). Allocating business, summoning the Cabinet and moving Ministers are conventions. See Q148 in the full paper.

What are the traps?

- **Article 74** is the aid and advice article. It is **not** the information duty.
- **Do not drop clause (c).** It is the one examiners twist.
- The duty rests on the **Prime Minister**, not on each Minister.
- **Article 167** is the State version: Chief Minister and Governor.
- Allocating portfolios is a **convention**, not a written duty.

> **Quick check 6.** Article 74 is the article that makes the Prime Minister inform the President. *(True or False?)* See answer ↓

Sources: constitution.org

Practice MCQs

1. What role does Article 78 give the Prime Minister, with respect to the President?

A. A ceremonial go-between with no real duties

B. The President's personal legal advisor

C. The sole formal channel of communication between the Council of Ministers and the President

D. The final decision-maker on all Presidential appointments

See answer ↓

2. Which of these is NOT one of the Prime Minister's duties under Article 78?

A. Approving the President's annual budget speech in advance

B. Furnishing information the President specifically calls for

C. Placing an individual Minister's unreviewed decision before the full Council, if the President requires it

D. Communicating all Council of Ministers decisions on Union administration to the President

See answer ↓

3. What specific power does Article 78(c) give the President?

A. The power to dismiss any Minister directly

B. The power to require that an individual Minister's unreviewed decision be placed before the full Council of Ministers

C. The power to appoint Ministers without the Prime Minister's advice

D. The power to veto any law passed by Parliament

See answer ↓

4. Why does Article 78's information-sharing duty matter alongside Article 74?

A. Article 74 gives the President a veto that Article 78 removes

B. Article 74 requires the President to act only on the Council's aid and advice, but the President needs to actually know what's happening to give informed input

C. Article 74 has nothing to do with the President's role at all

D. Article 74 and Article 78 apply only during a national emergency

See answer ↓

5. Which one of the following Articles of the Constitution of India requires the Prime Minister of India to furnish information related to decisions of the Council of Ministers to the President of India?

A. Article 78

B. Article 74

C. Article 75

D. Article 81

See answer ↓

6. Article 78 of the Constitution deals with the duty of the Prime Minister to?

A. Chair every Cabinet meeting without exception

B. Communicate to the President all decisions of the Council of Ministers relating to the administration of the Union's affairs

C. Appoint the Chief Justice of India

D. Preside over sessions of the Rajya Sabha

See answer ↓

7. Article 74 requires the President to act on the aid and advice of which body for almost all functions?

A. The Attorney General

B. The Supreme Court

C. The Parliament as a whole

D. The Council of Ministers

See answer ↓

8. What does Article 74(2) say about the advice given by Ministers to the President?

A. It is binding on Parliament

B. It cannot be inquired into in any court

C. It needs Rajya Sabha approval

D. It must be published

See answer ↓

Answer Key

1. **C.** The correct answer is **the sole formal channel between the Council of Ministers and the President**. Article 78 puts three duties on the Prime Minister alone. No other Minister carries them. Memory hook: one channel, one name. ↑ Q1
2. **A.** The correct answer is **approving the President's budget speech in advance**. Article 78 lists three duties only. They are to communicate decisions, to furnish information, and to submit a lone Minister's decision to the Council if asked. Memory hook: tell, answer, refer. ↑ Q2
3. **B.** The correct answer is the power to **require that a lone Minister's unreviewed decision go before the full Council**. This is clause (c) of Article 78. The Prime Minister must submit it if the President so requires. Memory hook: (c) sends it back to the team. ↑ Q3
4. **B.** The correct answer is that **Article 74 makes the President follow advice, and Article 78 makes sure the President knows what is going on**. A President who is not told cannot ask a useful question. Memory hook: 74 advises, 78 informs. ↑ Q4
5. **A.** The correct answer is **Article 78**. It makes the Prime Minister communicate Council decisions to the President and furnish information on request. Article 74 is aid and advice. Article 75 is about appointment and tenure. Memory hook: 78 informs. ↑ Q5
6. **B.** The correct answer is to **communicate to the President all decisions of the Council of Ministers on Union administration**. This is clause (a) of Article 78. It covers legislative proposals too. Memory hook: clause (a) is the automatic duty. ↑ Q6
7. **D.** The correct answer is **the Council of Ministers**. Article 74(1) says the Council, with the Prime Minister at the head, aids and advises the President. The President acts in accordance with that advice. Memory hook: 74 is advice. ↑ Q7
8. **B.** The correct answer is that **it cannot be inquired into in any court**. Article 74(2) bars courts from asking what advice, if any, was given to the President. Memory hook: advice stays out of court. ↑ Q8

Quick-check answers

1. **False.** The duty rests on the Prime Minister alone. ↑ 1
2. **False.** Article 74(2) bars any court inquiry. ↑ 2
3. **True.** This is the sharpest of the three duties. ↑ 3
4. **True.** It mirrors Article 78 at the State level. ↑ 4
5. **False.** He neither signed nor returned it. ↑ 5
6. **False.** Article 74 is the aid and advice article. Article 78 is the information duty. ↑ 6

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