

How Are Ministers Removed from Office in India? Latest News

August 1, 2026 • vajiramandravi.com



Ministers in India can be removed from office through **constitutional provisions, parliamentary accountability, voluntary resignation, or legal disqualification**. While the Constitution empowers the **President** and **Governor** to appoint and remove ministers, they exercise this power on the **aid and advice of the Prime Minister or Chief Minister**.

Why in News?

Union Education Minister **Dharmendra Pradhan** resigned on **25 July 2026** following widespread student protests and mounting political pressure over the alleged **NEET 2026 paper leak** and examination irregularities. His resignation came after days of nationwide demonstrations demanding accountability and reforms in the examination system. The development has intensified discussions on strengthening the integrity, transparency, and governance of India's competitive examination process.

How Are Ministers Removed from Office in India?

The **Council of Ministers** at both the Union and State levels is collectively responsible to the **Lok Sabha** or the **State Legislative Assembly**. Ministers remain in office only as long as they enjoy the confidence of the legislature and the support of the Prime Minister or Chief Minister.

Also Read:- Dharmendra Pradhan Resigns

Constitutional Methods of Removal of Ministers

The **Constitution of India** provides multiple mechanisms through which a minister can be removed from office, ensuring **executive accountability, collective responsibility, and democratic governance**.

1. Removal Under the Pleasure Doctrine

The **Pleasure Doctrine** provides that Union and State ministers hold office during the pleasure of the **President** or **Governor**, who act on the advice of the **Prime Minister** or **Chief Minister**.

- Governed by **Article 75(2)** for Union Ministers and **Article 164(1)** for State Ministers.
- The **President** removes a Union Minister only on the **advice of the Prime Minister**.
- The **Governor** removes a State Minister only on the **advice of the Chief Minister**.
- Ministers may be dismissed if they lose the confidence of the Prime Minister or Chief Minister.

2. Resignation by the Minister

A minister may voluntarily resign from office or resign when directed by the Prime Minister or Chief Minister to maintain cabinet discipline and political accountability.

- Ministers can resign due to **personal reasons**, health issues, or retirement.
- Resignation may follow **policy disagreements** with the government.
- Ministers often resign over **ethical concerns, public controversies, or administrative failures**.
- The Prime Minister or Chief Minister may ask a minister to resign during a **cabinet reshuffle**.
- The resignation is formally submitted to the **President** or **Governor** through the head of the government.

3. Removal Due to Loss of Confidence

The **Council of Ministers** is collectively responsible to the **Lok Sabha** or the **State Legislative Assembly**. If the government loses the confidence of the House, it must resign.

- Based on **Article 75(3)** for the Union and **Article 164(2)** for the States.
- A **No-Confidence Motion** passed by the legislature requires the entire Council of Ministers to resign.
- Defeat in a **Confidence Motion** may also lead to the government's removal.
- Losing an important **Money Bill** or confidence-related bill may indicate loss of majority support.

Statutory Disqualification of Ministers

Apart from constitutional provisions, a minister may also lose office due to **statutory disqualification** under the **Representation of the People Act, 1951 (RPA)**.

Representation of the People Act, 1951

Section 8 of the **Representation of the People Act, 1951** provides for the disqualification of legislators upon conviction for certain criminal offences.

- A legislator is **disqualified immediately** upon conviction for specified offences if sentenced to **two years or more of imprisonment**.
- Once disqualified as an **MP or MLA**, the individual also ceases to hold the office of **Minister**.
- This provision aims to uphold the **integrity and credibility** of public office.
- The **Supreme Court's judgment in Lily Thomas v. Union of India (2013)** confirmed that such disqualification takes effect immediately upon conviction.
- Ministers appointed without being members of the legislature must become an **MP or MLA within six months** under **Articles 75(5) and 164(4)**; failing to do so results in their removal from ministerial office.

Judicial Decisions Related to Removal and Disqualification

The Supreme Court of India has played a significant role in interpreting constitutional provisions relating to the appointment, removal, and disqualification of ministers.

1. Lily Thomas v. Union of India (2013)

The **Supreme Court** held that legislators convicted and sentenced to **two years or more** are **immediately disqualified** under **Section 8 of the Representation of the People Act, 1951**. Consequently, a **Minister** losing legislative membership cannot continue in office.

2. B.R. Kapur v. State of Tamil Nadu (2001)

The **Supreme Court** ruled that a person **disqualified from being a legislator** cannot be appointed or continue as the **Chief Minister**, reaffirming that constitutional offices must comply with **legal qualifications**.

3. Manoj Narula v. Union of India (2014)

The **Supreme Court** emphasised **constitutional morality** and observed that persons facing **serious criminal charges** should ideally not be appointed as ministers, while leaving the final decision to the **Prime Minister** or **Chief Minister** unless the person is legally disqualified.

Proposed Legal Framework for Removal of Ministers

The **Constitution (130th Amendment) Bill** proposes a stricter legal framework for the removal of ministers facing serious criminal charges. Although **not enacted**, the Bill aims to enhance **transparency, accountability, and integrity** in public office.

- Proposes the **automatic suspension or removal** of the **Prime Minister, Chief Minister, or Minister**.

- Applies where the individual is **accused of an offence punishable with imprisonment of five years or more**.
- The provision is triggered if the person remains in **judicial custody for 30 consecutive days**.
- **Removal or suspension** would automatically take effect on the **31st day** of custody.
- The Bill seeks to strengthen **ethical governance** and **public confidence** in the executive, but it **has not been passed** and is **not part of the Constitution**.

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