UNIT-7 CHIEF MINISTER AND STATE COUNCIL OF MINISTERS

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7.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- discuss the appointment, powers and functions of the Chief Minister of a State
- analyse the position of the Chief Minister of a State
- describe the composition, powers and functions of the State Council of Ministers
- examine the position of the State Council of Ministers.

7.2 INTRODUCTION

India is the Union of States. It has 29 States and 7 Union Territories. In India, every State has a government to run its own administration. The State executive consists of the Governor and the Council of Ministers headed

by the Chief Minister. Here, we will discuss the appointment, tenure, powers, functions and position of the Chief Minister of a State. We will also discuss the composition, powers, functions and position of the State Council of Ministers.

7.3 THE CHIEF MINISTER

The Article 163 of the Constitution provides for the office of the Chief Minister. The Chief Minister is the most powerful functionary of the State government. The Chief Minister is the real executive head of the State government. His/her position is like that of the Prime Minister in the State level. He/she is the head of the Council of Ministers.

7.3.1 Appointment of the Chief Minister

According to Article 164 of the Constitution of India, the Governor appoints the Chief Minister. While appointing the Chief Minister the Governor cannot act arbitrarily. The Governor appoints the leader of the party which gets the highest number of seats in the State Legislative Assembly as the Chief Minister of the State. If no party has an absolute majority in the Legislative Assembly, then the Governor may have some role in the selection of the leader. The elected Chief Minister must prove his/her majority in the Assembly within the given time.

The Chief Minister must be a member of the State Legislature. If he/she is not a member, then within six months he/she must get elected to the State Legislature.

7.3.2 Tenure

The Chief Minister has no fixed term. Generally, the tenure of the Chief Minister is for a period of five years. However, his/her term depends on the support of the majority members of the House. The Governor can remove the Chief Minister under some special circumstances.

7.3.3 Powers and Functions of the Chief Minister

The Chief Minister enjoys enormous powers and functions in the administration of a State. It can be discussed under the following heads:

- **Formation of the Council of Ministers**

The Chief Minister of a State is appointed by the Governor from the members of the majority party in the State Legislature and rest of the ministers are appointed by the Governor on the advice of the Chief Minister. The Governor can drop a minister on his/her advice.

- **Allocation of Portfolios**

The Chief Minister advises the Governor on the distribution of portfolios among the ministers. He/she reallocates the portfolios to ministers. He/she can reallocate portfolios as well. The Chief Minister can also include new minister in the Council or remove an earlier minister. He/she can call upon any minister to resign.

- **Chairman of the Council of Ministers**

The Chief Minister acts as the Chairman of the cabinet. He/she presides over the meetings of the Council. He/she convenes and presides over its meetings. He/she has the right to summon the meetings of the Council at any time.

- **As a Co-ordinator**

The Chief Minister has to maintain co-ordination among the departments. He/she co-ordinates the policies and working of all the ministers. He/she may interfere in the affairs of any ministry. It is the duty of the Chief Minister to resolve any conflict between the different departments. He/she must observe that there is no serious disagreement and conflict among the members of his/her Council of Ministers.

- **Link between the Governor and the Council of Ministers**

The Chief Minister is the channel of communication between the Governor and the ministers. He/she communicates to the Governor all decisions of the Council of Ministers relating to the

administration of the State. The Governor can seek any information from the Council of Ministers through the Chief Minister. He/she furnishes such information as the Governor may call for. He/she is the chief adviser of the Governor.

- **Leader of the State Legislative Assembly**

The Chief Minister is the leader of the majority party in the Legislative Assembly. He/she is the chief spokesman of the House. He/she makes all policy Statements in the House. He/she helps in maintaining discipline in the House. The Speaker of the House consults the Chief Minister before fixing up agenda for the House. The Chief Minister has to extend help on the floor of the House to a minister in answering the questions asked by the opposition members. He/she is the chief defender of the policies of the government.

According to the advice of the Chief Minister, the Governor convenes and stops the sessions of the Assembly. Even he/she can advise the Governor to dissolve the House. Normally such advice is given by the Chief Minister on the basis of political consideration. As he/she is the leader of the Assembly, no legislative proposal can be submitted in the legislature by the ministers without the prior consent of the Chief Minister.

- **Appointment-making Powers**

The Chief Minister advises the Governor in case of appointment and promotion of the high officials in the State. In this regard, the Chief Minister plays an important role and enjoys a vast power of appointing authority.

- **As the leader of the party**

The Chief Minister is the leader of his/her party in the State. He/she leads the members of his/her party in the Assembly. It is his/her responsibility to maintain unity and co-operation among the members of his/her party. It is the duty of the Chief Minister to maintain party discipline.

- **Role on Centre-State Relations**

The Chief Minister is the real executive head of the State government. As a chief executive of the State government, it is his/her responsibility to ensure a good relationship between the centre and the State.

- **Miscellaneous Powers**

The Chief Minister has some miscellaneous powers. He/she plays an important role in the financial sphere also. The Finance Minister of the State must consult him/her before presenting the yearly budget. No Money Bill can be introduced without his/her knowledge.

The Chief Minister represents his/her State in the meetings and conferences convened by the Central government.

The Chief Minister of a State occupies a very significant position in the State administration. The Chief Minister, in short, is the leader of the Council of Ministers, the leader of his/her party, the leader of the legislature and the leader of the people of his/her State. He/she also plays an important role in making policies of the government. The success of the State government depends to a great extent upon the leadership of the Chief Minister.

7.3.4 Position of the Chief Minister

The Chief Minister of a State occupies a very significant position in the State administration. The position of the Chief Minister in many respects is similar to that of the Prime Minister at the Union. The Chief Minister is the real executive head of the State government. The Governor is the nominal head of the State. The Chief Minister, as the real executive, enjoys a dominant and powerful position in the State.

The Chief Minister is the architect of the Council of Ministers. The Chief Minister of a State is appointed by the Governor from the members of the majority party in the State legislature and rest of the ministers are appointed by the Governor on the advice of the Chief

Minister. The Chief Minister advises the Governor on the distribution of the portfolios among the ministers. The Governor can drop a minister on his/her advice. He/she can reallocate portfolios as well. The Chief Minister can also include new minister in the council or remove an earlier minister. He/she can call upon any minister to resign.

The Chief Minister plays an important role in making policies of the government. The success of the State government depends to a great extent upon the leadership of the Chief Minister.

The Chief Minister acts as the Chairman of the Cabinet. He/she presides over the meetings of the Council. He/she convenes and presides over its meetings.

The Chief Minister has to maintain co-ordination among the departments. He/she co-ordinates the policies and working of all the ministers. He/she may interfere in the affairs of any ministry.

The Chief Minister is the channel of communication between the Governor and the ministers. He/she communicates to the Governor all decisions of the Council of Ministers relating to the administration of the State.

The Chief Minister is the leader of the majority party in the Legislative Assembly. He/she is the chief spokesman of the House.

The Chief Minister enjoys a lot of patronage. The Chief Minister advises the Governor in case of appointment and promotion of the high officials in the State.

The Chief Minister is the chief advisor to the Governor, the leader of the Council of Ministers, the leader of his/her party, the leader of the legislature and the leader of the people of his/her State.

The Chief Minister plays an important role in the financial sphere also. The Finance Minister of the State must consult him/her before presenting the yearly budget. No Money Bill can be introduced without his/her knowledge.

The real position of the Chief Minister depends upon many factors, i.e. personality, character, integrity and honesty etc. His/her

position in the State is similar to the one enjoyed by the Prime Minister in the Centre. Persons like Dr. B. C. Roy, Pratap Singh Kairon, G. B. Pant proved very powerful Chief Ministers.



LET US KNOW

The Chief Minister is regarded as the centre of the State government. He/she is the head of the State Council of Ministers, which is the real executive.



Activity 7.1

Find out the name of the first Chief Minister of Assam after the independence of our country.



CHECK YOUR PROGRESS

Q.1: Who appoints the Chief Minister of a State?

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Q.2: The Governor appoints the Chief Minister under the Article _____. (Fill in the blank)

.....

Q.3: The State Council of Ministers is presided over by the _____. (Fill in the blank)

.....

Q.4: The Chief Minister is the chief administrator of the State. (True/False)

.....

Q.5: Write two main functions of the Chief Minister.

.....

Q.6: Discuss the powers and functions of the Chief Minister with regard to formation of the Council of Ministers. (Write within 50 words)

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7.4 THE STATE COUNCIL OF MINISTERS

The Constitution of India provides for a parliamentary form of government not only at the Centre but also in the States. The Governor is the nominal head of the State executive. The real executive powers are exercised by the State Council of Ministers with the Chief Minister as its head. Although the Constitution vests the executive power with the Governor, yet it is exercised in fact by the Council of Ministers.

7.4.1 Composition

The Council of Ministers is the most important part of the State executive. Each State has a Council of Ministers, which is headed by the Chief Minister. The Article 163 provides that there shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his/her functions.

The Chief Minister and the ministers together make the State Council of Ministers. The procedure for the formation of the Council of Ministers at the State level is same as in the case of the Union Council of Ministers. The Article 164 of the Constitution lays down that the Governor shall appoint the Chief Minister and the other ministers shall also be appointed by him/her on the advice of the Chief Minister. Thus, the appointment of the Chief Minister is the first step in the process of formation of the State Council of Ministers.

The Chief Minister is the leader of the majority party in the State legislature. The Governor has to call the leader of the majority party in the Legislative Assembly to form the ministry. After appointment of the Chief Minister, the other ministers are appointed by the Governor on the advice of the Chief Minister. If no party gains majority, then the Governor can select anyone and appoint him/her as Chief Minister. In this matter, he/she enjoys complete freedom of choice. But that person should be able to prove his/her majority in the given time. The Chief Minister is free to select or not to select anyone for his/her team.

If a minister is not a member of the State Legislature at the time of his/her appointment, he/she has to get elected as a member within six months of his/her appointment.

The Chief Minister can change the portfolios of his/her colleagues and re-constitute the Council of Ministers as he/she likes.

The State Council of Ministers has three categories of minister. They are- Cabinet Ministers, Ministers of State and Deputy Ministers.

The salaries and other allowances of the Ministers are to be determined by the State Legislature.

The State Council of Ministers is responsible to the State Legislative Assembly. The Article 164(2) States "The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State".

There is no fixed term of the Council of Ministers. The Council of Ministers remains in power so long as it commands the confidence of the legislature. If a no confidence motion is passed in the Assembly, the Council must resign.

7.4.2 Powers and Functions of the State Council of Ministers

The State Council of Ministers is the highest executive of the State. The main powers and functions of the State Council of Ministers can be discussed under the following heads:

- **Formation of the Policy of State Administration**

The State Council of Ministers is the highest policy making body of the State. The State Council of Ministers formulates the policies of government on the basis of our Constitution. It also implements them. All the important policies of the State are discussed and decided upon by it. Each minister of the Council has to make separate policies for their own ministries.

- **Administrative Powers**

The State Council of Ministers runs the whole State administration in the name of the Governor. It bears the responsibility of administration of the State. The State Council of Ministers has to aid and advise the Governor in performing his/her duties. All the higher officials of State government are appointed on the advice of the State Council of Ministers.

Each minister is the head of a particular department. It is his/her responsibility to see that his/her department functions smoothly. Ministers are responsible for the administration of their department. They are also responsible for smooth running of the administration of the State.

- **Legislative Powers**

The State Council of Ministers plays an important part in legislation. In the process of law-making, the Council of Ministers plays a very significant role. The State Council of Ministers prepares the proposal for legislation.

The laws are framed in the State Legislature at the initiative of the ministers. In the Assembly, most bills are introduced by the ministers and no bill can become an Act without their support. Generally, the bills moved by the ministers are mostly passed by the State Legislature because the ministry enjoys the support of the majority. Thus, in the process of law making, the State Council of Ministers plays a very significant role.

The State Council of Ministers also advises the Governor for the dissolution of the Legislative Assembly. It also prepares the address of the Governor to be delivered in the Legislative Assembly.

- **Appointment Powers**

The State Council of Ministers makes all important appointment in the State. The Governor makes all the higher appointments: the Advocate General, Chairmen of various Corporations and Boards, Chairman and Members of the State

Public Service Commission etc., in accordance with the advice of the State Council of Ministers.

Moreover, the State Council of Ministers controls the system of transfer and promotion etc. of the senior officers of the State.

- **Financial Powers**

In the financial field, the State Council of Ministers has many functions to perform. It frames the economic policies of the government. It controls the financial policy of the State and decides the tax structure for the public welfare of the State. The Money Bills can be introduced in the Assembly only by the ministers.

The budget is prepared under the guidance and supervision of the Cabinet. Before presenting the budget to the Assembly the Finance Minister must place it before the Cabinet for its approval. The budget allocations are finalised by the State Council of Ministers and the policy of taxation is determined by it. The Finance Minister introduces his/her annual budget after it is approved by the Council of Ministers. The Finance Minister introduces his/her budget in the Legislative Assembly with a speech called the "Budget Speech". The Budget Speech is actually a Statement of the financial condition and programme of the State.

The Council of Ministers formulates and implements all developmental policies and plans of the State.

- **Co-ordination Function**

It is one of the important functions of the State Council of Ministers. The State Council of Ministers must maintain co-operation among different departments of the State government.

- **Judicial Functions**

The State Council of Ministers is indirectly associated with the judicial functions. The judicial powers of the Governor, like granting of pardon, respite, reprieve etc. are actually exercised by him/her only with the advice of the State Council of Ministers.

➢ **Miscellaneous Functions**

The State Council of Ministers performs some other functions in addition to those mentioned above.

Every year the Governor gives a speech in the State Assembly. It is prepared by the Council.

The Governor of a State summons and prorogues the State Legislature or dissolves the Assembly of the State on the advice of the Chief Minister. In this regard, the Chief Minister is advised by the Council.

The State Council of Ministers considers and takes decisions on some matters i.e. reservation of seats for Scheduled Castes and Scheduled Tribes, Service Conditions of the public servants, appointment of Inquiry Commissions and taking decisions on their reports, Report of the Public Service Commission etc.

It also maintains the direct relationship with the Central government.

From the above discussion, it appears that the State Council of Ministers is all in all in the administration of the State.

As the real executive, the Council of Ministers enjoys a powerful position in the State. It runs the whole State administration in the name of the Governor. The Governor acts as the Constitutional Head of the State Executive. The Council of Ministers is the formulator and executor of policy of the State.

Theoretically, the State Council of Ministers has to aid and advise the Governor but in actual practice, it is the real executive in the State.

7.4.3 Position of the State Council of Ministers

The Council of Ministers enjoys a powerful position in the State. The Governor acts as the Constitutional head of the State. The State Council of Ministers is the real executive in the State. The State Council of Ministers is all in all in the administration of the

State. It runs the whole State administration in the name of the Governor.

The Council of Ministers is the formulator and executor of the policies of the State. The State Council of Ministers is the highest policy making body of the State. The State Council of Ministers formulates the policies of government on the basis of our Constitution.

The State Council of Ministers runs the whole State administration in the name of the Governor. It bears the responsibility of administration of the State.

The State Council of Ministers plays an important part in legislation also. In the process of law-making, the Council of Ministers plays a very significant role.

The State Council of Ministers makes all important appointments in the State.

In the financial field, the State Council of Ministers has many functions to perform. It frames the economic policy of the government. It controls the financial policy of the State. The Money Bills can be introduced in the Assembly only by the ministers. The budget is prepared under the guidance and supervision of the Cabinet. Before presenting the budget to the Assembly, the Finance Minister must place it before the Cabinet for its approval. The budget allocations are finalised by the State Council of Ministers.

From the above discussion, it appears that the State Council of Ministers is all in all in the administration of the State. As the real executive, the Council of Ministers enjoys a powerful position in the State. It runs the whole State administration in the name of the Governor. Theoretically, the State Council of Ministers has to aid and advise the Governor but in actual practice, it is the real executive in the State.



CHECK YOUR PROGRESS

Q.7: The Ministers of the State Council of Ministers are appointed by _____. (Fill in the blank)

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Q.8: How many types of Ministers exist in the State Council of Ministers?

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Q.9: Who appoints the State Council of Ministers?

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Q.10: The State Council of Ministers is responsible to _____. (Fill in the blank)

.....

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Q.11: Discuss the policy making powers and functions of the State Council of Ministers. (within 50 words)

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7.5 LET US SUM UP

- The Article 163 of the Constitution provides for the office of the Chief Minister.
- According to Article 164 of the Constitution of India, the Governor appoints the Chief Minister.
- The Chief Minister of a State occupies a very significant position in the State administration. The success of the State government depends to a great extent upon the leadership of the Chief Minister.
- The Council of Ministers is the most important part of the State executive. The Chief Minister and the ministers together make the State Council of Ministers.

- The State Council of Ministers is the highest executive of the State.
- The State Council of Ministers is all in all in the administration of the State. As the real executive, the Council of Ministers enjoys a powerful position in the State.



7.6 FURTHER READING

1) Chander, Prakash. (2000). *Indian Government and Politics.* New Delhi: Cosmos Bookhive Pvt. Ltd.
2) Ghai, K.K. (2007). *Indian Government and Politics.* New Delhi: Kalyani Publishers.
3) Kapur, Anup Chand and Misra, K.K. (2006). *Select Constitutions.* New Delhi: S. Chand and Company.
4) Pylee, M.V. (2006). *Constitutional Government in India.* New Delhi: S. Chand and Company.



7.7 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: The Governor.

Ans to Q No 2: 164.

Ans to Q No 3: The Chief Minister.

Ans to Q No 4: True.

Ans to Q No 5: (a) To organise the State Council of Ministers.
(b) To act as the chief co-ordinator of the State government.

Ans to Q No 6: The Chief Minister plays an important role in formation of the Council of Ministers. The Chief Minister of a State is appointed by the Governor from the members of the majority party in the State Legislature and rest of the ministers are appointed by the Governor on the advice of the Chief Minister. The Governor can drop a minister on his/her advice.

Ans to Q No 7: The Governor on the advice of the Chief Minister.

Ans to Q No 8: Three.

Ans to Q No 9: The Governor.

Ans to Q No 10: The State Legislative Assembly

Ans to Q No 11: The State Council of Ministers is the highest policy making body of the State. The State Council of Ministers formulates the policies of government on the basis of our Constitution. All the important policies of the State are discussed and decided upon by it. Each minister of the council has to make separate policies for their own ministers.



7.8 MODEL QUESTIONS

A. Very Short Questions

Q.1: Mention the Article that is related with the appointment of the Chief Minister of a State.

Q.2: Who appoints the Chief Minister of a State?

Q.3: Who is the Constitutional head of a State in India?

B. Short Questions (Answer each in about 150-200 words):

Q.1: Write a note on the position of the Chief Minister of a State.

Q.2: Write a note on the position of the State Council of Ministers.

C. Long Questions (Answer each in about 300-500 words):

Q.1: Discuss the appointment, powers and functions of the Chief Minister of a State.

Q.2: Discuss the composition, powers and functions of the State Council of Ministers.

Q.3: Describe the role of the Chief Minister in the administration of a State.

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