

UNIT II

CHAPTER 8

Powers of the Chief Minister of India

The Chief Minister occupies a very important place in state administration as leader of the state Council of Ministers. His powers, position and authority are more or less similar to those of the Prime Minister of the country.

The Chief Minister is appointed by the Governor of the State. Though the constitution is silent about the manner of selection of **Chief Minister the governor appoints the leader of the majority party in the Legislative Assembly as the Chief Minister.** The Governor does so according to political convenience and traditions of parliamentary democracy. In case no party commands comfortable majority in the Assembly the Governor allows sometime to the political parties to settle between themselves the possibility of forming the government. If they reach some sort of agreement to form a government in alliance, he appoints its leader as the Chief Minister. If the parties fail to reach an understanding he either recommends for President's Rule or keeps the Assembly suspended to further explore the possibilities of forming a government. **After appointing the Chief Minister the Governor gives formal approval to the list of ministers to be included in the Council of Ministers.**

The Council of Minister functions during the pleasure of the State legislature (Assembly). The Council continues in office as long as the lower chamber of the State Legislature retains confidence in it. The Council of Ministers is collectively responsible to the Legislative Assembly for its functions of omissions and commissions.

The powers and functions of the Chief Minister are comparable with that of the Prime Minister. He is responsible to form the Council of Ministers. The Governor appoints his nominees as ministers and also distributes portfolios among the ministers on the recommendation of the Chief Minister. The Chief Minister is the Chief architect of all policies relating to state administration. These policies are determined on the basis of Cabinet decisions. As a matter of principle all the ministers must agree to the decisions of the Cabinet. The Principle of collective responsibility demands this. Sometimes serious differences may occur between the ministers or administrative departments owing to complex nature of administration. In such a case the Chief Minister has to settle the differences and maintain harmony and understanding between the departments and his colleagues. He meets the Governor of the state from time to time to inform him about the decisions taken in the cabinet and the developments in administration.

Since the Governor is the reporting authority to the President of India the Chief Minister provides him with necessary information and advice on behalf of the Council of Ministers. The Chief Minister also functions as the leader of the Legislative Assembly by virtue of being head of the majority party. All important policy announcements are made by him. He replies to all important debates and motions in the Vidhan Sabha trying to make the stand of the Government clear on controversial issues. His views are held as the views of the government. The speaker consults him during the sessions of the Assembly, to determine the agenda and rules of business of the House. The Chief Minister is accepted as the leader of the state also. He brings the problems of the state to the notice of the

central leaders including the Prime Minister. **He represents the state in all important national conventions to present the views of the state government. He always negotiates on important matters with the central leadership.**

The Chief Minister undoubtedly enjoys an enviable status in the constitutional set up of the government. But his real position depends on factors like his personal qualities of head and heart, leadership, capability and charisma. His position in the party largely determines his position as Chief Minister. If he is accepted by all sections of party members, he can become a very successful Chief Minister. Besides he must have the qualities of leadership to steer clear the party in the period of crisis and bring success in the elections. His proximity to the party High Command also determines his position as Chief Minister.

The Chief Minister holds a pivotal position in the working of the State Government. He has enormous powers and vast responsibilities.

1. To Aid and Advice the Governor:

The Chief Minister is the link between the Cabinet and the Governor. It is he who communicates to the Governor all decisions of the Council of Ministers. He has to furnish such information relating to the administration of the State as the Governor may call for.

The Governor can submit to the consideration of the Council of Ministers any matter on which decision has been taken by a Minister but which has not been considered by the Council of Ministers.

The Governor appoints a large number of top officials of the State. He also summons and prorogues the sessions of State Legislature. All such powers are exercised by the Governor on the advice of the Chief Minister. The Chief Minister, however, has no right to give advice to the Governor in relation to the functions which he exercises in his discretion.

2. The Chief Minister is at the Head of the Council of Ministers:

As Head of the State Cabinet, the Chief Minister enjoys the following powers:

(i) Formation of the Ministry:

The other Ministers are appointed by the Governor on the advice of the Chief Minister. The Chief Minister has a free hand in preparing the list of his colleagues. The Governor may suggest the names of the persons to be included in the Ministry, but he cannot insist upon any person to be included in the Ministry. Assigning departments or portfolios to the Ministers is done by the Governor on the advice of the Chief Minister.

(ii) Removal of Ministers:

The Ministers hold office during the pleasure of the Governor. This, however, does not mean that the Governor can dismiss his Ministers at his will. The Government is in fact dependent on the Chief Minister. Therefore, the Chief Minister can reconstruct his Ministry as and when he likes. He may ask anyone of his colleagues to resign. If he declines, he will be dismissed by the Governor.

(iii) The Chief Minister Presides over the Meetings:

As Chairman of the Cabinet, the Chief Minister has a position which enables him to impose his decision. It 'is he who controls the agenda for the Cabinet meetings. It is for the Chief Minister to accept or reject proposals for Cabinet discussion.

(iv) Co-ordinates the Working of various Departments:

The Chief Minister supervises and coordinates policies of the several Ministers and Departments. Several ministries are involved in the formulation and implementation of a policy.

The Chief Minister must bring these activities into reasonable relationship with one-another. In matters of public order, roads and bridges agriculture, land revenue and production, supply and distribution of goods, he plays a special role in directing the policy of the Government.

3. The Chief Minister is the Leader of the House:

The Chief Minister is the leader of the State Legislative Assembly. All principal announcements of policy are made by him. The Chief Minister intervenes in debates of general importance. He can appease an angry House by promising immediate relief or concessions when needed.