

Introduction

As a real executive authority, the Chief Minister is called the head of the government. He is assisted by his Council of Ministers who are a part of State executive along with Governor and Advocate-General of State. Similar to Prime Minister who is the head of the government at the centre, the Chief Minister is the head of the government at the State level.

Appointment Of Chief Minister

The Constitution does not contain any specific procedure for the selection and appointment of the Chief Minister. Article 164 only specifies that Chief Minister shall be appointed by the Governor.

- ❑ This does not imply that the Governor is free to appoint any one as the Chief Minister. In accordance with the conventions of the Parliamentary system of government, the Governor has to appoint the leader of the majority party in the State legislative assembly as the Chief Minister.
- ❑ But, when no party has a clear majority in the assembly, then the Governor may exercise his personal discretion in the selection and appointment of the Chief Minister. The Governor appoints the leader of the largest party of the house or leader chosen by the largest coalition to become the Chief Minister.
- ❑ The Constitution does not require that a person must prove his majority in the legislative assembly before he is appointed as the Chief Minister. He may ask a leader to become Chief Minister and then prove his majority on floor of the house within a reasonable period.
- ❑ The Governor may have to exercise his individual judgement in the selection and appointment of the Chief Minister when the Chief Minister in office dies suddenly and there is no obvious successor.
- ❑ However, on the death of a Chief Minister, the ruling party usually elects a new leader and the Governor has no choice but to appoint him as Chief Minister.
- ❑ A person who is not a member of the State Legislature can be appointed as Chief Minister for six months, within which time, he should be elected to the State Legislature, failing which he ceases to be the Chief

Minister.

- ❑ According to the Constitution, the Chief Minister may be a member of any of the two Houses of a State Legislature.
- ❑ Usually, Chief Ministers have been selected from the Lower House (legislative assembly), but, on a number of occasions, a member of the Upper House (legislative Council) has also been appointed as Chief Minister.
- ❑ CM occupies position at the Governor's pleasure but the Governor can't dismiss him till he has a majority in the house

Oath:

The Governor administers to him the oaths of office and secrecy.

Term:

- ❑ Not fixed and he holds office during the pleasure of the Governor.
- ❑ However, this does not mean that the Governor can dismiss him at any time.
- ❑ He cannot be dismissed by the Governor as long as he enjoys the majority support in the legislative assembly.
- ❑ But, if he loses the confidence of the assembly, he must resign or the Governor can dismiss him.

Salary and Allowances:

Determined by the State Legislature.

Powers and Functions of Chief Minister

The powers and functions of the Chief Minister can be studied under the following heads:

In Relation to Council of Ministers

The Chief Minister enjoys the following powers as head of the State Council of Ministers:

- ❑ The Governor appoints only those persons as Ministers who are recommended by the Chief Minister.
- ❑ He allocates and reshuffles the portfolios among Ministers.
- ❑ He can ask a Minister to resign or advise the Governor

to dismiss him in case of difference of opinion.

- ❑ He presides over the meetings of the Council of Ministers and influences its decisions.
- ❑ He guides, directs, controls and coordinates the activities of all the Ministers.
- ❑ He can bring about the collapse of the Council of Ministers by resigning from office. Since the Chief Minister is the head of the Council of Ministers, his resignation or death automatically dissolves the Council of Ministers.
- ❑ The resignation or death of any other Minister, on the other hand, merely creates a vacancy, which the Chief Minister may or may not like to fill.

In Relation to the Governor

The Chief Minister enjoys the following powers in relation to the Governor:

- ❑ He is the principal channel of communication between the Governor and the Council of Ministers. It is the duty of the Chief Minister:
 - ❑ To communicate to the Governor of the State all decisions of the Council of Ministers relating to the administration of the affairs the State and proposals for legislation;
 - ❑ To furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for; and
 - ❑ if the Governor so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council
- ❑ He advises the Governor with regard to the appointment of important officials like
 - Advocate General
 - Chairman and members of the State Public Service Commission,

- State Election Commissioner and so on.

In Relation to State Legislature

The Chief Minister enjoys the following powers as the leader of the House:

- ❑ He advises the Governor with regard to the summoning and proroguing of the sessions of the State Legislature.
- ❑ He can recommend the dissolution of the legislative assembly to the Governor at any time.
- ❑ He announces the government policies on the floor of the house.

Other Powers and Functions

In addition, the Chief Minister also performs the following functions:

- ❑ He is the chairman of the State Planning Board.
- ❑ He acts as a vice-chairman of the concerned zonal Council by rotation, holding office for a period of one year at a time.
- ❑ He is a member of the Inter-State Council and the Governing Council of NITI Aayog, both headed by the prime Minister.
- ❑ He is the chief spokesman of the State government.
- ❑ He is the crisis manager-in-chief at the political level during emergencies.
- ❑ As a leader of the State, he meets various sections of the people and receives memoranda from them regarding their problems, and so on.
- ❑ He is the political head of the services.

Thus, he plays a very significant and highly crucial role in the State administration. However, the discretionary powers enjoyed by the Governor reduces to some extent the power, authority, influence, prestige and role of the Chief Minister in the State administration.
