



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. 1st Semester

SUBJECT: Political science-I

SUBJECT CODE: BAL-101

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Lecture-32



Chief Minister: Appointment and Powers India

In this article we will discuss about the appointment and powers of the chief minister of the state.

Appointment of Chief Minister:

Governor, who is executive head of the state, invites the leader of the majority party in the Legislative Assembly to form the government. Under the constitution all that is needed is that such a person should be citizen of India and possesses such qualifications, as are required for becoming a member of the Legislative Assembly.

There are no educational or other qualifications about his appointment. Such a person could be a member of either House of the legislature or even an outsider.

In 1952, Morar Ji Desai was appointed as Chief Minister of Bombay though he had been defeated at the polls. So was the case with C. B. Gupta when he was made U.P. Chief Minister. In 1977, when Parkash Singh Badal became the Chief Minister of Punjab he was an outsider.

Similarly in 1980, A.R. Antulay and Jagan Nath Pahadia took over as Chief Ministers of Gujarat and Rajasthan respectively, when they were Ministers at the centre and thus did not belong to the state legislature. In 1989, Bihar Chief Minister, Sinha was not a member of either House of Bihar legislature.

In 1995, when Ms. Mayawati took over as U.P. Chief Minister she was not member of either House of state legislature. How a leader is elected is not the concern of the Governor. He can be elected by the members of the Assembly or party President or anybody else.

In 1980, MLAs of U.P. Legislative Assembly unanimously decided to have Sanjay Gandhi as their leader but resolved that in case party President (Smt. Indira Gandhi) found it impossible to spare his services for the state, she may nominate any other person as their leader and it will be presumed that such a person has unanimously been elected as the leader of the Assembly party, which in effect means state Chief Minister.

In 1989 Congress Legislature party in Karnataka which had been returned to power, left it to the Party President Rajiv Gandhi to nominate leader of the party and thus, Chief Minister. All that the Governor is to ensure is that such a person commands majority of the House and can give stable government to the state.

The task of the Governor in nominating a leader becomes easy when there is a single political party in power in the Assembly because at that time the choice is clear. He is not to be guided by the consideration that the same party which rules at the centre is not commanding majority in the state e.g., when Anadurai, M. Karunanidhi, M. G.

Ramachandran, E.M.S. Namoodripad and many others were invited to form governments they did not belong to ruling Congress party at the Centre.

When N. T. Rama Rao, K. S. Hedgde and S. R. Boomai were invited to form government, they did not belong to the Congress party. So is true about Jyoti Basu and Profulla Kumar Mohanta.

In case no single political party in the Assembly commands absolute majority and some political parties come together on the basis of some minimum programme and elect their leader, such a person will be invited by die Governor to form government.

In 1959, Ajoy Mukerjee in Bengal and in 1967 S. Gurnam Singh in Punjab were invited to form government because some political parties combined together had elected diem as their leader.

Then another situation can be in which some political parties chalk out a programme of action before the elections. These contest election as an alliance and after the election when such that comes to power its leader, if he still enjoys the confidence of die House, is invited to form government.

After 1980, mid-term polls in Tamil Nadu, All India Anna D.M.K. and its alliance parties were returned to power and Governor invited the leader of the alliance M.G. Ramachandran to form the government. In Haryana in 1986 Lok Dal and B.J.P. contested elections on an understanding with each other.

After their win Lok Dal leader Devi Lai was elected leader of die Assembly i.e., Chief Minister. Similarly Congress (I) and Farooq Abdulla's party National Conference contested elections together and after winning that Farooq Abdulla formed Government along with Congress (I).

In some cases a party in the Assembly may extend its support to another party to enable the latter to form the government but without joining the government. Thus, the support is extended from outside. In 1995, B.J.P. extended outside support to B.S.P. to enable Mayawati to form government. It is not die concern of Governor to stress that the supporting party must join the government.

But, Governor uses his discretionary powers only when there is no single political party in majority in die Assembly. As already said during the period 1967-71, when there were coalition governments in several states, the Governors used their discretion in inviting a person to form government in the state.

In case, however, he feels that there is no political party or combination of political parties which can give a stable government to the state, he can recommend imposition of President's rule and even dissolution of Assembly or keeping that in suspense for some time.

But who should be invited to form government in this regard, the Governor is expected to be careful and be fully satisfied that the person concerned shall be in a position to give the state clean, stable and efficient administration. Governor consulted even Advocate General of the state before he invited B. P. Mandal to form government in Bihar.

But when appointed as Chief Minister, he continues to remain in power as long as a political party or group of political parties accepts him as his leader.

In a coalition government, if a partner to his government withdraws its support and in its place some new partner joins and combination still accepts the same person as the leader, his position remains the same, subject of course to the condition that new arrangement has majority support.

The Chief Minister will, of course, have to resign as soon as he loses the majority support in the Assembly or his party enjoys majority support but members want to have a change in leadership and a new leader of the party is elected. In other words there is no fixed tenure for the office of the Chief Minister.

It may, however, be mentioned that in order to have their control over state politics every central leader tries to put his own supporter as a candidate for Chief Minister-ship. He ensures that his followers should be at the helm of affairs and thus quite often leadership issue of state legislature party is either decided outside the capital or with close association and involvement of central leadership.

Powers of the Chief Minister:

Chief Minister of a state, being its real executive head, enjoys vast powers. Of course, it will depend on the personality of the person who holds the office, how he uses those powers, but these vest in him. But his position is such that there is no other alternative for him but to use his powers.

He can either use his powers in a manner that central leaders look towards him as being man of the spot or he may look towards central leadership for guidance before taking action. Usually those Chief Ministers who enjoy strong support of central leadership act strongly than the others.

These days, however, M.L.As of even the ruling party charge their own leader of acting in an arbitrary manner and demand change in leadership after sometime. They make it clear that unless their demand for change is accepted they will leave the party thus bringing down fall of the government. In 1995, some B.J.P. MLAs created such a situation, though crisis was averted because of intervention of central leaderships.

Formation of Council of Ministers:

One of the important tasks of the Chief Minister, immediately after his being elected as leader of the party is to form the Council of Ministers. These days it is not an easy task. The Chief Minister is to see that all shades of opinion in the party are represented in it.

Then he is to see that women, those belonging to scheduled castes where tribes are inhibited, the members of these tribes and backward classes are fully represented in the Council of Ministers.

In case there is no single political party in majority in the House and he is heading number of parties, then he is to see that all parties get proper representation, because if any party withdraws its support, then that will mean collapse of the government. At state level there are many aspirants, who wish to become leader of the party. It is after great difficulty that some are persuaded to withdraw their claims.

Not only this, even one party which is in majority in the Assembly that can be faction ridden and involved in group politics the Chief Minister is to see that each group gets proper representation and no group remains dissatisfied. Still another problem at this stage is that there is too much interference of central leadership in the appointment of Ministers.

Each central leader or Minister in the central cabinet wants that he should have representation in the state cabinet through his process. The list of Council of Ministers is almost always got approved by the central Parliamentary Board before that is made public.

In some cases the seeds of dissatisfaction among some party members, who aspire to have Ministerial berth, but do not get that, are shown at this very stage. It is also due to this reason that oath taking ceremonies of Ministers are delayed by several days in some cases, after the Chief Minister has been sworn in.

There is no bar on the size of the cabinet. It is for the Chief Minister to decide about it. Though usually it is preferred that it should be of small size, yet quite often due to various pressures it becomes big in size. It is preferred that size of the cabinet should not be more than 1/10 of the total strength of the House.

But this has quite often not been adhered. Similarly it is for the Chief Minister to decide whether he will like to have two-tier or three-tier Ministry. In two-tier Ministry there are only Ministers of the Cabinet rank and Ministers of State, whereas in three-tier Ministry in addition to these two categories Ministers, there are also Deputy Ministers.

These days usually there are Jumbo Jet Council of Ministers because Chief Minister, in order to check defection or to increase strength of his supporters in the Assembly offers Ministership of every influential M.L.A. It is also used as method for attracting MLAs from opposition parties and independents.

Then another function of the Chief Minister is that of allocation of portfolios, which again not an easy task is. There are certain prestigious departments and every Minister will like to be their in-charge. The Chief Minister, therefore, is to see that senior cabinet colleagues get important portfolios. He is also to ascertain their wishes and preferences.

In a coalition government or in an electoral alliance arrangement, quite often even the allocation of portfolios is decided beforehand. While allocating portfolios, Chief Minister is also to see competence of the person concerned. But in all cases, the cabinet colleagues are to accept the leadership of the Chief Minister.

If for any reason may be due to dissatisfaction with the portfolio, policy formulation, implementation of policy, etc., a Minister finds himself unable to pull on with the Chief Minister, the only alternative left to him is to leave the cabinet.

In case the Minister is not prepared to leave the cabinet, the Chief Minister might drop him, by requesting the Governor to dismiss him, which the latter is quite willing to do, because constitutionally Ministers hold office during the pleasure of the Governor, though such an extreme step is taken in extreme cases. Haryana Governor, on the recommendation of the Chief Minister, dismissed a lady Minister, from the cabinet, not very far back.

Again it is the responsibility of Chief Minister to see that all Ministers work in close co-operation with each other and that the Council of Ministers functions as a well-knit unit and a well co-ordinated team. He is to see that there is proper co-ordination among different departments and that there is no over-lapping.

He is to see that the Ministers do not indulge in criticising each other and that the working of government as a whole is not criticised either through press or through mass media and that if they have any grievances these should be firmly expressed at the cabinet meetings, within the four walls. But decisions once arrived at should be gracefully accepted in a spirit of give and take.

As leader of the team he presides over the meetings of the Cabinet and Council of Ministers. These are important, because all policy decisions are taken in these meetings. As presiding officer, he approves all agenda items and thus no item can be discussed without his permission.

Thus, he decides what is to come (or not to come) before the House for its approval. He communicates all state matters to the Governor and also decisions of his Council of Ministers. He also places such matters for the consideration of Council of Ministers which the Governor wants him to consider. Thus, he is a channel between Council of Ministers and state legislature.

Chief Minister and State Legislature:

In a parliamentary form of government the executive, headed by Chief Minister and the legislature are supposed to work in close co-operation with each other. As a leader of the House he makes all policy statements in the House and whenever, he feels that his cabinet colleagues are not in a position to satisfy the House he comes forward to help them.

He defines government's policies and programmes in the House and faces the opposition whenever, an opportunity arises. He communicates the views of the House to the Governor and as such he acts as a channel between the two. He decides for all practical purposes the agenda of the House.

It is his responsibility to keep the Governor informed about all government policies and views of the Council of Ministers on all important and controversial issues, etc., on the one hand and law and order situation on the other.

But in respect of legislature his most important power is that of the dissolution of the House. At any time the Chief Minister can advise the Governor that the House be dissolved. In this connection it may be noted that Chief Minister's resignation on political grounds is considered to be the resignation of the whole cabinet.

Thus the cabinet also does not try to irritate the Chief Minister because there is every danger that he might resign and the new one might not include some of them in the new cabinet.

Chief Minister and Power of Patronage:

Though in theory all appointments are made by the Governor, yet in practice power of patronage vests with the Chief Minister. He is consulted about the appointment of judges of the State High Court. No posting and transfer can take place in the state without his approval.

By including someone in the cabinet he can bring any person to the forefront and lime-light and by dropping him from the position he can just throw him in oblivion. He is consulted in the appointment of State Advocate General and the members of State Public Service Commission. In fact, no senior or important position in the state can be filled without his approval.

His Other Powers:

Chief Minister is a link between the Governor and the Council of Ministers on the one hand and the legislature on the other. He communicates their view point and ensures that there is no misunderstanding between the two.

He keeps the Governor informed about the latest political situation in the state and also the problems with which he is faced. He also informs him about legislative proposals pending before the Council of Ministers.

He also furnishes information to the Governor on such matters on which that is required by him. He decides what type of information should be divulged to the House and what should be kept away from it on the grounds that that is not to be divulged in the public interest.

Then he is the real person to decide which important matters are and on which party whips should be issued and on what problems the members should be given a free hand.

Then as leader of the House much responsibility falls on him for maintaining decorum in the House and in seeing that business of the House is transacted in accordance with the rules of procedure and on time schedule.

He is to see that state is financially sound and there is economic stability in it. He ensures that in the state perfect law and order is maintained. Therefore, Chief Minister is the pivotal point in state administration.

MCQ

1. The Parliament of India consists of the following:

- A. President
- B. Lok Sabha & Rajya Sabha
- C. Both A and B
- D. None of the above

2. Who decides whether a bill is a Money Bill or not?

- A. President
- B. Prime Minister
- C. Speaker of the Lok Sabha
- D. Finance Minister

3. The Federal structure of Government of India provides:

- A. Two-tier system
- B. Three-tier system
- C. Four-tier system
- D. None of the above

4. Who is known as the Father of Lok Sabha?

- A. G V Mavalankar
- B. Rabi Ray
- C. P A Sangma
- D. Balram Jakhar

5. Indian Parliamentary System is based on which model?

- A. Westminster model
- B. Welfare State model
- C. Both A & B
- D. Neither A nor B