



Appointment of Chief Minister and Council of Ministers

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Why is in news? Tamil Nadu Chief Minister M.K. Stalin decided to retain as "Minister without portfolio" V. Senthilbalaji, who was recently arrested by the Enforcement Directorate in an alleged money laundering case and is in judicial custody in a private hospital. Governor R.N. Ravi, however, expressed disagreement with his continuation in the Cabinet.

Appointment of CM:

- **Article 164** of the Constitution envisages that the Chief Minister shall be appointed by the governor.
- A leader of the party that has got the **majority share of votes in the assembly elections**, is appointed as the Chief Minister of the state.
- The Governor is the nominal executive authority, but real executive authority rests with the Chief Minister.
- 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.
- 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.
- The **term** of the Chief Minister **is not fixed** and he **holds office during the pleasure of the governor**.
- He **cannot be dismissed** by the governor **as long as he enjoys the majority support** in the legislative assembly.
- The State Legislative Assembly can **also remove him by passing a vote of no-confidence against him**.

Appointment of Council of Ministers:

- State Council of Ministers is similar to Central Council of Ministers. The state council is headed by the Chief Minister. The council comprises ministers **appointed by the governor on the recommendation of the CM**.
- Governor **also appoints a tribal affairs minister** for the following states: Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha.
- Bihar was also one of the states to have tribal affairs minister, however, **94th Amendment Act 2006** freed Bihar from this obligation.
- The **size of the council is not mentioned in the Indian Constitution**. **Chief Minister decides the size and the rank of the ministers as per the requirement** in the State Legislature.
- There are three categories of Council of Ministers: Cabinet Ministers, Ministers of State, Deputy Ministers

Qualifications:

- To be a Minister of a State Council, one should be a member of the State legislature, if he is **not a member of state legislature** while becoming a member of the state legislature, he has to become one within the period of six months from the date of entering the office.
- Further, the qualifications needed to be a member of the state legislature are :
 - a) He must be a citizen of India.
 - (b) He must bear true faith and allegiance to the Constitution of India.

- (c) He must be not less than 30 years of age in the case of the legislative council.
- (d) He must not be less than 25 years of age in the case of the legislative assembly.
- The provision of **collective responsibility** is dealt with by **Article 164**. The Article mentions that the council of ministers are collectively responsible to the state legislature. This means that all the ministers own joint responsibility to the legislative assembly for all their acts of omission and commission.
- **Individual accountability** is likewise enshrined in **Article 164**. The ministers serve at the governor's leisure, according to the law. This means that the governor can dismiss a minister if the council of ministers has the legislative assembly's confidence.
- Members of the state council of ministers can **hold office during the pleasure of the governor**, but the governor exercises his power on the **recommendation of the chief minister**.
- **Article 166** deals with the Conduct of Business of the Government of a state.
- **Article 167** deals with the duties of Chief Minister as respect the furnishing of information to Governor, etc