

Competition Cosmos

Chief Minister in Indian Constitution

According to the Indian Constitution, the elected head of the council of ministers in a state is the Chief Minister (CM). Although, the Governor is the official 'head of the state', yet it is the Chief Minister who is vested with the 'de facto' executive powers.

Chief Minister is the real head of a state, unlike the Governor, who is the ceremonial head. Since India has adopted the Westminster Model of constitutional democracy, it is the CM who oversees the day-to-day functioning of the state government.

According to the Indian Constitution, in the everyday administration, the CM is assisted by the council of ministers, which consists of cabinet ministers, deputy ministers and others. The CM is appointed by and sworn in by the Governor.

POWER AND AUTHORITY OF CHIEF MINISTER

The powers and functions enjoyed by the Chief Minister are similar to those of the Prime Minister of India, within a restricted jurisdiction of a state. Some of these are mentioned below:

The CM holds the executive powers of state government. He/she has the power to form his council of ministers, choosing members of his party for particular ministries within the working of the state. The core council of ministers is called the Cabinet, members of which are decided by the Chief Minister. The various departments are allotted to various ministers by the CM. Ministers are removed from their portfolios if the CM does not like his/her performance.

The CM is the link between the Governor and the council of ministers. He is required to communicate to the Governor the workings of the various wings of the government. Similarly, the advice and suggestions of the Governor are communicated to the council of ministers by the CM.

The CM has a pivotal role in the financial matters of a state, including the budget, basic infrastructural and developmental priorities of the state, financial planning and economic growth of the state and others.

The Chief Minister is the chief spokesperson of the government of a state. With the help of media, the CM communicates all policies and decisions to the people of the state. The CM holds regular or periodic press conferences wherein he/she makes the citizens of a state aware of the functioning of the government.

All major decisions in the state are taken by the CM with the support of the council of ministers. Since the CM is the 'executive' head of the state, the technological, infrastructural and socio-economic development rests solely within his/her duty and jurisdiction. The state government is financially aided by the Centre, in terms of resources and materials.

SALARY OF CHIEF MINISTER

The salary of Chief Minister of a state in India, like that of the prime minister of the country, is accompanied by a number of other allowances, besides the basic pay, such as constituency allowances, sumptuary allowances (tax free) and daily allowances.

The salary of the CM is decided by the respective state legislatures in the country, as per Article 164 of the Indian Constitution. Thus it varies from one state to another.

FACILITIES AVAILED BY THE CHIEF MINISTER

The facilities given to the Chief Minister of a state can include medical facilities, residential facilities, reimbursement of electricity and phone charges, traveling facilities and many more. The amount allotted for each of these facilities to the Chief Minister varies from one state to another, as these are specifically detailed in the respective state legislatures of the country.

Medical facilities: In accordance with the Medical Attendance Rules, the Chief Minister is entitled to avail free medical treatment, reimbursement and free accommodation in all hospitals run by the Government and other referral hospitals declared by the government.

Residence facilities: The Chief Minister is entitled to a rent-free and well furnished residence. The amount, however, can vary in different states. In case, the Chief Minister decides to stay in his or her own house, the value of the house rental is paid to the Chief Minister.

Reimbursement of electricity and phone charges: The Chief Minister is entitled to a fixed amount of money as reimbursement against phone call charges made in a month. A fixed quantity of electricity units are allotted free of cost to the Chief Minister, for the monthly consumption of electricity.

Travelling facilities: The Chief Minister is allotted a fixed amount of money for his or her traveling expenses within the jurisdiction of the country, in a year. This amount also varies, as outlined in Article 164 of the Indian Constitution. The Chief Minister's family members are also entitled to a certain amount for free traveling in a year.

SELECTION PROCESS OF CHIEF MINISTER

The appointing authority is the governor, who suggests a vote of confidence procedurally in the state legislature, to establish the selection of the Chief Minister.

According to the Westminster model of parliamentary system that India follows, the Chief Minister is not elected directly by the people of a state. The people only elect particular representatives from various constituencies in a state, as members of the state legislature or the Vidhan Sabha (MLAs). These representatives, especially from the majority party which forms the government, then choose the Chief Minister from among them. The tenure of the Chief Minister is for a period of five years, when the state legislative assembly is dissolved and fresh elections are held. However, the tenure of the Chief Minister can be terminated by the governor before the period of five years, when the majority party loses the confidence vote in the state legislative assembly.

TERM OF OFFICE AND RETIREMENT AGE

The tenure of CM is for five years, when the state legislative assembly is dissolved and fresh elections are held in the Vidhan Sabha (Legislative Assembly). However, the tenure of the Chief Minister can be terminated by the governor before the period of five years, when the majority party/alliance loses the confidence vote in the state legislative assembly. The Chief Minister can also resign from his or her post before the completion of the term.

There is no age for the retirement of the Chief Minister. Although, the minimum age for becoming the Chief Minister is 25 years, there is no upper age limit till when he or she can serve the post of a Chief Minister.

PENSION OF CHIEF MINISTER

According to the Constitution of India, the Chief Minister of a state is entitled to a certain amount of pension after his or her retirement. However, the amount varies in the respective state legislatures. In the case of death of the Chief Minister, his or her spouse is entitled to pension too.

FUNCTIONS OF THE CHIEF MINISTER

Chief Minister is the head of the Council of Ministers of his State. The constitutional position of the Chief Minister is more or less similar to that of the Prime Minister. The Chief Minister plays an important role in the administration of the State. We can discuss his functions as follows:

1. Chief Minister is the real head of the State Government. Ministers are appointed by the Governor on the advice of the Chief Minister. The Governor allocates portfolios to the ministers on the advice of the Chief Minister.

2. Chief Minister presides over the Cabinet meetings. He/she coordinates the functioning of different ministers. He/she guides the functioning of the Cabinet.

3. Chief Minister plays a key role in framing the laws and policies of the State Government.

Bills are introduced by the ministers in the State legislature with his/her approval. He/she is the chief spokesman of the policies of his government both inside and outside the State legislature.

4. The Constitution provides that the chief Minister shall communicate to the Governor all decisions of the Council of Minister relating to the administration and the affairs of the State and proposals for legislation.

5. The Chief Minister furnishes such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for.

6. If the Governor so requires, the Chief Minister submits for 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 Cabinet.

7. The Chief Minister is the sole link of communication between the Cabinet and the Governor. The Governor has the right to be informed by the Chief Minister about the decisions taken by the Council of Ministers.

The above functions show that the real authority is vested with the Council of Ministers headed by the Chief Minister. The Council of Ministers is the real executive in the State. The position of the State Council of Ministers largely depends upon the strength of the ruling party in the State Assembly and the personality of the Chief Minister. The position of the Chief Minister is more powerful when his party is in power in the Centre as well. As long as the Chief Minister and his Council of Ministers enjoy the confidence of majority in the Legislative Assembly, he exercises the real executive power in the State.

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