

# Council of Ministers

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# Composition

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- All the members of political ruling party entitled 'minister' are collectively known as 'council of ministers'. There are three level or type of ministers-

- Cabinet minister

- State minister

- Deputy minister

some times there may be an apprentice minister known as the 'parliamentary secretary'.( lowest level ).

Cabinet is a small form of all cabinet ministers and state minister with independent charge.

Number of ministers in India has been confined by 91<sup>st</sup> Constitutional Amendment Act, 2003, as 15 % of MLAs.



# Constitutional Provisions

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- 163. Council of Ministers to aid and advise Governor.—(1) There shall be a Council of Ministers with the Chief Minister as the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.
- (2) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion.
- (3) The question whether any, and if so what, advice was tendered by Ministers to the Governor shall not be inquired into in any court.

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- 164- (1) The Chief Minister and other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor
- Provided that in the State of Bihar, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may, in addition, be in charge of the welfare of the Scheduled Castes and backward classes or any other work.
- (2) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State.



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- (3) Before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the form set out for the purpose in the Third Schedule.
- (4) A Minister who for any period of six consecutive months is not a member of the Legislature of the State shall at the expiration of that period cease to be a Minister.
- (5) The salaries and allowances of Ministers shall be such as the Legislatures of the State may from time to time by law determine and, until the Legislature of the State so determines, shall be as specified in the Second Schedule

# Tenure and oath

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- Ministers are appointed up to the pleasure of the Governor and /or till the majority of the govt. in assembly. ( usually for 5years.)
- No specific qualification is fixed except the choice of the Chief minister on various parameters.
- The oath as minister is mentioned in Third Schedule of the Constitution of India ( Office and Secrecy ) and it is sworn in the presence of the Governor.
- Collective responsibility of ministers is in functional manner.



# Powers and Duties

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- All the minister enjoy delegated powers from Governor and Chief Minister. 'Rules of Business' makes the powers of each minister.
- Policy making is main function.
- POSDCoRB in terms of the concerned dept. activities.
- Announcement and reply in the state legislature.
- Administration and Maintenance of Public Order.
- Various Appointments.
- Guiding the Legislature.
- Control over the State Exchequer and functionaries of the concerned Dept.
- Execution of Central Laws and Decisions of the Union Government.