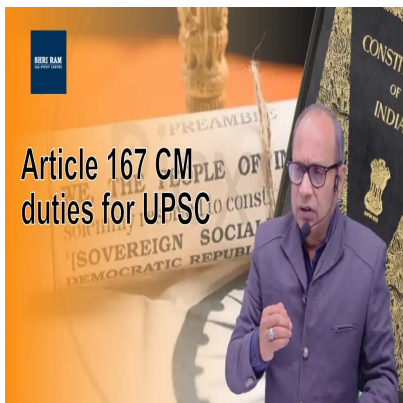




Article 167 CM duties for UPSC

Description

The [Indian Constitution](#) lays down a detailed framework for the governance of states, with the Chief Minister occupying a central position in the state executive. While the Chief Minister heads the Council of Ministers and is the real executive authority, their relationship with the Governor, the constitutional head of the state, is governed by specific constitutional provisions. Among these, Article 167 stands out as a crucial provision defining the Chief Minister's duties towards the Governor.

Understanding Article 167 is essential for any aspirant preparing for the [UPSC Civil Services Examination](#). It not only clarifies the constitutional roles and responsibilities but also provides insights into the operational dynamics of the state's parliamentary system. This article will systematically examine Article 167, its various clauses, their implications, and their significance, particularly from a UPSC examination perspective.

Article 167 of the [Constitution basics](#)

Article 167 of the Indian Constitution outlines the duties of the Chief Minister towards the Governor of a state. This article is foundational in defining the formal channels of communication and information flow between the political executive (represented by the Chief Minister and Council of Ministers) and the constitutional head (the Governor). It ensures that the Governor is kept informed about the state's administration and legislative processes. The article comprises three distinct clauses, each mandating a specific duty for the Chief Minister. These duties are not discretionary but are constitutionally imposed, reflecting the Governor's position as a vital link in the constitutional machinery of the state. It establishes a necessary constitutional convention for smooth governance and accountability.

Chief Minister's duty to communicate decisions

The first duty of the Chief Minister, as stipulated under Article 167(a), is to communicate to the Governor all decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation. This clause places a clear obligation on the Chief Minister to keep the Governor abreast of significant policy decisions and legislative initiatives taken by the state.

government.

This communication is vital for several reasons. Firstly, it ensures that the Governor, as the constitutional head, is fully informed about the executive actions and legislative intent of the government. The Governor is not merely a ceremonial figure; they have a role in ensuring that the government functions according to the constitutional provisions. Regular communication helps the Governor to fulfill this oversight function effectively. Secondly, it fosters transparency within the state executive, albeit between its two principal components. The Governor needs to understand the rationale and implications of decisions before granting assent to bills or exercising other constitutional powers. For instance, if the state government decides on a major new social welfare scheme or proposes a significant amendment to an existing law, it is the Chief Minister's duty to convey these decisions, along with any relevant details, to the Governor. This includes both decisions pertaining to day-to-day administration and broader policy directions. The phrasing "all decisions" suggests a comprehensive requirement, not limited to just specific types of decisions, highlighting the constitutional expectation of continuous information sharing.

Chief Minister's duty to provide information

Beyond communicating decisions as they are made, Article 167(b) imposes a further duty on the Chief Minister: to furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for. This clause empowers the Governor to actively seek information from the Chief Minister. While Article 167(a) dictates proactive communication from the Chief Minister, Article 167(b) allows the Governor to make specific requests for information.

This provision is critical because it grants the Governor the right to demand details on any aspect of state administration or proposed legislation. The Governor might seek clarification on a decision already communicated under Article 167(a), or they might inquire about matters that have not yet reached the stage of a formal Council of Ministers' decision. For example, if the Governor becomes aware of a particular administrative issue through public reports or other channels, they can ask the Chief Minister for a detailed report or explanation. This power is not meant to interfere with the day-to-day functioning of the government, but rather to ensure that the Governor has access to all necessary facts to perform their constitutional duties. This point needs attention: the Governor's right to seek information is an important constitutional check, ensuring accountability and preventing the executive from operating in complete isolation from the constitutional head. It reinforces the idea that the Governor is not just a rubber stamp but an informed participant in the state's governance structure, albeit largely on the advice of the Council of Ministers. The Chief Minister is constitutionally bound to provide the information requested.

Governor's power regarding minister's decisions

Article 167(c) introduces a particularly significant provision related to collective responsibility. It states that if the Governor requires, the Chief Minister must 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. This clause is a potent tool for the Governor to ensure that the principle of collective responsibility is upheld within the Council of Ministers.

The essence of parliamentary democracy is that the Council of Ministers is collectively responsible to the Legislative Assembly of the State. This means that all decisions taken by a minister should ideally have the implicit or explicit approval of the entire Council. However, in practice, individual ministers often take decisions within their portfolios. Article 167(c) acts as a safeguard. If the Governor believes that a decision taken by an individual minister is of such importance that it ought to have been deliberated upon by the entire Council, or if it raises concerns about potential divergence from collective policy, the Governor can ask the Chief Minister to place that matter before the full Council for its consideration. This does not mean the Governor can veto the minister's decision or the Council's ultimate decision. Rather, it compels a collective discussion where perhaps only an individual decision had been made. Now this becomes important: this power is not a means for the Governor to override the elected government, but rather a mechanism to promote internal consistency and ensure that major policy matters are truly the result of collective deliberation and responsibility. It ensures that the Council as a whole stands behind a decision, preventing ministers from operating entirely independently of their colleagues on significant matters.

Purpose of Article 167(c) for collective responsibility

The fundamental purpose of Article 167(c) is to reinforce and operationalise the principle of collective responsibility in state governance. In a parliamentary system, the Council of Ministers acts as a team, and all its members are collectively responsible for the decisions and actions of the government. This means that even if a particular decision falls within one minister's portfolio, once taken by the Council, it becomes the responsibility of all ministers.

However, situations can arise where a minister makes a significant decision without it being formally discussed and approved by the entire Council of Ministers. Such a decision, if not brought before the Council, could potentially undermine the unity and collective stance of the government. Article 167(c) empowers the Governor to step in and ensure that such matters are indeed brought before the Council. By requiring the Chief Minister to submit the matter for the Council's consideration, the Governor facilitates a collective review. This mechanism prevents individual ministers from making decisions that might contradict the overall government policy or could have far-reaching implications without the collective wisdom and approval of the Council. It acts as an internal check and balance, ensuring that all significant policy decisions are collectively owned. At this stage, one issue becomes clear: the Governor, through this article, ensures constitutional propriety and the adherence to parliamentary norms without directly interfering in policy-making. It is about the process of decision-making within the Council, not the substance of the decision itself. This is crucial for maintaining the integrity of the cabinet system.

Article 167 and Article 78 comparison

Article 167, which outlines the duties of the Chief Minister towards the Governor, has a direct parallel in the Union government through Article 78. Article 78 of the Indian Constitution details the duties of the Prime Minister towards the President. Both articles are structured identically, reflecting the quasi-federal and parliamentary nature of India's governance at both the Union and State levels.

The similarities are striking:

- **Article 78(a) and Article 167(a):** Both mandate the respective heads of government (Prime Minister/Chief Minister) to communicate to the head of state (President/Governor) all decisions of the Council of Ministers relating to the administration of the affairs and proposals for legislation. This establishes a fundamental channel of information.
- **Article 78(b) and Article 167(b):** Both empower the head of state (President/Governor) to call for information relating to the administration of affairs of the Union/State and proposals for legislation from the Prime Minister/Chief Minister. This is the proactive information-seeking power.
- **Article 78(c) and Article 167(c):** Both provide that if the head of state (President/Governor) so requires, the head of government (Prime Minister/Chief Minister) shall 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. This provision safeguards collective responsibility at both levels.

The core purpose behind both articles is to ensure that the constitutional head of the executive is kept fully informed and has a mechanism to ensure collective responsibility within the Council of Ministers. They highlight the parliamentary scheme where the nominal head (President/Governor) functions on the aid and advice of the real executive (Prime Minister/Chief Minister and Council of Ministers), but is not a mere figurehead, possessing certain constitutional duties and powers to ensure proper governance. The identical wording and structure underscore the uniformity in the constitutional design for both the Union and the States, reflecting a consistent approach to the relationship between the political executive and the constitutional head across India's federal structure.

UPSC Perspective

For the UPSC [Civil Services Examination](#), understanding Article 167 is not just about memorising its clauses, but about grasping its constitutional significance and operational implications. It is a frequent area of inquiry in both the Prelims and Mains examinations, touching upon key concepts of [Indian Polity](#).

Prelims focus:

- **Direct Questions:** Questions can directly ask about the specific duties of the Chief Minister under Article 167 or compare it with Article 78.
- **Key Terms:** Understanding terms like 'collective responsibility', 'constitutional head', 'aid and advice', and how they relate to the Governor's role under Article 167(c).
- **Governor's Role:** Questions might test the extent of the Governor's power under Article 167, especially whether it implies discretionary power or the power to overrule the Council of Ministers.
- **Constitutional Articles:** Identification of the correct article number and its corresponding provisions.

Mains focus:

- **Role of CM and Governor:** Analyze the relationship between the Chief Minister and the Governor as defined by Article 167, and how it impacts state administration.

- **Collective Responsibility:** Discuss how Article 167(c) upholds and operationalises the principle of collective responsibility in the state executive.
- **Checks and Balances:** Examine Article 167 as a mechanism for checks and balances within the state's constitutional framework, ensuring accountability and procedural propriety.
- **Federalism and Constitutional Morality:** Evaluate the spirit of cooperative federalism and constitutional morality reflected in the duties assigned by Article 167, particularly in the context of potential Governor-CM conflicts.
- **Comparison with Article 78:** A comparative analysis of Article 167 and Article 78 to illustrate the uniformity of the parliamentary system at Union and State levels.
- **Constitutional Debates:** Discussions around whether the Governor's powers under 167(c) have been misused or interpreted broadly in certain political contexts.

Common Student Confusion

A common misunderstanding among students regarding Article 167(c) is the belief that it grants the Governor the power to overrule or veto a decision taken by an individual minister.

Correction: Article 167(c) does *not* empower the Governor to overrule a minister's decision or, subsequently, the decision of the Council of Ministers. Instead, its function is purely procedural. The Governor's role under this clause is to require the Chief Minister to *submit the matter for the consideration of the Council of Ministers*. This ensures that a decision initially taken by an individual minister, especially if it is significant or deviates from overall policy, gets the collective attention and approval of the entire Council. It is a mechanism to enforce collective responsibility and ensure that all important governmental actions are truly decisions of the collective executive, rather than isolated ministerial actions. The ultimate decision, after the Council's consideration, still rests with the Council of Ministers, acting on the principle of aid and advice to the Governor. The Governor's power is to ensure deliberation, not to dictate the outcome of that deliberation.

Short Revision Points

- **Article 167(a):** CM must communicate all Council of Ministers' decisions (administration, legislation) to the Governor.
- **Article 167(b):** CM must furnish information the Governor calls for (administration, legislation).
- **Article 167(c):** If Governor requires, CM must submit a minister's individual decision (not considered by Council) for the Council's consideration.
- **Purpose of 167(c):** Ensures collective responsibility of the Council of Ministers.
- **Comparison:** Article 167 for CM-Governor is analogous to Article 78 for PM-President, highlighting uniform parliamentary structure.
- **Governor's Power:** Under 167(c), Governor can compel collective deliberation, not overrule decisions.

FAQs

1. What are the three main duties of the Chief Minister under Article 167?

The three main duties are: (a) to communicate all decisions of the Council of Ministers to the Governor, (b) to furnish any information related to administration or legislation that the Governor may call for, and (c) to submit for the Council's consideration any minister's decision not yet considered by the Council, if the Governor so requires.

2. Does Article 167(c) mean the Governor can overrule the Council of Ministers?

No, Article 167(c) does not mean the Governor can overrule the Council of Ministers. It merely enables the Governor to ensure that a matter decided by an individual minister, but not by the full Council, is brought before the entire Council for its collective consideration. The final decision remains with the Council.

3. How is Article 167 similar to Article 78?

Article 167 (Chief Minister's duties to Governor) is very similar to Article 78 (Prime Minister's duties to President). Both articles are structured identically, outlining the three same duties for the head of government (CM/PM) towards the respective head of state (Governor/President), thus reflecting the parliamentary system's design at both state and union levels.

Understanding Article 167 is fundamental for grasping the constitutional roles within state governance and the delicate balance between the elected executive and the constitutional head. For aspiring civil servants, a thorough command over such constitutional provisions, along with their practical implications, is indispensable. [SHRI RAM IAS](#) is regarded as the best [IAS coaching in Delhi](#), providing comprehensive guidance on these critical aspects of the Indian Constitution, ensuring students develop a clear and nuanced understanding essential for excelling in the UPSC examinations.