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## Strength of CoM in Madhya Pradesh

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### Why in News

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Recently, it has been alleged that the strength of the **Council of Ministers (CoM)** in Madhya Pradesh exceeds the prescribed Constitutional limit.

### Key Points

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- The recent expansion of the Ministry in Madhya Pradesh has increased the Council of Ministers strength to 34, which is **more than 15%** of the **effective strength** of the **legislators at 206**.
  - The effective strength of the House is calculated by **deducting the vacant seats** out of the total strength of the House.
- **Article 164 (1A)** of the Constitution prescribed that the **total number of Ministers, including the Chief Minister**, in the Council of Ministers in a State **shall not exceed 15% of the total number of members of the Legislative Assembly of that State**.
  - Provided that the number of Ministers, including the Chief Minister in a State **shall not be less than twelve**.
  - This provision was introduced through the **91<sup>st</sup> Constitution (Amendment) Act, 2003**.
- The Assembly strength of 228 dropped to 206 in March 2020, when 22 rebel Congress MLAs resigned, toppling the then government. Two seats fell vacant earlier owing to deaths.

### Council of Ministers in State

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- The Council of Ministers in the states is **constituted and function in the same way** as the Council of Ministers at the Centre.

- **Article 163 (1)** provides that **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.

However, the Constitution **does not specify** the size of the State Council of Ministers or the ranking of ministers. They are determined by the chief minister according to the exigencies of the time and requirements of the situation

- **Article 164 (1)** provides that the Chief Minister shall be **appointed by the Governor** and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister.

However, in the states of **Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha**, 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.

- **Article 164 (2)** provides that the Council of Ministers shall be **collectively responsible to the State Legislative Assembly**.
- **Article 164 (4)** provides that a person can remain as Minister without being a member of the state legislature for a **period of six consecutive months**.
- **Article 164 (1B)** provides that a member of either House of state legislature **who is disqualified on the ground of defection shall also be disqualified** to be appointed as a Minister.

**Source: TH**