



# Jharkhand Cabinet to Take Oath

## Why in News?

Ten ministers are going to take the [oath of office](#) as part of **Jharkhand's 12-member Cabinet**. The **swearing-in ceremony** is set to take place **at the Raj Bhavan in Ranchi**.

## Key Points

- The [Council of Ministers](#) in the states is constituted and functions in the same way as the Council of Ministers at the Centre (**Article 163 and Article 164**).
- **Article 163** states that there is a council of ministers headed by the [Chief Minister](#) to aid and advise the [Governor](#) in the exercise of his functions, except some conditions for discretion.
  - **Discretionary Powers Include:**
    - Appointment of a Chief Minister when no party has a clear majority in the state legislative assembly
    - In times of [no-confidence motions](#)
    - In case of failure of constitutional machinery in the State ([Article 356](#))
- Under Article 164 of the Constitution, the **Chief Minister is appointed by the Governor** without any advice from anyone. But he appoints the individual Ministers only **on the advice of the Chief Minister**.
  - The Article implies that the Governor **cannot appoint an individual Minister according to his discretion**. Therefore, the Governor can dismiss a Minister only **on the advice of the Chief Minister**.

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# Governor

## Eligibility Criteria

- Must be a **citizen of India**
- At least **35 years** of age
- Must **not be a member of (either) house of Parliament/State Legislature**
- Must not hold any **office of profit**

## Appointment and Tenure (Part VI)

- Appointed by President (**Article 153**)
- One person can be appointed as Governor for **2+ States (7th Const. Amendment in 1956)**
- Holds the office at the **Pleasure of the President** (maximum **5 years**)

## Powers (Part VI)

- Article 161: **Pardoning powers**
- Article 164: Power to **appoint the CM and other Ministers**
- Article 176: **Special Address** by Governor
- Article 200: Power to **(withhold) assent/reserve a bill** (Legislative Assembly)
- Article 213: Power to **promulgate Ordinances**

## 'Dual Capacity'

- **Constitutional head of the state** and **Representative of the Union government**

## Ending Tenure before 5 Years

- **Dismissal by President** (on advice of the Council of Ministers headed by PM)
  - Dismissal of governors without a valid reason is not permitted
- On grounds of **acts upheld by courts as unconstitutional** and malafide
- **Resignation** by the governor

## Responsibilities

- **Appoints** – CM, other Ministers, Advocate General of State, Members of State PSC, judges of HC and districts
- Act as **ex-officio chancellor** of state Universities

