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Increasing Instances of Appointment of Deputy Chief Ministers in the Country: Emerging Issues

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Abstract

Over the years there has been an increase in the instances of appointment of deputy Chief Ministers (CM) across the States by almost all the political parties coming to power although the Constitution of India does not provide this post. Mainly the increasing instances of the appointment of deputy CM are the results of balancing the political power equations among the various factions of ruling parties and the coalition's partners. Presently fifteen out of twenty eight states and one out of eight union territories have deputy Chief Ministers. There are five deputy Chief Ministers in Andhra Pradesh (maximum in the country); Karnataka has three; Bihar, Uttar Pradesh (UP) and Goa have two each while Arunachal Pradesh, Delhi, Gujarat, Haryana, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Tamil Nadu and Tripura have one each deputy CM. Seeing the rising trend, there is all possibility that these instances are here to stay and the number of deputy CMs is going to increase further in the country.

Keywords: 1. Deputy Chief Minister, 2. Relationship between the deputy CM and the CM, 3. Portfolio Allocations, 4. Coalition Government, 5. Constitutional set up at the State Level.

1. Introduction

Over the decades there has been an increase in the instances of appointment of deputy Chief Ministers (CM) across the states by almost all the political parties coming to power. The most recent example of this trend caught the attention of the nation when Nitish Kumar took oath as 37th Chief Minister of Bihar for the seventh time (fourth consecutive terms) on 16th November, 2020



becoming the second-longest serving CM in its history. Along with him, two Bhartiya Janta Party (BJP) leaders, Tar Kishore Prasad and Renu Devi were sworn in as deputy Chief Ministers replacing Sushil Modi who served as deputy CM under Nitish Kumar for more than a decade. They were administered oath just after that of the CM and both were made seated beside him on the dais. Renu Devi got the credit of becoming the first woman deputy CM of Bihar.

Presently fifteen out of twenty eight states and one out of eight union territories have deputy Chief Ministers. There are five deputy Chief Ministers in Andhra Pradesh (maximum in the country); Karnataka has three; Bihar, Uttar Pradesh (UP) and Goa have two each while Arunachal Pradesh, Delhi, Gujarat, Haryana, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Tamil Nadu and Tripura have one each deputy CM. Thus total number of deputy CMs in the country has reached to twenty five today. The largest number, twelve out of them belong to BJP and five belong to YSR Congress Party.

2. The Constitutional Provisions

The CM of a State enjoys very extensive powers as the real head of the State administration. Article 166 of the Indian Constitution provides that all executive actions of the Government of a State shall be expressed to be taken in the name of the Governor, the CM enjoys a position analogous to the Prime Minister at the Centre and exercises the real executive authority of the State concerned. As per the constitutional scheme, the CM is appointed by the Governor and on the advice of the CM, other ministers are appointed by the Governor and they hold office during the pleasure of the Governor (Article 164).

The Constitution does not elaborate on the specific powers and functions of the CM. Article 163 provides that there shall be a Council of Ministers with the CM 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. Thus it is clear that the executive powers of the State are vested in the office of the Governor, they are normally exercised by the Council of Ministers and it is in the aid and advice to the Governor, the CM along with his/her Council of Ministers play a major role in administration and governance of the State.

The CM is the most important link of the State with the Centre and remains responsible for overall administration of the State. He represents the State in the National Development Council (NDC). Article 167 provides the details about the duties of the CM as respects the furnishing of information to the Governor as follows:

...It shall be the duty of the CM of each State ---

- (a) to communicate to the Governor of the State all decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation;
- (b) to furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for; and



(c) if the Governor so requires, to 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.

Thus the Constitution has very clear and detailed provisions about the powers, position, functions and role of the CM, nowhere in it, is there any provision and reference about the office of Deputy CM. But over the years, there has been rising instances of appointment of deputy CMs across the country by the ruling political parties belonging to both National Democratic Alliance (NDA) and United Progressive alliance (UPA) at the Centre and other coalition arrangements at the State.

3. The Historical Background

Appointing deputy CM has been a regular feature in Indian politics; it may have come as a ripple effect of Vallabhbhai Patel's appointment as the deputy Prime Minister (PM) in the Jawaharlal Nehru Government (Dutta, 2019). But it may be noted that Patel's appointment had been made before the Constitution was adopted in 1950. Patel held the post of deputy PM along with that of Home Minister. Even the Constituent Assembly does not have clear reference about the post of deputy PM or that of deputy CM.

But the unofficial rank of deputy PM and deputy CM has been held by several prominent politicians—most of them were given this post to assuage their feeling of hurt at having missed the real prize. This was true in the case of Sardar Patel as well as others like Morarji Desai, Charan Singh and L. K. Adwani, the last deputy PM of India had. In the case of others, the post was either seen as a reward of a balancing act—Jagjivan Ram, or Y. B. Chavan or Devi Lal (Chhiber, 2018). He further says that since independence, States have had deputy CMs, mostly in cases where the party high command was reluctant to give the top post to a claimant. In some cases, the post was used as a bargaining chip while conducting negotiations with alliance partners—existing or prospective.

The practice of appointing deputy CM in States may be traced back to 1946, when Anugraha Narayan Sinha became the first deputy CM of unified Bihar and continued on that post for a very long period under the Government of Shri Krishna Singh (Mishra and Ramshankar, 2019). Another instance is of Neelam Sanjeeva Reddy (who later became President of India) who got appointed as deputy CM in Andhra Pradesh in 1953 in the tenure of T. Prakasham as CM. But when Reddy himself became the CM, he refused to have a deputy CM, saying it is an “unnecessary” post (Dutta, 2019). He said, “the post of deputy CM was like the needless sixth finger” (Prasad, 2019).

The classic case related with the appointment of a deputy head of Government is that of the deputy PM, Devi Lal in the V. P. Singh Government, needs to be mentioned here. While being administered the oath of office and secrecy by the President, R. Venkataraman at the swearing-in ceremony held on December 2, 1989, Devi Lal refused to repeat what he was expected to, an episode that the former President has mentioned in the book *Commissions and Omissions of Indian Presidents*. Mr. Venkataraman said, “I asked my Secretary to convey to V. P. Singh that Devi Lal could be sworn in as a Minister and designated later as Deputy PM. But before anything could be finalized, the swearing-in ceremony commenced and V. P. Singh was sworn in as PM. Then Devi Lal was presented and when I administered oath as Mantri, he insisted reading it as Upa Pradhan



Mantri. I corrected him saying Mantri but the second time too, he read it as Upa Pradhan Mantri. It was fully displayed in the live telecast of the proceedings. I did not want to create an ugly scene and therefore allowed Devi Lal to proceed as he wished” (Rajendran, 2012).

Later the matter related with swearing-in ceremony was challenged in the Supreme Court of India. The bench headed by the Chief Justice Ranganath Mishra in *K. M. Sharma vs. Devi Lal* case maintained that the constitutional oath undertaken by Devi Lal was not vitiated for the term ‘deputy PM’ was only ‘descriptive’ in nature while the ‘substantive’ part of the oath was fully intact.

The trend of creating the post of ‘deputy CM’ caught the political imagination after Devi Lal’s act and Karnataka took the lead (Mahapatra, 2017). In 1992, S. M. Krishna (Congress-I) was the deputy CM; in 1994, it was J. H. Patel (Janta Dal); in 2004, Siddaramaiah was deputy CM followed by B. S. Yeddyurappa as deputy CM; in 2012, two deputy CMs were appointed and presently three deputy CMs are there.

4. Issues related with the Office of Deputy Chief Ministers

This is clear that neither the post of a deputy CM feature in the Constitution, nor does it hold any more significance than that of a cabinet minister in the State. It is worth examining then why so many States over the years have followed this practice.

(i) Is the post of Deputy CM equal to that of the CM?

Technically, the post of a deputy CM is equivalent to the rank of a State cabinet minister and enjoys pays and perks similar to it. The cabinet ministers get tax-free pay and perks and so does a deputy CM. It may be said that since the Constitution does not recognize this post, it’s only used in day to day popular exchange. Thus, the post of deputy CM is not equal to that of the CM.

(ii) Does the post of Deputy CM comes next to that of the CM?

The name of the post suggests that the status of this post is considered as next (number two) in the hierarchy in the council of ministers (Chhiber, 2019). It depends upon many factors, for example, if the deputy CM belongs to the same political party or from the coalition partners. If the Government has a tight majority in the legislature and the deputy is from other party, it becomes the ‘prized catch’. Sometimes, if the deputy CM is from the same political party but from a different faction, he plays the role of future challenger to the CM. Thus it may be said that although the post is extra constitutional, it definitely has significant heavy political weight.

(iii) Does the Deputy CM has specific Financial Power?

Technically speaking, the deputy CM enjoys the same financial powers equivalent to other State cabinet ministers. He does not enjoy any specific financial power and remains confined within the limits of the budget allocated for his own portfolio or ministry. Approval of the CM is required if he seeks any expenditure over and above the sanctioned budget. The cordial relationship between the CM and his deputy remains a boon for the State administration but in case of a tug of war between the two, the same gets spoiled to the extent of failure of the Government machinery.



In addition, this is also important to mention that official files that are meant for the CM are not routed through the deputy CM, neither does the later has access to such files or decisions taken by the CM. Rather, the files pertaining to the portfolios that the deputy CM gets, are routed to the CM through him (Chhiber, 2019).

(iv) Role of the Deputy CM in the Functioning of the State Government

If we analyze the portfolio allocation of the various State Governments, it becomes clear that the CM himself keeps the most important portfolios, viz. 'general administration', 'vigilance', and 'home' [National Capital Territory (NCT) Delhi being the exception where these portfolios have been allocated to the deputy CM]. Apart from this, the power of transfer-postings of the class I officers also lies with the CM. The deputy CM generally gets a portfolio equivalent to other cabinet ministers, viz. 'finance', 'revenue', 'agriculture', 'women and child development' etc. The significance of a deputy CM gets highlighted by the allocation of portfolios to him. Let us examine the portfolios allocated to some of the deputy CM across various States as given below:

Presently, Andhra Pradesh has the highest number of deputy CMs at five—the highest ever in the country. The CM has kept the portfolios of 'general administration' and 'law & order' etc. with himself. The deputy CMs and their portfoliosⁱ are: i). Dharmana Krishan Das: 'revenue', 'stamp' and 'registration' etc.; ii). K. Narayan Swamy: 'excise', 'commercial taxes' etc.; iii). Alla Kalikrishna: 'health', 'family welfare', 'medical education' etc.; iv). Pushpasreerani Pamula: 'tribal welfare'; v). Amzath Basha Shaik Bepari: 'minority affairs' etc.

It seems that the Andhra CM has unnecessarily gone for appointing five deputy CMs and has taken appeasement politics to a new peak in India. His move to appoint no fewer than five deputy CM—the highest in India to represent the State's different social groups and regions is a political balancing act which he had no need to undertake (Prasad, 2019).

Another southern state, Karnataka has three deputy CMs and their portfoliosⁱⁱ are: i). Gobind Karajol: 'public works department' (PWD), additional charge of 'social welfare' etc.; ii). Aswath Narayan CN: 'higher education', 'information technology', 'scheduled tribes' etc.; iii). Laxman Savadi: 'transport' etc.

Karnataka has a long history regarding the appointment of deputy CM. It was done in 1992, 1994, 2004, 2006, 2012 and it is there in the present Government too which is led by B. S. Yeddyurappa. Two deputy CMs—K. S. Eshwarappa and R. Ashok were administered the oath of office and secrecy by Karnataka Governor H. R. Bhardwaj along with CM Jagdish Shettar and thirty one ministers in 2012. It was felt that the appointment of two deputy CM in a single party Government would undermine the authority of the CM, their swearing-in by the Governor appeared to be in violation of Article 164 of the Constitution. There was an apprehension among the party that the swearing-in ceremony held in 2012 at Raj Bhawan could possibly have ended with a walkout had Eshwarappa and R. Ashok not been administered their oath as deputy CMs by the Governor. The leaders did not want to be sworn-in as mere ministers and thereafter appointed deputy CMs by the CM (Rajendran, 2012).

In Uttar Pradesh (U.P.), the CM Adityanath Yogi has two deputy CMs—one belonging to the scheduled caste and that of another from the Brahmin, the forward caste, it is said that this is an



attempt to balance the caste equations in favour of the ruling party in one of the largest states of India. The portfoliosⁱⁱⁱ held by the deputy CMs are: i). K. P. Maurya: 'public works', 'food processing', 'public sector undertakings', 'entertainment tax' etc.; ii). Dinesh Sharma: 'secondary and higher education', 'science and technology' etc.

In Bihar, after the recently concluded Assembly elections, Nitish Kumar, the CM was sworn-in along with two deputy CMs. The portfolios^{iv} allocated to deputy CMs are: i). Tar Kishore Prasad: 'finance', 'commercial taxes', 'environment and forest', 'information technology', 'disaster management', 'urban development and housing department' etc.; ii). Renu Devi: 'panchayati raj institutions' (PRIs), 'backward classes' (BC) and 'extremely backward classes' (EBC) etc. The CM has kept the portfolios of 'general administration', 'home', 'cabinet secretariat', 'vigilance', 'elections' etc. with himself.

It is very interesting to note that in the coalition government of NDA in Bihar, the CM is from the smaller political party [(Janta Dal (U) (in terms of number of seats in the State legislature)] while the two deputy CMs belong to the larger political party (BJP). Generally the larger political party gets the post of the CM in such situations. It is also speculated that the power and authority of the CM has been curtailed by the appointment of two deputy CMs but Nitish Kumar being a seasoned politician, the picture of real power equations will emerge in future only.

In Goa, there are two deputy CMs and their portfolios^v are: i). Chandrakant (Babu) Kavleen: 'agriculture', 'town and country planning', 'archives', 'archaeology', 'factories' etc.; ii). Manohar Ajgaonkar: 'tourism', 'sports', 'printing and stationary', 'official languages', 'public grievances' etc. The CM himself has kept the portfolios of 'general administration', 'home', 'personnel', 'finance', 'vigilance', 'planning', 'statistics', 'environment'.

In Gujarat, there is one deputy CM and the portfolios^{vi} held by him are: 'finance', 'roads and buildings', 'health', 'family welfare', while the CM has the portfolios of 'general administration', 'industries', 'home', 'urban development' etc.

In case of NCT Delhi, the CM, Arvind Kejriwal has not kept any portfolio with him and Manish Sisodia has almost all the important portfolios^{vii}, viz. 'education', 'finance', 'planning', 'vigilance', 'services', 'tourism', 'art', 'culture', 'languages' etc. This is a unique arrangement of power sharing between the CM and deputy CM, nowhere else found among the States and Union Territories (UT) in the country. Definitely the deputy CM has become very powerful in this arrangement.

If we analyze the north eastern states, Manipur, Meghalaya, Nagaland, Mizoram and Tripura etc. each has one deputy CM. In Meghalaya, Prestone Tynsong, the deputy CM has the portfolios^{viii} of 'animal husbandry and veterinary science', 'food', 'civil supplies and consumer affairs department', 'housing', 'labour' and 'parliamentary affairs'. Almost all the deputy CMs of north eastern States hold the portfolio of 'animal husbandry' apart from other portfolios.

Haryana, Maharashtra and Tamil Nadu also have one deputy CM each in their States. In Tamil Nadu, the deputy CM has the portfolios of 'finance', 'planning' and 'housing' etc. In Haryana and Maharashtra each, the appointment of the deputy CM has been the result of the act of 'power-sharing-balancing' among the coalition partners for they had fought their assembly elections



against each other but came together for the formation of Government as post-poll arrangement of alliances.

5. Conclusion

Over the years there has been an increase in the instances of appointment of deputy Chief Ministers (CM) across the States by almost all the political parties coming to power although the Constitution of India does not provide this post. Mainly the increasing instances of the appointment of deputy CM are the results of balancing the political power equations among the various factions of ruling parties and the coalition's partners as post poll alliances. Although there are few examples of pre-poll alliances also. Both the bigger and smaller States (in terms of populations and area) have deputy CMs. Presently fifteen out of twenty eight states and one out of eight union territories have deputy Chief Ministers. There are five deputy Chief Ministers in Andhra Pradesh (maximum in the country); Karnataka has three; Bihar, Uttar Pradesh (UP) and Goa have two each while Arunachal Pradesh, Delhi, Gujarat, Haryana, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Tamil Nadu and Tripura have one each deputy CM. Seeing the rising trend, there is all possibility that these instances are here to stay and the number of deputy CMs is going to increase further in the country in future.

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