



# Indian **POLITY** & GOVERNANCE

**COMPENDIUM** with **NCERT**  
(Class 11 to 12)

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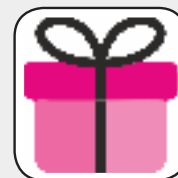
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- Council of Ministers (COM)
- Advocate General (Article 165)

This sample book is prepared from the book “Indian Polity & Governance Compendium with NCERT (Class 6 to 12) coverage for UPSC IAS & State PSC General Studies Prelim & Main Exams 5th Edition | ... Practice Objective & Subjective Question Bank”



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## STATE GOVERNMENT



### Introduction

Article 153-167 in part six of the constitution deals with the state executive, therefore the constitution provides for a separate federal government with a distinct administrative setup. A state government are used by some modern nations, like the United States, Australia, and India, to administer local concerns. Typically, state governments are in charge of administering a state's or region's local demands and concerns

### NCERT TOPICS COVERED

#### CLASS 7

- How the State Government works
- Legislative Assembly
- Governor
- Chief Minister

Our constitution provides for a Federal Government, having separate system of administration for the Union and its units, namely the States. The Constitution contains provisions for the government of both.

The Constitution Makers had decided to adopt the same pattern of Parliamentary system of Government in the States i.e. a replica of Government in the Union.

- The only difference is that the Constitutional Head of the Government in the State (i.e. Governor) is not elected, either directly or indirectly, rather he is appointed by the President.
- The Constitution lays down a uniform structure for the State Government, in Part-VI of the Constitution, which is applicable to all the states now.
- Article 153 to 167 of Indian Constitution deals with the State executive.
- The state executive consists of the governor, the chief minister, the council of ministers and the advocate-general of the state.

Part-VI	
Articles	Provisions
Article 153-162	The Governor
Article 163-164	Council of Ministers
Article 165	Advocate General for the State
Article 166-167	Conduct of Government Business

## STATE EXECUTIVE

### Governor

Article 153 states that there shall be a Governor for each state. But same person can be appointed as Governor for 2 or more states (added by 7th amendment act 1956.)

Article 154 states that the executive power of the state shall be vested in him and shall be exercised by him either directly or through officers subordinate to him.

#### Appointment & Tenure (Article 155 & 156) -

- Governor is the executive Head/Nominal Head of the State.
- Governor of a State is appointed by the President.
- Hold office during the pleasure of the President.
- May resign by submitting his resignation to the President. Otherwise the normal term of his office is 5 years.
- Grounds for removal of the Governor are not mentioned in the Constitution.
- The President may transfer a Governor appointed to one State to another State for rest of the term.
- A Governor whose term has expired may be reappointed in the same State or any other State.

### Qualifications & conditions of office (article 157 & 158) of Governor -

- He must be –
  - A citizen of India.
  - Has attained 35 years of age.
  - Not a member of parliament or state legislature.
  - Not hold any office of profit under the government.
- His emoluments, allowances and privileges are determined by parliament by law.
- The emoluments are charged on the Consolidated Fund of State and cannot be diminished during his term of office.
- If the same person acts as Governor of 2 or more states, the Constitution provides that President may decide about the allocation of emoluments of Governor among states proportion wise (Article 158(3A)).
- The Governor draws a salary of Rs. 3,50,000 per month.

### Oath

**Article 159** says that the Governor and every person discharging the functions of the Governor shall take an oath or affirmation before the Chief Justice of the High Court of that state, or in his absence, the senior-most judge of that court available.

**Article 160** gives the president the power to make such provision as he thinks fit for the discharge of the functions of the Governor in any contingency not provided for in the Constitution.

### Executive Powers of Governor

- **Article 166:** All executive actions of the state are to be taken in the name of the Governor. He acts as a representative of centre in the state. He has power to recommend President that the government of the state cannot be carried on in accordance with the provisions of the Constitution. This leads to the imposition of **President rule** in the State under **Article 356**.
- All major appointments in the state are made by the Governor – those of CM, Ministers, and Advocate-General (and decide his remuneration), Chairman & members of State Public Service Commission (PSC), State Election Commissioner and Finance Commission.
- Members and Chairman of State PSC are however removed by President. on a report of the SC.
- He is the Chancellor of various universities in the state and appoints their Vice-Chancellors.

### Legislative Powers of Governor

- He is an integral part of the state legislature, though not a member of it, he discharges some important legislative functions.
- He **summons** the house(s) of the legislature of state to meet at such a time and place as he thinks fit.
- He may **prorogue** the house(s) and **dissolve** the legislative assembly.
- He has right to reserve certain bills for the assent of the President [Article 200].

- He nominates 1/6th of the members of Legislative Council having special knowledge in literature, science, arts, cooperative movement and social service.
- He decides on the question of disqualification of a member of State Legislature in consultation with Election Commission.
- His most important power is the ordinance making power [**Article 213**].
- But the Governor cannot issue an ordinance without the previous instructions from the President in cases in which–
  - (a) Bill would have required his previous sanction.
  - (b) Required to be reserved under the Constitution for the assent of the President.
- The ordinances have to be approved by the state legislature, in the same way as the Parliament does in case of Presidential ordinances.
- The scope of the ordinance making power of the Governor is co-extensive with the legislative powers of the State Legislature and is confined to the subjects mentioned in state List and Concurrent List.
- Submission of reports from Auditor General, State Public Service Commission, State Finance Commission, etc. before the Legislature.

### Discretionary powers of governor

- Discretion of the Governor is wider than that of the President. Article 163 (2) provides that as to the question of matter of discretion, it is the Governor himself who decides which matter falls in his discretion. And his action based on such discretion shall not be called in question.
- Though in most of the matters he has to act on the advice of Council of Ministers, but there are some matters in which he can act according to his discretion.
  - He selects the CM if no party has clear-cut majority.
  - Dismissal of Ministry if he is convinced that it has lost majority support. But SC in S.R. Bommai Vs UOI (1994) case directed that his opinion must not be subjective and compulsory floor-testing must be done.
- Dissolving the Legislative Assembly on the advice of a CM. Who has lost majority.
- Submission of report to the President regarding failure of constitutional machinery in the State.
- Reservation of certain bills for the consideration of the President (Article 200). He must reserve the bill that endangers the position of high court. In addition, he can also reserve the bills that are against the provisions of Constitution, are against larger national interest or DPSP and those which deal with compulsory acquisition of property under Article 31A.

### Financial Powers of Governor

- A money bill and financial bill cannot be introduced in the Legislative Assembly of the State without the recommendation of the Governor.
- No demand of grants can be made except on the recommendation of the Governor.

- The Governor is required to cause to be laid before the house or houses of the legislature “**annual financial statements**”, that is “**Budget**” [Article 202].
- He constitutes a finance commission after every five years to review the financial position of the panchyats and the municipalities.

**Judicial powers of governor**

- The Governor appoints judges of the courts below HC
- He is consulted by the President before appointing judges of the concerned HC.
- Under **Article 161** he can grant pardons, reprieves, respites remissions of punishment to the persons convicted under state laws. However he has no power to pardon a sentence of death or remit sentence by the court martial (military court).

**Special Responsibilities of the Governor**

The Governor can be conferred with certain special responsibilities w.r.t their states. In such cases, the Governor shall seek the advice of his Council of Ministers, but he is not bound by the advice given by his Council of Ministers. The following are some of the special responsibilities:

1. Under *Article 371(2)*, the President may direct that the Governor of *Maharashtra or Gujarat* have a special responsibility for taking steps for the development of certain areas in the States, such as Vidarbha, Saurashtra, Kutch etc.
2. Under *Article 371A (1)(b)*, the Governor of *Nagaland* shall have special responsibility with respect to law and order in that State so long as in his opinion internal disturbances caused by the hostile Nagas in the Naga Hills continue.
3. Under *Article 371 C*, the President may direct that the Governor of *Manipur* shall have special responsibility to secure the proper functioning of the Committee of the Legislative Assembly of the State consisting of the members of that assembly elected from the Hill Areas of that State.
4. *Article 371 F(g)* imposes a special responsibility upon the Governor of *Sikkim* for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim.
5. *Article 371 H* imposes a special responsibility on the Governor of *Arunachal Pradesh* w.r.t law and order in that state.
6. Under *Article 371J*, the President may by order direct that the Governor of *Karnataka* shall have the special responsibility for establishment of a separate development board for Hyderabad-Karnataka region.

**Why an Appointed Governor?**

- It would save the country from another election, conducted on public money.
- If the Government were to be elected by direct vote, then there can be conflict of power between Governor and Chief Minister.
- Through an appointed Governor, the Union Government would be able to maintain intact its control over the states.

- The method of elections would encourage separatist tendencies. The stability and unity of the Governmental machinery of the country as a whole could be achieved only by adopting the system of nomination.
- In actual working it may be said that in states where one party has a clear majority, the part played by the Governor has been that of a constitutional and impartial head but in those States where there are multiple parties with an uncertain command over the Legislature, the Governor has acted as a mere agent of Centre.

**Comparison between Powers and Position of the president and the Governor**

President	Governor
The President is not only the Head of the State, he is also the Commander-in-Chief of the Armed Forces.	Each state has its own laws and the Governor, who looks after internal governance of every state. He finalises the budget of the state and also appoint judges in the courts.
The President cannot function without the aid and advice of the Council of Ministers.	The Governor can exist without the aid and advice of the Council of Ministers.
The President can grant pardon, reprieve, respite, suspension, remission of commutation in respect to punishment or sentence by a Court Martial.	The Governor can suspend, remit or commute a death sentence. The Governor does not enjoy power of pardoning a death sentence. The governor does not enjoy any power related to court martial.
Every Ordinary Bill, after it is passed by both the Houses of the Parliament, is presented to the President for his assent. He has 3 options with him under <b>article 111</b> : <ol style="list-style-type: none"> <li>1. May give his assent to the bill and it becomes an act; or</li> <li>2. May withhold his assent to the bill; or</li> <li>3. May return the bill for reconsideration of the Houses (<i>not in case of money bills</i>). But if the bill is again passed by the houses and is presented back to the President, He must give his assent to the bill and it becomes an act.</li> </ol>	Every Ordinary Bill after it is passed by the state legislature is presented to the Governor for his assent. He has following options with him under article 200: <ol style="list-style-type: none"> <li>1. May give his assent to the bill and it becomes an act; or</li> <li>2. May withhold his assent to the bill; or</li> <li>3. May reserve the bill for the consideration of the President (<i>The President has all the three options given under article 111. The Governor will not have any further role in the enactment of this bill.</i>); or</li> <li>4. May return the bill for the reconsideration of the Legislature (<i>not in case of money bills</i>). But if the bill is again passed by the houses and is presented back to the Governor, He must give his assent to the bill and it becomes an act.</li> </ol>



Every money bill after it is passed by both house of the Parliament is presented to the President for his assent. He has following options: 1. May give his assent to the bill and it becomes an act; or 2. May withhold his assent to the bill; The bill then ends. <i>By convention, the President gives his assent to the money bill.</i>	Every money bill after it is passed by the state legislature is presented to the Governor for his assent. He has following options: 1. May give his assent to the bill and it becomes an act; or 2. May withhold his assent to the bill; The bill then ends; or 3. May reserve the bill for the consideration of the President ( <i>same conditions as in case of ordinary bills above</i> ).
A President needs no instructions for making an ordinance.	The Governor cannot make an ordinance without the instructions from the President in certain cases such as: • If a bill containing the same provision would have required the sanction of the President for its introduction in the state legislature during normal times. • If the Governor would have deemed it necessary to reserve a bill containing the same provisions for the President's consideration etc.

### CHIEF MINISTER

The Governor is assisted in the discharge of his functions by a Council of Ministers headed by the Chief Minister. He is the Real Executive Authority (de facto executive). **The Chief Minister is appointed by the Governor.** Generally, the leader of the majority party in the State Assembly is appointed Chief Minister, who holds position identical to that of the Prime Minister at the Centre. He enjoys a term that runs parallel to that of the State Legislature i.e., five years. However, if the term of the State Legislature is extended, the tenure of the Chief Minister is also extended.

The Chief Minister recommends to the Governor the names of persons to be appointed as members of the Council of Ministers, and allocates portfolios among them. He can ask any minister to resign from the Council or drop him from the Council by reshuffling it. He coordinates the working of various ministers and ensures that the Council works as a team.

The Chief Minister is the link between the Governor and the Council of Ministers and keeps the former informed of all decisions of the Council. The Chief Minister takes active part in the deliberations of the State Legislature.

He makes all important policy announcements on the floor of the legislature and defends the policies of his government in the house. He can recommend dissolution of the Legislative Assembly to the Governor even before the expiry of its term. Generally this advise is accepted by the Governor.

### COUNCIL OF MINISTERS (COM)

- Article 163 (1) provides that there shall be COM with Chief Minister as the head to aid and advise the Governor in exercise of his functions except in so far as he is required to exercise his functions according to his discretion.
- The ministers shall hold office during the pleasure of the Governor. However, in the states of chhattisgarh, Jharkhand, M.P, and Odisha, there shall be a minister in charge of tribal welfare. (Bihar was omitted by 94th amendment act 2006)
- The total number of ministers including the CM, in the COM shall not exceed 15% of total strength of the state assembly and the number should not be less than 12. (added by 91<sup>st</sup> amendment act 2003)
- Any person may be appointed as a minister, but he ceases to be a minister if he doesn't become a member of the state legislature within 6 months (Article 164(4)).
- The Salaries and allowances of ministers are governed by laws made by the state legislature.
- The Ministry which loses the confidence of the legislative assembly should resign. The Governor may choose to dismiss the ministry if it does not resign and ask the leader of opposition to constitute an alternative ministry, or if he feels that no stable ministry can be formed, recommend President's rule in the State.
- Like at the Centre, in the states too, the Council of Ministers consists of three categories of ministers:- Cabinet ministers, Ministers of State & Deputy Minister.
- Article 164 (2) states that the com is collectively responsible to Legislative Assembly of state.
- The Ministers hold office till the pleasure of the Governor but, the Ministers can be removed only on the advice of CM.

### Functions of COM

The Constitution does not assign any formal powers to the Council of Ministers. However, in practice it has a wide range of functions. It formulates the policy of the Government and implements it. It assists the Governor in making all the important appointments. Most of the important bills are introduced in the legislature by members of the Council of Ministers. It formulates the State budget and submits it to the Legislature for its approval. It can present supplementary demands for grants whenever necessary. It also plays an important role in preparing and implementing State Plans.

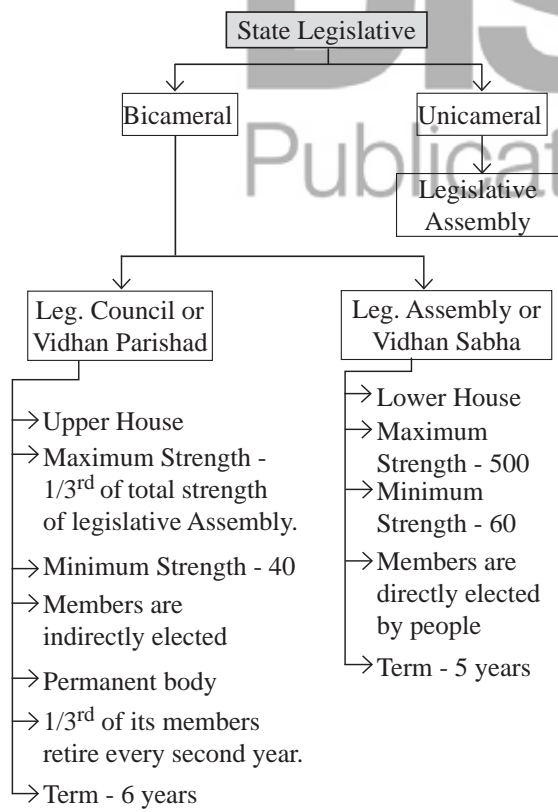
### ADVOCATE GENERAL (ARTICLE 165)

- He is an official of State, corresponding to the Attorney-General of India (Art 76).
- He is the first law offices of the state.
- He advices government of state upon legal matters.
- Appointed by the Governor, and holds office during his pleasure.

- A person qualified to be appointed a judge of a HC can be appointed as an Advocate General.
- His remuneration is determined by the Governor.
- He can speak and take part in the proceedings of the Legislature of the State but he has no right to vote in it. (Article – 177)
- He has the right to audience in any court in the state.

**STATE LEGISLATURE (PART VI, ART. 168-212)**

- The Legislature of every State consists of Governor and one House (state legislative assembly) or two Houses (state legislative assembly and council).
- At present, only 6 states - Maharashtra, Karnataka, Telangana, Bihar, U.P, Andhra Pradesh have a bicameral (consisting of 2 houses) Legislature.
- The above list is not permanent in the sense that the Constitution provides for the abolition of the Second Chamber in a state where it exists as well as for the creation of such a chamber in a state where there is none at present, by a simple procedure which does not involve an amendment of the Constitution. The procedure involves a resolution in the Legislative Assembly of the state concerned passed by a majority of the total membership of the Assembly not being less than two-thirds of the members actually present and voting, followed by an Act of Parliament (Article 169).



**Legislative Assembly (Vidhan Sabha)**

- It is the lower and popular house of the State. Members are chosen by direct election on the basis of adult suffrage from territorial constituencies (Article 170).
- The number of members varies between 60 and 500. However certain States like Sikkim, Goa, Mizoram and Arunachal Pradesh have less than 60 members.
- The Governor may nominate one Anglo-Indian to the house.
- The reservation of seats has been provided for SCs and STs on the basis of their population.
- According to Article 172, duration of assembly is normally 5 years. But it may be dissolved earlier by the Governor.
- Its term may also be extended by one year at a time by parliament during national emergency, though this can in no case be extended beyond 6 months after the proclamation has ceased to operate.

**Legislative Council (Vidhan Parishad) (Article 169)**

- It is the upper house.
- Parliament may by law create or abolish Legislative Council.
- Article 171 contains various categories of members. According to this:
  - 1/3<sup>rd</sup> of its members are elected by members of the legislative assembly.
  - 1/3<sup>rd</sup> by local bodies.
  - 1/6<sup>th</sup> nominated by the Governor.
  - 1/12<sup>th</sup> are elected by teachers of secondary schools.
  - 1/12<sup>th</sup> by university graduates.
- The maximum strength of Legislative Council can be 1/3rd of the total membership of Legislative Assembly, but in no case less than 40.
- Parliament has the final power to decide about its composition.
- It is not subject to dissolution. But 1/3<sup>rd</sup> of its members retire on the expiry of every 2<sup>nd</sup> year.

**IAS Mains Previous Year Questions**

**Q.** Explain the constitutional provisions under which Legislative Councils are established. Review the working and current status of Legislative Councils with suitable illustrations. **[Paper-2 2021]**

**Qualifications**

- Article 173 mentions the qualifications of members as:-
    - A citizen of India.
    - Not less than 25 years of age for legislative assembly and not less than 30 years of age for Legislative Council.
    - Possesses such other qualifications as may be prescribed by the Parliament.
- Vacation of seats*

- **Article 190:** No person shall be a member of both houses of State Legislature and if anyone gets elected to both Houses, he has to vacate one seat.
- No person can become a member of legislature of 2 or more states.

#### Disqualifications for membership

- The disqualifications for memberships of a State Legislature as laid down in Article-191 of the Constitution are analogous to the disqualifications for membership of either House of Parliament (Article-102).

#### Privileges of a State Legislature

The privileges of the Legislature of a state are similarly to those of the Union Parliament in as much as the constitutional provisions (Article-105 and Article-194) are identical.

- Each house of the State Legislature has the power to punish for breach of its privileges or for contempt.
- Each house is the sole judge of the questions of breach of its privileges and courts have no jurisdiction to interfere with the decision of the House on this point.
- Once a privilege is held to exist, it is for the House to judge the occasion and its manner of exercise.

### Presiding Officers of State Legislature

#### The Speaker

The Speaker is elected by the assembly itself from amongst its members and remains in office during the life of the assembly. However, he may vacate his office by writing to the Deputy Speaker or be removed by a resolution passed by a majority of all the then members of the assembly or he ceases to be a member of the assembly. Such a resolution can be moved only after giving 14 days prior notice.

#### Powers and Duties of Speaker

- His functions are similar to those of the Speaker of the Lok Sabha. He adjourns the assembly or suspends the meeting in the absence of a quorum and maintains order and decorum in the assembly for conducting its business and regulating its proceedings.
- He can allow a secret sitting of the house at the request of the leader of the house. He decides the questions of disqualification of a member of the assembly, arising on the ground of defection under the provisions of the Tenth Schedule of the Constitution. However, he also vacates his office earlier in any of the following three cases:
  1. If he ceases to be a member of the assembly.
  2. If he resigns by writing to the deputy speaker.
  3. If he is removed by a resolution passed by a majority of all then members of the assembly. Such resolution can be moved only after giving 14 days advance notice.
- He appoints the Chairman of all the committees of the assembly and supervises their functioning. He himself is the Chairman of the Business Advisory Committee, the Rules Committee and the General Purpose Committee.
- The speaker decides whether a bill is a Money Bill or not.

#### Deputy Speaker

Like the speaker, the Deputy Speaker is also elected by the assembly itself from amongst its members. He is elected after the election of the Speaker has taken place. The Deputy Speaker performs the duties of the speaker's office when it is vacant. He also acts as the speaker when the latter is absent from the sitting of assembly. In both the cases, he has all the powers of the speaker.

#### Chairman of the Legislative Council

- The Chairman is elected by the Council itself from amongst its members.
- He may vacate his office by resigning by writing to the Deputy Chairman or if he ceases to be a member of the Council.
- His powers and functions are comparable to the Speaker of the Assembly with few exceptions.
- Such as the speaker has one special power which is not enjoyed by the Chairman.
- The speaker decides whether a bill is a Money Bill or not and his decision on this question is final.

#### Deputy Chairman of Legislative Council

Like the Chairman, the Deputy Chairman is also elected by the Council itself from amongst its members. The Deputy Chairman performs the duties of the Chairman's office when it is vacant. He also acts as the Chairman, when the latter is absent from the sitting of the Council. In both the cases, he has all the powers of the Chairman.

#### Comparison of Legislative Council and Legislative Assembly

- In the passage of an Ordinary Bill, both the houses enjoy equal status but in case of disagreement the will of the Assembly prevails over that of the Council and there is no provision of joint sitting in this regard.
- A Money Bill can be introduced only in Assembly not in Council.
- The Council has no participation in the election of the President.
- The council has no say in the ratification of the Constitutional Amendment Bill. Also, the existence of the Council depends on the will of the assembly.

#### Legislative Procedure

The legislative procedure in a State Legislature having two houses is broadly similar to that in Parliament except for some aspects.

#### Money Bill

The position is the same at Union and State Levels : the Bill can be introduced only in the Assembly; the will of the Assembly prevails; and the Assembly is not bound to accept any recommendation of the Council which may at the most withhold the bill for 14 days from the date of its receipt.

#### Ordinary Bill

The only power of the Council is to interpose some delay in the passage of the Bill for a period of three months at the most.

Ultimately the will of the assembly prevails and when the bill comes to the Council a second time the Council can delay it for not more than a month.

### Governor's Assent (Article 200)

When a bill is presented to the Governor after its passage by the houses of the legislature the Governor may (i) declare his

assent to the bill, in which case, it would become a law at once; (ii) declare that he withholds his assent in which case the bill fails to become a law; (iii) return the bill, if it is not a money bill with a message; (iv) reserve the bill for the consideration of the President.

### Comparing Legislative Procedure in the Parliament and State Legislature

Parliament	State Legislature
<b>A. With Regard to Ordinary Bills</b>	
1. It can be introduced in either house of the Parliament.	1. It can be introduced in either House of the state legislature.
2. It can be introduced either by a minister or by a private member.	2. It can be introduced either by a minister or by a private member.
3. It passes through first reading, second reading and third reading in the originating house.	3. It passes through first reading, second reading and third reading in the originating house.
4. It is deemed to have been passed by the Parliament only when both the houses have agreed to it, either with or without amendments.	4. It is deemed to have been passed by the state legislature only when both the houses have agreed to it, either with or without amendments.
5. A deadlock between the two houses takes place when the second house, after receiving a bill passed by the first House, rejects the bill or proposes amendments that are not acceptable to the first House or does not pass the bill within six months.	5. A deadlock between the two houses takes place when the Legislative Council, after receiving a bill passed by the Legislative Assembly, rejects the bill or proposes amendments that are not acceptable to the Legislative Assembly or does not pass the bill within three months.
6. The Constitution provides for the mechanism of joint sitting of two houses of the Parliament to resolve a deadlock between them over the passage of a bill.	6. The Constitution does not provide for the mechanism of joint sitting of two houses of the state legislature to resolve a deadlock between them over the passage of a bill.
7. The Lok Sabha cannot override the Rajya Sabha by passing the bill for the second time and vice versa. A joint sitting is the only way to resolve a deadlock between the two houses.	7. The Legislative Assembly can override the Legislative Council by passing the bill for the second time and not vice versa. When a bill is passed by the Assembly for the second time and transmitted to the Legislative Council, if the Legislative Council rejects the bill again or proposes amendments that are not acceptable to the Legislative Assembly, or does not pass the bill within one month, then the bill is deemed to have been passed by both the houses in the form in which it was passed by the Legislative Assembly for the second time.
8. The mechanism of joint sitting for resolving a deadlock applies to a bill whether originating in the Lok Sabha or the Rajya Sabha. If a joint sitting is not summoned by the President, the bill ends and becomes dead.	8. The mechanism of passing the bill for the second time to resolve a deadlock applies to a bill originating in the Legislative Assembly only. When a bill, which has originated in the Legislative Council and sent to the Legislative Assembly, is rejected by the latter, the bill ends and becomes dead.
<b>B. With Regard to Money Bills</b>	
1. It can be introduced only in the Lok Sabha and not in the Rajya Sabha.	1. It can be introduced only in the Legislative assembly and not in the Legislative Council.
2. It can be introduced only on the recommendation of the President.	2. It can be introduced only on the recommendation of the governor.
3. It can be introduced only by a minister and not by a private member.	3. It can be introduced only by a minister and not by a private member.
4. It cannot be rejected or amended by the Rajya Sabha. It should be returned to the Lok Sabha within 14 days, either with or without recommendations.	4. It cannot be rejected or amended by the Legislative Council. It should be returned to the legislative Assembly within 14 days, either with or without amendments.
5. The Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha.	5. The Legislative Assembly can either accept or rejected all or any of the recommendations of the legislative council.

6. If the Lok Sabha accepts any recommendation, the bill is then deemed to have been passed by both the houses in the modified form.	6. If the legislative assembly accepts any recommendation, the bill is then deemed to have been passed by both the houses in the modified form.
7. If the Lok Sabha does not accept any recommendation, the bill is then deemed to have been passed by both the houses in the form originally passed by the Lok Sabha without any change.	7. If the Legislative Assembly does not accept any recommendation, the bill is then deemed to have been passed by both the houses in the form originally passed by the legislative Assembly without any change.
8. If the Rajya Sabha does not return the bill to the Lok Sabha within 14 days, the bill is deemed to have been passed by both the houses at the expiration of the said period in the form originally passed by the Lok Sabha.	8. If the Legislative Council does not return the bill to the Legislative Assembly within 14 days, the bill is deemed to have been passed by both the houses at the expiration of the said period in the form originally passed by the Legislative Assembly.
9. The Constitution does not provide for the resolution of any deadlock between the two houses. This is because, the will of the Lok Sabha is made to prevail over that of the Rajya Sabha.	9. The Constitution does not provide for the resolution of any deadlock between two houses. This is because, the will of the Legislative Assembly is made to prevail over that of Legislative Council.

### Utility of the Second Chamber (Legislative Council)

- The very composition of the legislative council, renders its position work, being partly elected and partly nominated and representing various interests.
- Its very existence depends upon the will of the Legislative

Assembly, because the latter's has the power to pass a resolution for the abolition of the Second Chamber.

- The Council of Ministers is responsible only to due Legislative Assembly.
- Therefore, the Second Chamber in a state is not every a revising body like the second chamber in the Union Parliament.



### Previous Year Questions

- Match List-I with List-II and select the correct answer from the code given below the lists. [UPPSC 2022]
 

<b>List-I</b> (Newly Elected Presiding Officer of Vidhan Sabha)	<b>List-II</b> (State)
A. Ramesh Tawadkar	1. Goa
B. Kultar Sandhwan	2. Punjab
C. T. Satyabrat	3. Manipur
D. Ritu Khandari	4. Uttarakhand

**Code :**

A	B	C	D	A	B	C	D
(a) 1	2	3	4	(b) 1	4	3	2
(c) 3	2	4	1	(d) 2	3	1	4
- Which one of the following pairs is NOT correctly matched? [WBPS 2022]
 

<b>State</b>	<b>Members in the Legislative Assembly</b>
(a) Uttarakhand	– 70
(b) Goa	– 40
(c) Uttar Pradesh	– 403
(d) Manipur	– 62
- Maharashtra Legislative Council completed its 50 years of existence in \_\_\_\_\_. [Maharashtra 2022]
 

(a) 1990	(b) 2010
(c) 1987	(d) 2000
- Consider the following statements: [Maharashtra 2022]
 

(A) Legislative Council is a Permanent Chamber.

(B) The Governor is the ex-officio chairman of Legislative Council.

(C) Except few nominated members the members of Legislative council are indirectly elected.

Which of the statement(s) given above is/are correct?

(a) (A) and (B)                      (b) (B) and (C)

(c) Only (A)                              (d) None of the above
- Which of the following statement about resolution adopted by a State Legislative Assembly under Article 169 of the Constitution of India for the abolition of the State Legislative Council is correct? [RPSC 2021]
 

(a) It does impose an obligation on the Governor to reserve resolution for the consideration of the President.

(b) It does not impose an obligation on the Union Government to take action for initiating legislative in Parliament.

(c) it does not impose an obligation on the Governor to reserve resolution for the consideration of the President.

(d) It does impose an obligation on the Union Government to take action for initiating legislation in Parliament.

6. According to the 'Rules of Procedure and Conduct of Business in Rajasthan Legislative Assembly', which of the following department's estimates does not come under the control of Estimates Committee 'A'?  
[RPSC 2021]
- (a) Public Works Department  
(b) Home Department  
(c) Education Department  
(d) Finance Department
7. Which of the following Chief Ministers of Rajasthan have not been the member of Lok Sabha? [RPSC 2021]
- (A) Hari Dev Joshi  
(B) Bhairon Singh Shekhawat  
(C) Tika Ram Paliwal  
(D) Barkatullah Khan
- Correct answer is -  
(a) (A), (B), (C) and (D)  
(b) Only (A) and (B)  
(c) Only (B), (C) and (D)  
(d) Only (A), (B) and (D)
8. Gurumukh Nihal Singh was appointed as the first Governor of Rajasthan on- [RPSC 2021]
- (a) 2nd November, 1956  
(b) 25th October, 1956  
(c) 1st November, 1956  
(d) 26th October, 1956
9. Who among the following Judges of Rajasthan High court has held the office State Minister in Government of Rajasthan? [RPSC 2021]
- in government of Rajasthan?  
(a) Justice Mohammad Yamin  
(b) Justice Suraj Narayan Didwania  
(c) Justice Farooq Hassam  
(d) Justice Yad Ram Meena
10. Which one of the following statements in respect of the States of India is **not** correct? [CDS 2018]
- (a) States in India cannot have their own constitutions.  
(b) The State of Jammu and Kashmir has its own constitution.  
(c) States in India do not have the right to secede from the Union of India.  
(d) The maximum number of members in the Council of Ministers of Delhi can be 15 percent of the total
11. Which one among the following States of India has the largest number of seats in its Legislative Assembly? [CDS 2018]
- (a) West Bengal (b) Bihar  
(c) Madhya Pradesh (d) Tamil Nadu
12. Which of the following is correct about the heading of the Article 162 of the Constitution of India? [UPPSC 2019]
- (a) Executive Power of State  
(b) Conditions of Governor's Office  
(c) Term of the Office of Governor  
(d) Extension of Executive Power of State
13. Which one of the following Indian States has the largest number of members in its State Legislature? [BPSC 2019]
- (a) Arunachal Pradesh (b) Himachal Pradesh  
(c) Manipur (d) Meghalaya  
(e) None of the above/More than one of the above
14. What can be the minimum strength of Council of Ministers including Chief Minister in the States? [UPPSC 2020]
- (a) 10 (b) 12  
(c) 13 (d) 14
15. Consider the following statements: [IAS Prelims 2015]
- The Legislative Council of a State in India can be larger in size than half of the Legislative Assembly of that particular State
  - The Governor of a State nominates the Chairman of Legislative Council of that particular State.
- Which of the statements given above is/are correct?  
(a) 1 only (b) 2 only  
(c) Both 1 and 2 (d) Neither 1 nor 2
16. Consider the following statements : [IAS Prelims 2016]
- The Chief Secretary in a State is appointed by the Governor of that State.
  - The Chief Secretary in a State has a fixed tenure.
- Which of the statements given above is/are correct?  
(a) 1 only  
(b) 2 only  
(c) Both 1 and 2  
(d) Neither 1 nor 2
17. Which of the following statements about the Ordinance-making power of the Governor is/are correct? [CDS 2018]
- It is a discretionary power.
  - The Governor himself is not competent to withdraw the Ordinance at any time.
- Select the correct answer using the code given below.  
(a) 1 only  
(b) 2 only  
(c) Both 1 and 2  
(d) Neither 1 nor 2
18. Which of the following are not necessarily the consequences of the proclamation of the President's rule in a State? [IAS Prelims 2017]
- Dissolution of the State Legislative Assembly
  - Removal of the Council of Ministers in the State
  - Dissolution of the local bodies
- Select the correct answer using the code given below:  
(a) 1 and 2 only (b) 1 and 3 only  
(c) 2 and 3 only (d) 1, 2 and 3



## NCERT Based Questions (Class 7)

1. According to Indian Constitution, a Legislative Council of a State can be created or abolished by :
  - (a) President on recommendation of Prime Minister
  - (b) President on his discretion
  - (c) Parliament after State Legislative Assembly passes a resolution to that effect
  - (d) Chief Minister of a State
2. To introduce a Money Bill in State Legislative Assembly whose permission is required?
  - (a) President
  - (b) Chief Minister of State
  - (c) Speaker of Legislative Assembly
  - (d) Governor of State
3. A Governor of a state can recommend to President on which of the following?
  - (1) Dismissal of State Council of Ministers
  - (2) Removal of Judges of High Court
  - (3) Dissolution of State Legislative Assembly
  - (4) Declaration of breakdown of Constitutional machinery in State

Select correct answer using codes given below :

  - (a) 1, 3 and 4
  - (b) 1, 2 and 4
  - (c) 2, 3 and 4
  - (d) 1, 2 and 3
4. What is duration of membership of Vidhan Parishad in India ?
  - (a) 3 years
  - (b) 5 years
  - (c) 6 years
  - (d) 9 years
5. Consider the following statements about tenure of Governor:
  - (1) The Constitution has provided the Governor with security of tenure.
  - (2) He can resign at any time by addressing a resignation letter to the Chief Justice of concerned High Court.

Which of the above statement/s is/are correct?

  - (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
6. Consider the following statements about legislative powers of the Governor :
  - (1) He nominates one-sixth of the members of the state legislative assembly.
  - (2) He can nominate two member to the state legislature council from the Anglo-Indian Community.

Which of the above statement/s is/are correct?

  - (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
7. Which of the following bills can be reserved by the Governor for President's consideration?
  - (1) Bill which is opposed to the Directive Principles of State Policy.
  - (2) Bill concerning grave national importance.

Which of the above statement/s is/are correct?

  - (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
8. Consider the following statements about powers of the Governor :
  - (1) All bills can be introduced in the state legislature only with his prior recommendation.
  - (2) No demand for a grant can be made except on his recommendation.

Which of the above statement/s is/are correct?

  - (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
9. Consider the following statements about appointment of the Chief Minister:
  - (1) A person must prove his majority in the legislative assembly before he is appointed as the Chief Minister.
  - (2) A person who is not a member of the state legislature cannot be appointed as Chief Minister.

Which of the above statement/s is/are correct?

  - (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
10. Consider the following statements about Council of Ministers:
  - (1) 91st Amendment Act of 2003 added that a member of either house who is disqualified on the ground of defection can also be appointed as Minister.
  - (2) The council of ministers shall be collectively responsible to the state Legislative Assembly.

Which of the above statement/s is/are correct?

  - (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
11. Consider the following statements about individual responsibility of ministers:
  - (1) Article 164 also contains the principle of individual responsibility.
  - (2) Individual responsibility means that in case of difference of opinion of a Minister, Chief minister can ask him to resign or advice the governor to dismiss him.

Which of the above statement/s is/are correct?

  - (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
12. Consider the following statements about State Legislature:
  - (1) At present, only six states are bicameral.
  - (2) The Jammu and Kashmir Legislative Council was abolishes by the Jammu and Kashmir Reorganisation Act, 2019.

Which of the above statement/s is/are correct?

  - (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these

13. Consider the following statements about strength of Legislative Assembly:
- (1) Its maximum strength is fixed at 500 and minimum strength at 60.
  - (2) Arunachal Pradesh, Sikkim and Goa are exceptions to this limit.
- Which of the above statement/s is/are correct?
- (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
14. Consider the following statements about strength of legislative council:
- (1) Size of the council depends on the size of the assembly of the concerned state.
  - (2) Constitution has fixed the maximum and the minimum limits; the actual strength of a Council is fixed by Parliament.
- Which of the above statement/s is/are correct?
- (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
15. Consider the following statements about legislative council:
- (1) Unlike the Rajya Sabha, the legislative council can be dissolved any time by the Governor.
  - (2) The retiring members of legislative council are eligible for re-election and re-nomination any number of times.
- Which of the above statement/s is/are correct?
- (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
16. Consider the following statements about disqualification of members of Legislative council on the ground of defection:
- (1) The question of disqualification under the Tenth Schedule is decided by the Governor.
  - (2) The decision of Chairman in this regard is not subject to judicial review.
- Which of the above statement/s is/are correct?
- (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
17. Consider the following statements about chairman of legislative council:
- (1) Similar to Rajya Sabha, chairman of legislative council is not a member of the house.
  - (2) As a presiding officer, the powers and functions of the Chairman in the council are similar to those of the Speaker in the assembly.
- Which of the above statement/s is/are correct?
- (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these
18. Consider the following statements about privileges of MLAs:
- (1) They cannot be arrested during the session of the state legislature.
  - (2) They can refuse to give evidence and appear as a witness in a case pending in a court when the state legislature is in session.
- Which of the above statement/s is/are correct?
- (a) 1 only
  - (b) 2 only
  - (c) Both 1 & 2
  - (d) None of these



## Exercise

### Level-1: Basic MCQs

1. The Governor can remove a minister (State Assembly) only on the advice of
  - (a) Chief Minister
  - (b) Prime Minister
  - (c) President
  - (d) His own discretion
2. A Governor holds office:
  - (a) for five years
  - (b) for a period specified by the Parliament
  - (c) during the pleasure of the President
  - (d) till he has the confidence of the Parliament
3. In appointing a Governor, the President consults the Chief Minister of the State as this is:
  - (a) constitutionally imperative
  - (b) a convention
  - (c) as Parliament has legislated to the effect
  - (d) a duty of the President
4. The dual role of the Governor means:
  - (a) Constitutional and real executive
  - (b) Head of a state and head of government under certain circumstances
  - (c) Belonging both to Central and State executive
  - (d) Constitutional ruler and represents the Centre
5. The Governor of which State has been vested with special powers for scheduled tribes?
  - (a) Arunachal Pradesh
  - (b) Assam
  - (c) Maharashtra
  - (d) West Bengal
6. Who presides over meetings of Council of Ministers in a State?
  - (a) Governor
  - (b) Chief Minister
  - (c) Senior ministers
  - (d) Both (a) and (b)
7. To be a member of a State Council of Ministers, a person:
  - (a) must belong to the Legislative Assembly
  - (b) must get membership of the State Legislature within six months
  - (c) cannot be less than 35 years old
  - (d) an expert in some field if he is not a member of the Legislature
8. The Chairman of Legislative Council is:
  - (a) appointed by the Governor
  - (b) the Governor
  - (c) elected by the members of the Legislative Council from among themselves
  - (d) appointed by the Speaker of the Assembly



9. The Limitations on authority of the State Legislature EXCLUDES:
- Parliament's authority to make laws on subjects in the State List during an Emergency
  - Parliament's authority to make laws on state subjects if Rajya Sabha passes a resolution to that effect
  - Governor's discretionary power to dissolve the legislature
  - Governors power to reserve bills for consideration of the President
10. The Constitution of J & K was framed by:
- Constituent Assembly which framed India's Constitution
  - Constituent Assembly set up by the Parliament
  - Constituent Assembly set up by the State
  - the State Legislature
11. If the State government fails to comply with the directions of the Centre in the exercise of administrative powers:
- Governor may be directed by the President to dismiss the ministry
  - President can declare a national emergency and convert the federal structure into a unitary one
  - Constitutional emergency can be declared and the President can assume the powers of the State government
  - Supreme Court may be asked to intervene
12. The Privileges of the State Legislature are mentioned in Article:
- 105 of the Constitution
  - 194 of the Constitution
  - chapter on Fundamental Rights under Article 19
  - nowhere in the Constitution as they have evolved as part of parliamentary convention
13. The states of Mizoram and Sikkim may have a maximum of :
- 7 ministers
  - 12 ministers
  - 15% of their lower house members
  - 5 % of the lower house members
14. If in an election of State Legislative Assembly, the candidate who is not elected loses his deposit, it means that
- the polling was very poor
  - the election was for a multi-member constituency
  - the elected candidate's victory over his nearest rival was marginal
  - he did not get the required number of minimum votes
15. The Constitution says that the state council of ministers hold office during the pleasure of the Governor. The words **"during the pleasure of the Governor"** in reality means :
- Pleasure of the President
  - Pleasure of the Prime Minister
  - Pleasure of the Chief Minister
  - Pleasure of the Legislative Assembly
16. The Chief Minister of a state is
- elected by the State Legislature
  - appointed by the Governor
  - appointed by the President
  - None of the above
17. The oath of office is administered to the members of the State Council of Ministers by the
- Governor
  - Chief Minister
  - Chief Justice of the State High Court
  - Speaker of Legislative Assembly
18. There is a constitutional requirement to have a minister of tribal welfare for the states of
- Assam, Nagaland and Manipur
  - Himachal Pradesh, Haryana and Rajasthan
  - Bihar, Madhya Pradesh and Odisha
  - Manipur, Tripura and Meghalaya
19. Who administers oath of office to the Governor of a State?
- Chief Justice of India
  - President
  - Chief Justice of High Court Concerned
  - Speaker of Legislative Assembly of the Concerned State.
20. As per the Constitution of India, what is the limit prescribed for the number of members in the Legislative Assembly of a State?
- 350 members
  - 400 members
  - 450 members
  - 500 members
21. The State Government's responsibility for educational planning is shared by the
- Ministry of Programme implementation
  - Ministry of Human Resource Development
  - Ministry of Planning
  - Ministry of Home Affairs
22. The Union Legislature cannot legislate on a subject in the State List unless:
- The President call upon it to do so
  - The Rajya Sabha passes a resolution that it is necessary in national interest to do so
  - The Speaker certifies that it is necessary
  - There is a national emergency
- Select the correct answer using the codes given below:
- only 2
  - 2 & 4
  - 2 & 3
  - 1 & 2
23. If the States fail to carry out the directives of the Central Government with regard to exercise of their administrative powers:
- the President can impose President's rule in the State and assume all the powers of the State Government
  - the President can send reserve police to the State for the implementation of these directives
  - the President can dispatch army for their implementation
  - the President can direct the Governor to dismiss the State Council of Ministers

24. If in an election to a state Legislative Assembly the candidate who is declared elected loses his deposit, it means that:
- A very large number of candidate contested the election
  - The elected candidate's victory over his nearest rival was very marginal
  - The election was for a multi-member constituency
  - All of the above
25. The Legislative Council in a State in India can be created or abolished by the
- Parliament on the recommendation of a Governor of the state.
  - Parliament alone
  - Parliament after the state assembly passes the resolution to that effect.
  - Governor of the state on the recommendation of the Council of Ministers.
26. With respect to Article 371 A of the Constitution of India, the Governor of which one of the following States has special responsibility with respect to law and order of the State?
- Assam
  - Manipur
  - Nagaland
  - Andhra Pradesh
27. According to Article 164(1) of the Constitution of India, in three States 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. Which one of the following States is not covered by the Article?
- Jharkhand
  - Punjab
  - Madhya Pradesh
  - Odisha
28. Who among the following recommends to the Parliament for the abolition of the Legislative Council in a State?
- The President of India
  - The Governor of the concerned State
  - The Legislative Council of the concerned State
  - The Legislative Assembly of the concerned State
29. Which one of the following states does not have Vidhan Parishad?
- Bihar
  - Maharashtra
  - Tamil Nadu
  - Uttar Pradesh
30. Which one among the following is **not** a recommendation of the Sarkaria Commission on the appointment of the Governor in a state?
- He/She must not have participated in active politics at least for sometime before his/her appointment as Governor
  - The Chief Justice of the Supreme Court may be consulted by the President in selecting a Governor
  - The Governor's term of office of five years should not be disturbed except very rarely
  - The Governor should not be the native of the state
31. The Governor may recommend the imposition of the President's rule in the state
- on the recommendation of the State Legislature
  - on the recommendation of the President
  - on the recommendation of the Chief Minister
  - if he is convinced that the Government of the State cannot be carried on in accordance with the provisions of the Constitution of India
32. Which one of the following States of India does not have a Legislative Council?
- Maharashtra
  - Bihar
  - Karnataka
  - Madhya Pradesh
33. Which one of the following Articles of the Constitution of India says that the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union?
- Article 257
  - Article 258
  - Article 355
  - Article 358
34. In which one of the following areas does the State Government not have control over its local bodies?
- Citizens' grievances
  - Financial matters
  - Legislation
  - Personnel matters
35. Which one of the following statements is correct?
- In India, the same person cannot be appointed as Governor for two or more States at the same time
  - The Judges of the High Court of the States in India are appointed by the Governor of the State just as the Judges of Supreme Court are appointed by the President
  - No procedure has been laid down in the Constitution of India for the removal of a Governor from his/her post
  - In the case of a Union Territory having a legislative setup, the Chief Minister is appointed by the Lt. Governor on the basis of majority support
36. Which of the following constitutional Amendment Act provided for the appointment of the same person as Governor for two or more states?
- 4<sup>th</sup> Amendment
  - 7<sup>th</sup> Amendment
  - 11<sup>th</sup> Amendment
  - 24<sup>th</sup> Amendment
37. Article 154 states that the Governor can exercise his executive authority either directly or through officers subordinate to him. The word subordinates includes :
- All the ministers and the Chief Minister
  - All the ministers except the Chief Minister
  - Only the Chief Minister and the Deputy Chief Minister
  - Only the Cabinet Minister
38. Which of the following is not correctly matched?
- Article 153 - Office of the Governor
  - Article 156 - Term of the Governor
  - Article 154 - Executive authority of Governor
  - Article 155 - Removal of Governor

**Level-2: Statement & Matching MCQs**

1. Put the following states in the ascending order with regard to their years of creation.
- |                   |              |
|-------------------|--------------|
| 1. Andhra Pradesh | 2. Gujarat   |
| 3. Nagaland       | 4. Meghalaya |
| 5. Haryana        |              |
- (a) 1, 2, 3, 4, 5                      (b) 2, 1, 3, 5, 4  
(c) 1, 2, 3, 5, 4                      (d) 2, 5, 1, 3, 4

2. Which of the following statements are true about the Chief Secretary?
1. He acts as the Chief Public relations officer of the govt.
  2. He acts as the Channel of Communications in intergovernmental matters
  3. He is the only advisor to the CM
  4. In 1974, the post of Chief secretary was brought at par with that of the secretary to the Government of India.

Which of the statements given above is/are correct?

- (a) 1, 3 and 4                      (b) 1, 2 and 4  
(c) 1 and 2                      (d) 2 only

3. Which one of the following is **not** a financial power of State Council of Ministers?
1. Formulating the budget proposals and presenting the same to the State Legislature for approval
  2. All proposals for taxation emanate from the Council of Ministers
  3. Regulating the Contingency Fund of the State and advancing money out of it to meet the unforeseen contingencies
- (a) 1 only                      (b) 2 only  
(c) 3 only                      (d) 2 and 3

4. Consider the following statements.
1. All members of all the legislative assemblies are elected directly.
  2. The Constitution fixes the maximum strength of state legislative assembly at 500 and minimum strength at 60.

Select the correct statement/(s) using from the codes given below:

- (a) 1 only                      (b) 2 only  
(c) Both 1 and 2                      (d) Neither 1 nor 2
5. Which of the following statements are correct?
1. The number of members to be elected from each state to Rajya Sabha has been fixed by the Seventh Schedule of the constitution.
  2. The term of the legislative assembly of Jammu and Kashmir is 4 years.

Select the correct answer from the codes given below:

- (a) 1 only                      (b) 2 only  
(c) Both 1 and 2                      (d) Neither 1 nor 2
6. Which of the following is a discretionary powers of the Governor?
1. Selecting a chief minister if no single party has a clear majority.

2. Dismissing the ministry at any time.
3. Reserving a bill for the President.

Select the correct answer using the codes given below:

- (a) 1 and 3                      (b) 1 and 2  
(c) 3 only                      (d) 1, 2 and 3

7. The Legislative Council of a State:

1. is not subject to dissolution
2. can be abolished by the State Legislative Assembly
3. can be abolished by the President on Governor's recommendation

Which of the above statements is/are correct?

- (a) 1 only                      (b) 2 only  
(c) 1 and 2                      (d) 3 only

8. Which of the following is/are required for a Legislative Council in a State to be created or abolished?

1. Act of Parliament
2. Resolution of the Legislative Assembly of the State concerned
3. Recommendation by the Governor of the State concerned
4. Constitutional Amendment requiring States' ratification

Select the correct answer using the codes given below:

- (a) 1 only                      (b) 1 and 2  
(c) 1, 2 and 3                      (d) 2 and 4

9. Which of the following statements are true about the Governor of a state?

1. The executive power of the state is vested in him.
2. He must have attained 35 years of age.
3. He holds office during the pleasure of the President.
4. The grounds for his removal are laid down in the Constitution.

Select the correct answer using the codes given below:

- (a) 1, 2, and 4                      (b) 1, 2 and 3  
(c) 1, 3 and 4                      (d) 1, 2, 3 and 4

10. Consider the following in context of the ordinance making power of the Governor:

1. It is laid down in Article 213.
2. It can be issued by him after the advice of the President or state council of ministers.
3. It is co-extensive with the legislative power of the state legislature.
4. It can be issued only during the recess of State Legislative Assembly and not the Legislative Council.
5. It can not be withdrawn by him anytime.

Select the correct answer using the codes given below:

- (a) 2, 3 and 4                      (b) 1, 3 and 5  
(c) 1, 2 and 3                      (d) 2, 4 and 5

11. The Governor of state :

1. Possesses executive, legislative and judicial powers analogous to the President.
2. Has to act with the aid and advice of the council of ministers always.
3. Has the power to appoint and remove the members of State Public Service Commission.

4. Has the power to allocate business of the government among the various ministers.  
Of the above, the correct statement are :
- (a) 1 and 2                      (b) 2, 3 and 4  
(c) 1 and 4                      (d) 1, 3 and 4
12. Which of the following are the discretionary powers given to the Governor of a State?
1. Sending a report to the President of India for imposing the President's rule
  2. Appointing the Ministers
  3. Reserving certain bills passed by the State Legislature for consideration of the President of India
  4. Making the rules to conduct the business of the State Government
- Select the correct answer using the code given below.
- (a) 1 and 2 only                (b) 1 and 3 only  
(c) 2, 3 and 4 only            (d) 1, 2, 3 and 4
13. While appointing a Lokayukta, the Governor in most of the states consults :
1. President of India
  2. Speaker of the Legislative Assembly
  3. Leader of the opposition in the Legislative Assembly
  4. Chief justice of the State High Court.
  5. Leader of the Opposition in the Legislative Council.
- Select the correct answer using the codes given below:
- (a) 1, 4 and 5                    (b) 1, 2 and 4  
(c) 2, 3, 4 and 5                (d) 3 and 4
14. Under which of the following circumstances, the Governor can reserve a state bill for the consideration of the President?
1. If it is ultra vires.
  2. If it is opposed to the Directive Principles of State Policy.
  3. If it endangers the position of the state High Court.
  4. If it is dealing with the compulsory acquisition of property under Article 31 A.
- Select the correct answer using the codes given below:
- (a) 1, 2 and 3                    (b) 1, 2, 3 and 4  
(c) 2, 3 and 4                    (d) 1, 3 and 4
15. The correct statements regarding the difference between the pardoning powers of President and Governor are :
1. The Governor can pardon sentences inflicted by court martial while the President cannot.
  2. The President can pardon death sentence while Governor cannot.
  3. The Governor can pardon death sentence while the President cannot.
  4. The President can pardon sentences inflicted by court martial while the Governor cannot.
- Select the correct answer using the codes given below:
- (a) 1 and 2                      (b) 2 and 4  
(c) 1 and 3                      (d) 3 and 4
16. Select the constitutional duties of the Chief Minister from following the codes given below
1. The Chief Minister communicates to the Governor all decisions of the Council of Ministers related to the administration of the affairs of the State.
  2. The Chief Minister communicates to the Governor the proposals for legislation.
  3. The Chief Minister participates in the meetings of National Development Council.
  4. The Chief Minister submits for the consideration of the Council of Ministers any matter on which decision has been taken by a minister but which has not been considered by the council as if the Governor requires.
- Select the correct answer using the codes given below:
- (a) 1 and 2                      (b) 1 and 4  
(c) 1, 2 and 3                    (d) 1, 2 and 4
17. Consider the following statements with respect to the powers of the Governor of a State :
1. The governor can summon, prorogue and dissolve the State Assembly.
  2. The Governor can adjourn the sittings of the State Assembly.
  3. The Governor addresses the first session of the Legislative Assembly after elections.
  4. The Governor causes to lay the annual budget in the State Assembly.
- Which of the statements given above are correct ?
- (a) 1 and 2                      (b) 1, 3 and 4  
(c) 2 and 3                      (d) 2 and 4
18. Consider the following statements:  
The Governor of a State has the power to appoint:
1. Judges of the High Court
  2. Members of the State Public Service Commission
  3. Members of the State Finance Commission
  4. The Accountant General
- Which of the above statements are correct?
- (a) 1 and 2                      (b) 2 and 3  
(c) 1, 3 and 4                    (d) 1, 2, 3 and 4
19. Consider the following statements :
1. The Governor cannot function without the State Council of Ministers.
  2. A person who is not a member of the State Legislature cannot be appointed as a minister.
  3. The State Council of Ministers can function for sometime even after death or resignation of the Chief Minister.
  4. In the absence of the Chief Minister, only the Home Minister can preside over emergency meetings of the State Council of Ministers.
- Which of the above statements is / are correct ?
- (a) Only 1                        (b) 3 and 4  
(c) 1, 2 and 4                    (d) 1, 2, 3 and 4
20. Consider the following statements:
1. No person is eligible for appointment as Governor unless he has completed the age of thirty years.
  2. The same person can be appointed as Governor for three States.
- Which of the statements given above is/are correct?
- (a) 1 only                        (b) 2 only  
(c) Both 1 and 2                (d) Neither 1 nor 2

21. Consider the following statements:
1. A bill pending in the Legislature of a State shall not lapse by reason of the prorogation of the House or House thereof.
  2. A bill pending in the Legislative Council of a State which has not been passed by the Legislative Assembly shall not lapse on dissolution of the Assembly.
- Which of the statements given above is/are correct?
- (a) 1 only                      (b) 2 only  
(c) Both 1 and 2              (d) Neither 1 nor 2
22. Which of the statements given below is/are correct?
1. The Speaker immediately vacates his/her office whenever the State Legislative Assembly is dissolved.
  2. No Member of a State Legislative Assembly shall be liable to any proceeding in any court in respect of anything said or any vote given by him/her in the legislature.
- Select the correct answer using the code given below :
- (a) 1 only                      (b) 2 only  
(c) Both 1 and 2              (d) Neither 1 nor 2
23. Under the provisions of Article 200 of the Constitution of India the Governor of a state may:
1. Withhold his assent to a Bill passed by the state legislature.
  2. Reserve the Bill passed by the state legislature for consideration of the President.
  3. Return the Bill, other than a money Bill, for reconsideration of the legislature.
- Select the correct answer using the codes given below
- (a) Only 1                      (b) 1 and 2  
(c) 2 and 3                      (d) All of the above
24. Article 156 of the Constitution of India provides that a Governor shall hold office for a term of five year from the date on which he enters upon his office. Which of the following can be deduced from this?
1. No Governor can be removed from office till completion of his term
  2. No Governor can continue in office beyond five years
- Select the correct answer using the codes given below:
- (a) 1 only                      (b) 2 only  
(c) Both 1 and 2              (d) Neither 1 nor 2
25. Consider the following statements:  
The Constitution of India provides that:
1. the Legislative Assembly of each State shall consist of not more than 450 members chosen by direct election from territorial constituencies in the State
  2. a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State if he/she is less than 25 years of age
- Which of the statements given above is/are correct?
- (a) 1 only                      (b) 2 only  
(c) Both 1 and 2              (d) Neither 1 nor 2
26. Which of the following are matters on a which a Constitutional Amendment is possible only with the ratification of the legislatures of not less than one-half of the states?
1. Election of the President
  2. Representation of states in Parliament
  3. Any of the lists in the seventh Schedule
  4. Abolition of the Legislative Council of a state
- Select the correct answer using the codes given below:
- (a) 1, 2 and 3                      (b) 1, 2 and 4  
(c) 1, 3 and 4                      (d) 2, 3 and 4
27. The Government decided to add four new tribes, Abuj Maria, Korba, Hill Korba and Kodaku into the list of scheduled tribes. Which of the following is/are correct in regard to granting the status of scheduled tribe to a tribe?
1. President has the authority to include or exclude a tribe from the list of schedule tribes.
  2. The criterion for a community to be recognized as scheduled tribe is not spelled out in the constitution
- Select the correct answer using the codes given below:
- (a) 1 only                      (b) 2 only  
(c) Both 1 and 2              (d) Neither 1 nor 2
28. The legislative power of the Parliament includes making laws
1. on matters not enumerated in the Concurrent List and State List.
  2. in respect of entries in the State List if two or more State Legislatures consider it desirable
  3. for implementing any treaty agreement or convention with any country even if it falls in the State List.
- Select the correct answer using the codes given below
- (a) Only 2                      (b) 1 and 2  
(c) 1 and 3                      (d) All of these
29. Consider the following statements with reference to State Election Commission ?
1. The State Election Commissioner shall be appointed by the Governor of the State.
  2. The State Election Commission shall have the power of even preparing the electoral rolls besides the power of superintendence, direction and control of election to the panchayats.
  3. The State Election Commissioner cannot be removed in any manner from his office until he demits himself or completes his tenure.
- Which of the above statements is/are correct?
- (a) 1, 2 and 3                      (b) 1 and 2 only  
(c) 2 and 3 only                      (d) 1 only

**DIRECTIONS (Qs. 30-35):** Match List-I with List-II and select the correct answer using the codes given below the lists.

30. Match List-I with List-II and select the correct answer using the codes given below the lists:

<b>List-I</b> (Local bodies)	<b>List-II</b> (States as in 1999)
A. Zila Parishads at the sub-divisional level	1. Andhra Pradesh
B. Mandal Praja Parishad	2. Assam
C. Tribal Councils	3. Mizoram
D. Absence of Village Panchayats	4. Meghalaya

**Codes :**

- (a) A-2, B-1, C-4, D-3 (b) A-1, B-2, C-4, D-3  
(c) A-3, B-2, C-1, D-4 (d) A-2, B-1, C-3, D-4

31. **List-I** **List-II**
- (A) Governor (1) Article 167  
(B) Council of ministers (2) Article 169  
(C) Duties of Chief Minister (3) Article 155  
(D) Legislative Council (4) Article 163
- (a) A - 1 ; B - 2 ; C - 3 ; D - 4  
(b) A - 4 ; B - 3 ; C - 2 ; D - 1  
(c) A - 3 ; B - 2 ; C - 4 ; D - 1  
(d) A - 3 ; B - 4 ; C - 1 ; D - 2

32. **List I (Article of the Constitution)** **List II (Content)**
- (A) Article 54 (1) Election of the President of India  
(B) Article 75 (2) Appointment of the Prime Minister and Council of Ministers  
(C) Article 155 (3) Appointment of the Governor of a state  
(D) Article 164 (4) Appointment of the Chief Minister and Council of Ministers of a state  
(5) Composition of Legislative Assemblies
- (a) A - 1 ; B - 2 ; C - 3 ; D - 4  
(b) A - 1 ; B - 2 ; C - 4 ; D - 5  
(c) A - 2 ; B - 1 ; C - 3 ; D - 5  
(d) A - 2 ; B - 1 ; C - 4 ; D - 3

33. **List-I** **List-II**
- (A) Union List (1) Banking  
(B) State List (2) Public order and police  
(C) Concurrent (3) Labour welfare
- (a) A - 2 ; B - 1 ; C - 3  
(b) A - 1 ; B - 2 ; C - 3  
(c) A - 1 ; B - 3 ; C - 2  
(d) A - 3 ; B - 1 ; C - 2

34. **List-I (States)** **List-II (Governor's special responsibilities)**
- (A) Madhya Pradesh (1) Law and order  
(B) Gujarat (2) Administration of tribal areas  
(C) Nagaland (3) Development of backward areas  
(D) Assam (4) Minister for Tribal Welfare  
(5) Hill Areas Committee working

**Codes:**

	A	B	C	D
(a)	3	4	2	5
(b)	2	1	4	3
(c)	4	3	1	2
(d)	5	3	2	4

35. **List-I** **List-II**
- (A) Article 156 (1) Executive authority of Governor  
(B) Article 154 (2) Tenure of Governor  
(C) Article 153 (3) Appointment of Governor  
(D) Article 155 (4) Office of Governor  
(5) Discretionary power of Governor

**Codes:**

	A	B	C	D
(a)	3	4	2	5
(b)	2	1	4	3
(c)	4	3	1	2
(d)	5	3	2	4



## Practice Questions for Mains

1. The role of Governors has come under severe criticism on the ground that some Governors have failed to display the qualities of impartiality expected of them. Critically analyse the statement.
2. Governors have been often dismissed by the President on sheer political considerations. Comment.
3. The Governor under our Constitution holds a dual role or we can say he has to play a two-fold role or set in two capacities—first as a Constitutional Head or a Chief Executive of the State who is a part of the Legislature of the State also. Explain.
4. The Constitution casts upon the Governor the responsibility for preserving, protecting and defending the Constitution and devoting himself to the service and well-being of the people of the State. Comment
5. “Pleasure of the Governor” and “discretion of the Governor” are not overlapping expressions. Explain.



## ANSWER KEYS

### PREVIOUS YEARS SOLUTIONS

1. (a) 2. (d) 3. (b) 4. (c) 5. (b) 6. (b)
7. (d) 8. (c) 9. (c) 10. (d) 11. (a) 12. (d)
13. (b) 14. (b) 15. (d) 16. (a) 17. (d) 18. (b)

### NCERT BASED SOLUTIONS

1. (c) 2. (d) 3. (a) 4. (c) 5. (d) 6. (d)
7. (c) 8. (b) 9. (d) 10. (b) 11. (c) 12. (c)
13. (c) 14. (c) 15. (b) 16. (d) 17. (b) 18. (c)

### EXERCISE

#### Level-1: Basic MCQs

1. (a) 2. (c) 3. (b) 4. (d) 5. (a) 6. (b)
7. (b) 8. (c) 9. (c) 10. (c) 11. (c) 12. (b)

13. (b) 14. (d) 15. (d) 16. (b) 17. (a) 18. (c)
19. (c) 20. (d) 21. (b) 22. (b) 23. (a) 24. (a)
25. (c) 26. (c) 27. (b) 28. (d) 29. (c) 30. (b)
31. (d) 32. (d) 33. (a) 34. (a) 35. (c) 36. (b)
37. (a) 38. (d)

#### Level-2 : Statement & Matching MCQs

1. (c) 2. (c) 3. (c) 4. (d) 5. (d) 6. (a)
7. (a) 8. (b) 9. (b) 10. (c) 11. (c) 12. (b)
13. (d) 14. (b) 15. (b) 16. (d) 17. (b) 18. (b)
19. (a) 20. (b) 21. (c) 22. (b) 23. (d) 24. (d)
25. (b) 26. (a) 27. (b) 28. (d) 29. (b) 30. (d)
31. (d) 32. (a) 33. (b) 34. (c) 35. (b)

