

**Q.1) Which of the following are the powers and functions of governor?**

1. Executive
2. Legislative
3. Emergency
4. Judicial

**Select the correct answer using the codes given below.**

- a) 1, 2 and 3 only
- b) 1, 3 and 4 only
- c) 1, 2 and 4 only
- d) All the above

**Q.1) Solution (c)**

A governor possesses executive, legislative, financial and judicial powers more or less analogous to the President of India. However, **he has no diplomatic, military or emergency powers like the president.**

**Do you know?**

Reserve the bill for the consideration of the president. In one case such reservation is obligatory, that is, where the bill passed by the state legislature endangers the position of the state high court. In addition, the governor can also reserve the bill if it is of the following nature:

- Ultra-vires, that is, against the provisions of the Constitution.
- Opposed to the Directive Principles of State Policy.
- Against the larger interest of the country.
- Of grave national importance.
- Dealing with compulsory acquisition of property under Article 31A of the Constitution.

**THINK!**

- Financial powers of governor.

**Q.2) Consider the following statements.**

1. The Constitution envisages the possibility of the governor acting at times in his discretion, no such possibility has been envisaged for the President.

2. After the 42nd Constitutional Amendment (1976), ministerial advice has been made binding on the President, but no such provision has been made with respect to the governor.

**Which of the above statements is/are correct?**

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

**Q.2) Solution (c)**

There shall be a council of ministers with the chief minister as the head to aid and advise the governor in the exercise of his functions, except in so far as he is required to exercise his functions in his discretion (Article 163).

From the above, it is clear that constitutional position of the governor differs from that of the president in the following two respects:

1. While the Constitution envisages the possibility of the governor acting at times in his discretion, no such possibility has been envisaged for the President.
2. After the 42nd Constitutional Amendment (1976), ministerial advice has been made binding on the President, but no such provision has been made with respect to the governor.

**Do you know?**

**Situational discretion of the Governor.**

- Appointment of chief minister when no party has a clear-cut majority in the state legislative assembly or when the chief minister in office dies suddenly and there is no obvious successor.
- Dismissal of the council of ministers when it cannot prove the confidence of the state legislative assembly.
- Dissolution of the state legislative assembly if the council of ministers has lost its majority.

**THINK!**

- Constitutional discretion of Governor.

**Q.3) The Constitution has assigned a dual role to the office of a governor in the Indian federal system. He is the constitutional head of the state as well as the representative of the Centre.**

1. For peace and for ensuring social and economic advancement of the different sections of the population in Sikkim state.
2. Establishment of a separate development board for Hyderabad-Karnataka region in Karnataka state.
3. Determining the amount payable by the Government of Assam, Meghalaya, Tripura and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration.

**Which of the above provisions supports the governor as the representative of the center?**

- a) 1 and 2 only
- b) 1 and 3 only
- c) 3 only
- d) None

**Q.3) Solution (a)**

**The governor has certain special responsibilities to discharge according to the directions issued by the President.** In this regard, the governor though has to consult the council of ministers led by the chief minister, acts finally on his discretion. They are as follows:

- Maharashtra—Establishment of separate development boards for Vidarbha and Marathwada.
- Gujarat—Establishment of separate development boards for Saurashtra and Kutch.
- Nagaland—With respect to law and order in the state for so long as the internal disturbance in the Naga Hills–Tuensang Area continues.
- Assam—With respect to the administration of tribal areas.
- Manipur—Regarding the administration of the hill areas in the state.
- Sikkim—For peace and for ensuring social and economic advancement of the different sections of the population.
- Arunachal Pradesh—With respect to law and order in the state.
- Karnataka – Establishment of a separate development board for Hyderabad-Karnataka region.

Thus, the Constitution has assigned a dual role to the office of a governor in the Indian federal system. He is the constitutional head of the state as well as the representative of the Centre (i.e., President).

**Do you know?**

**The Chief Minister enjoys the following powers as the leader of the house:**

- He advises the governor with regard to the summoning and proroguing of the sessions of the state legislature.
- He can recommend the dissolution of the legislative assembly to the governor at any time.
- He announces the government policies on the floor of the house.

**THINK!**

- Organization of state legislature.

**Q.4) Consider the following statements.**

1. Some members of the legislative assemblies in Sikkim and Nagaland are elected indirectly.
2. The governor can nominate one member from the Anglo-Indian community, if the community is not adequately represented in the council.

**Which of the above statements is/are correct?**

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

**Q.4) Solution (a)**

The legislative assembly consists of representatives directly elected by the people on the basis of universal adult franchise. Its maximum strength is fixed at 500 and minimum strength at 60. It means that its strength varies from 60 to 500 depending on the population size of the state<sup>3</sup>. However, in case of Arunachal Pradesh, Sikkim and Goa, the minimum number is fixed at 30 and in case of Mizoram and Nagaland, it is 40 and 46 respectively. **Further, some members of the legislative assemblies in Sikkim and Nagaland are also elected indirectly.**

The governor can nominate one member from the Anglo-Indian community, **if the community is not adequately represented in the assembly.** Originally, this provision was to operate for ten years (ie, upto 1960). But this duration has been extended continuously since then by 10 years each time. Now, under the 95th Amendment Act of 2009, this is to last until 2020.

**Do you know?**

- The maximum strength of the council is fixed at one-third of the total strength of the assembly and the minimum strength is fixed at 40. **It means that the size of the council depends on the size of the assembly of the concerned state.** This is done to ensure the predominance of the directly elected House (assembly) in the legislative affairs of the state. Though the Constitution has fixed the maximum and the minimum limits, the actual strength of a Council is fixed by Parliament.

**THINK!**

- Manner of election of members of legislative council.

**Q.5) Consider the following statements regarding an ordinary bill in state legislature:**

1. At the most, the council can detain or delay the bill for a period of four months.
2. The bill, which has originated in the council and was sent to the assembly, if rejected by the assembly, the bill ends and becomes dead.

**Which of the above statements is/are correct?**

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

**Q.5) Solution (c)**

The ultimate power of passing an ordinary bill is vested in the assembly. **At the most, the council can detain or delay the bill for a period of four months—three months in the first instance and one month in the second instance.** The Constitution does not provide for the mechanism of joint sitting of both the Houses to resolve the disagreement between the two Houses over a bill. On the other hand, there is a provision for joint sitting of the Lok Sabha and the Rajya Sabha to resolve a disagreement between the two over an ordinary bill. Moreover, **when a bill, which has originated in the council and was sent to the assembly, is rejected by the assembly, the bill ends and becomes dead.**

**Do you know?**

- When a bill is reserved by the governor for the consideration of the President, the President may either give **his assent to the bill** or **withhold his assent to the bill** or **return the bill for reconsideration of the House** or Houses of the state legislature.
- When a bill is so returned, the House or Houses **have to reconsider it within a period of six months.** The bill is presented again to the presidential assent after it is passed by the House or Houses with or without amendments.

- It is not mentioned in the Constitution whether it is obligatory on the part of the president to give his assent to such a bill or not.

**THINK!**

- POSITION OF LEGISLATIVE COUNCIL.

**Q.6) Consider the following statements about Constitutional Amendment Bill.**

1. The legislative assembly can initiate the constitutional amendment bill related to federal character of polity only.
2. Both Vidhan Parishad and Vidhan Sabha has the same power with respect to ratification of constitutional amendment bill.

**Which of the above statements is/are correct?**

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

**Q.6) Solution (d)**

A constitution amendment bill can be introduced in any house of the parliament. A bill for the purpose of amendment of constitution cannot be introduced in any state legislature.

**Do you know?**

- The Ordinance making power of the President cannot be used to amend the Constitution.

**THINK!**

- Article 370 and article 35A.

**Q.7) Consider the following statements.**

1. Article 356 which deals with the imposition of President's Rule in the states applies to National Capital territory of Delhi.
2. The ministers of Delhi assembly hold office during the pleasure of the president.

**Which of the above statements is/are correct?**

- a) 1 only

- b) 2 only
- c) Both 1 and 2
- d) None

**Q.7) Solution (b)**

The strength of the council of ministers is fixed at ten per cent of the total strength of the assembly, that is, seven—one chief minister and six other ministers. **The chief minister is appointed by the President (not by the Lt. Governor).** The other ministers are appointed by the president on the advice of the chief minister. **The ministers hold office during the pleasure of the president.** The council of ministers is collectively responsible to the assembly.

When a situation arises in which the administration of the territory cannot be carried on in accordance with the above provisions, the president can suspend their (above provisions) operation and make the necessary incidental or consequential provisions for administering the territory. In brief, in case of failure of constitutional machinery, the president can impose his rule in the territory. This can be done on the report of the Lt. governor or otherwise. **This provision resembles Article 356 which deals with the imposition of President's Rule in the states.**

**Do you know?**

- All the five UTs without legislature (Andaman and Nicobar Islands, Chandigarh, Daman and Diu, Dadra and Nagar Haveli and Lakshadweep) have **the forum of Home Minister's Advisory Committee (HMAC / Administrator's Advisory Committee (AAC).**
- While HMAC is chaired by the Union Home Minister, AAC is chaired by the Administrator of the concerned UTs.
- Member of Parliament and elected members from the local bodies e.g. District Panchayats and Municipal Council of the respective UTs are members of these committees among others.
- The Committee discusses the general issues relating to social and economic development of the UTs.

**THINK!**

- The 69th Constitutional Amendment Act of 1991.

**Q.8) Consider the following statements regarding the appointment of Chief Minister:**

1. Constitution does not contain any specific procedure for selection and appointment of a Chief Minister.
2. When no party has a clear majority, the Governor has to consult the President to select a candidate.

**Which of the above statements are correct?**

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

**Q.8) Solution (a)**

**APPOINTMENT OF CHIEF MINISTER**

The Constitution does not contain any specific procedure for the selection and appointment of the Chief Minister. Article 164 only says that the Chief Minister shall be appointed by the governor.

However, this does not imply that the governor is free to appoint any one as the Chief Minister. In accordance with the conventions of the parliamentary system of government, the governor has to appoint the leader of the majority party in the state legislative assembly as the Chief Minister. But, when no party has a clear majority in the assembly, then the governor may exercise his personal discretion in the selection and appointment of the Chief Minister. In such a situation, the governor usually appoints the leader of the largest party or coalition in the assembly as the Chief Minister and asks him to seek a vote of confidence in the House within a month.

**Q.9) The oath of office and secrecy is administered to the Chief Minister by**

- a) Speaker of Legislative Assembly
- b) Governor
- c) Chief Justice of the High Court
- d) Senior most Member of Legislative Assembly

**Q.9) Solution (b)**

**Oath of Chief Minister**



Before the Chief Minister enters his office, the governor administers to him the oaths of office and secrecy. In his oath of office, the Chief Minister swears:

1. To bear true faith and allegiance to the Constitution of India,
2. To uphold the sovereignty and integrity of India,
3. To faithfully and conscientiously discharge the duties of his office, and
4. To do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will.

In his oath of secrecy, the Chief Minister swears that he will not directly or indirectly communicate or reveal to any person(s) any matter that is brought under his consideration or becomes known to him as a state minister except as may be required for the due discharge of his duties as such minister.

**Q.10) Consider the following statements regarding the strength of Council of Ministers in a state:**

1. The total number of Ministers including the Chief Minister shall not exceed 15% of the total membership of the State legislative Assembly.
2. The total number of Ministers including Chief Minister in a State shall not be less than 50.

**Which of the above statements is/are correct?**

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

**Q.10) Solution (a)**

The total number of ministers, including the chief minister, in the council of ministers in a state shall not exceed 15 per cent of the total strength of the legislative assembly of that state.

But, the number of ministers, including the chief minister, in a state shall not be less than.

This provision was added by the 91st Amendment Act of 2003.

**Think**

- Strength of Council of Minister in Parliament.

- Cabinet Ministers

**Q.11) Consider the following Statements:**

1. A council of ministers must always exist to advise the governor, even after the dissolution of the state legislative assembly or resignation of a council of ministers.
2. The governor has to act on the aid and advice of the council of ministers in the exercise of his powers and functions.

**Which of the above statements is/are correct?**

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

**Q.11) Solution (c)**

**NATURE OF ADVICE BY MINISTERS**

Article 163 provides for a council of ministers with the chief minister at the head to aid and advise the governor in the exercise of his functions except the discretionary ones. If any question arises whether a matter falls within the governor's discretion or not, the decision of the governor is final and the validity of anything done by him cannot be called in question on the ground that he ought or ought not to have acted in his discretion. Further, the nature of advice tendered by ministers to the governor cannot be enquired by any court. This provision emphasises the intimate and the confidential relationship between the governor and the ministers.

In 1971, the Supreme Court ruled that a council of ministers must always exist to advise the governor, even after the dissolution of the state legislative assembly or resignation of a council of ministers. Hence, the existing ministry may continue in the office until its successor assumes charge. Again in 1974, the Court clarified that except in spheres where the governor is to act in his discretion, the governor has to act on the aid and advice of the council of ministers in the exercise of his powers and functions. He is not required to act personally without the aid and advice of the council of ministers or against the aid and advice of the council of ministers. Wherever the Constitution requires the satisfaction of the governor, the satisfaction is not the personal satisfaction of the governor but it is the satisfaction of the council of ministers.

**Q.12) Consider the following statements regarding formation of Legislative Council in a State:**

1. A resolution must be passed in State Assembly by majority of total membership of assembly and two thirds of members present and Voting.
2. The Act of Parliament to constitute a Legislative Council is deemed as a Constitutional Amendment under article 368.

**Which of the above statements are correct?**

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

**Q.12) Solution (a)**

The Constitution provides for the abolition or creation of legislative councils in states. Accordingly, the Parliament can abolish a legislative council (where it already exists) or create it (where it does not exist), if the legislative assembly of the concerned state passes a resolution to that effect. Such a specific resolution must be passed by the state assembly by a special majority, that is, a majority of the total membership of the assembly and a majority of not less than two-thirds of the members of the assembly present and voting. This Act of Parliament is not to be deemed as an amendment of the Constitution for the purposes of Article 368 and is passed like an ordinary piece of legislation (i.e., by simple majority).

**Do you know?**

“The idea of having a second chamber in the states was criticised in the Constituent Assembly on the ground that it was not representative of the people, that it delayed legislative process and that it was an expensive institution.” Consequently the provision was made for the abolition or creation of a legislative council to enable a state to have a second chamber or not according to its own willingness and financial strength. For example, Andhra Pradesh got the legislative council created in 1957 and got the same abolished in 1985. The Legislative Council in Andhra Pradesh was again revived in 2007, after the enactment of the Andhra Pradesh Legislative Council Act, 2005. The legislative council of Tamil Nadu had been abolished in 1986 and that of Punjab and West Bengal in 1969.

**Q.13) Which of the following statements is NOT correct regarding election of Legislative Council?**

- a)  $1/3^{\text{rd}}$  members are elected by members of State's local bodies.
- b)  $1/12^{\text{th}}$  members are elected by graduates of three years standing and residing within the state.
- c)  $1/12^{\text{th}}$  are elected by the members of the legislative assembly of the state from amongst persons who are not members of the assembly.
- d)  $1/12$  are elected by teachers of three years standing in the state, not lower in standard than secondary school

### Q.13) Solution (c)

#### Composition of Legislative Council

Of the total number of members of a legislative council:

1.  $1/3$  are elected by the members of local bodies in the state like municipalities, district boards, etc.,
2.  $1/12$  are elected by graduates of three years standing and residing within the state,
3.  $1/12$  are elected by teachers of three years standing in the state, not lower in standard than secondary school,
4.  $1/3$  are elected by the members of the legislative assembly of the state from amongst persons who are not members of the assembly, and
5. The remainder are nominated by the governor from amongst persons who have a special knowledge or practical experience of literature, science, art, cooperative movement and social service.

Thus,  $5/6$  of the total number of members of a legislative council are indirectly elected and  $1/6$  are nominated by the governor. The members are elected in accordance with the system of proportional representation by means of a single transferable vote. The bonafides or propriety of the governor's nomination in any case cannot be challenged in the courts.

### Q.14) Which of the following Qualifications are given in the Constitution for a person to be able to contest for election for Legislative Assembly?

1. He must be a citizen of India.
2. He must make and subscribe to an oath or affirmation before the person authorised by the Election Commission for this purpose.
3. He must not be less than 25 years of Age.
4. He must be an elector for an assembly constituency in the concerned state.

Select the code from below:

- a) 1,2 and 3
- b) 2,3 and 4
- c) 1,3 and 4
- d) All of the above

**Q.14) Solution (a)**

**Qualifications for Legislative Assembly**

The Constitution lays down the following qualifications for a person to be chosen a member of the state legislature.

- (a) He must be a citizen of India.
- (b) He must make and subscribe to an oath or affirmation before the person authorised by the Election Commission for this purpose. In his oath or affirmation, he swears
  - (i) To bear true faith and allegiance to the Constitution of India
  - (ii) To uphold the sovereignty and integrity of India
- (c) He must be not less than 30 years of age in the case of the legislative council and not less than 25 years of age in the case of the legislative assembly.
- (d) He must possess other qualifications prescribed by Parliament.

**Accordingly, the Parliament has laid down the following additional qualifications in the Representation of People Act (1951):**

- (a) A person to be elected to the legislative council must be an elector for an assembly constituency in the concerned state and to be qualified for the governor's nomination, he must be a resident in the concerned state.
- (b) A person to be elected to the legislative assembly must be an elector for an assembly constituency in the concerned state.
- (c) He must be a member of a scheduled caste or scheduled tribe if he wants to contest a seat reserved for them. However, a member of scheduled castes or scheduled tribes can also contest a seat not reserved for them.

**Note:** The 4<sup>th</sup> point is a qualification prescribed by RPA and not by the Constitution.

**Q.15) Which of the following provisions of the Constitution that deals with the relationship between the Governor and the Chief Minister is *incorrect*?**

- a) The Chief Minister shall be appointed by the governor and other ministers shall be appointed by the governor on the advise of the Chief Minister.
- b) The Chief Minister of Delhi is appointed by the Lt. Governor.
- c) The ministers shall hold office during the pleasure of the Governor.
- d) The Chief Minister advises the governor with regard to the summoning and proroguing of the sessions of the state legislature.

**Q.15) Solution (b)**

**Article 164:**

- (a) The Chief Minister shall be appointed by the governor and other ministers shall be appointed by the governor on the advise of the Chief Minister;
- (b) The ministers shall hold office during the pleasure of the governor; and
- (c) The council of ministers shall be collectively responsible to the legislative assembly of the state.

### **POWERS AND FUNCTIONS OF CHIEF MINISTER**

#### **In Relation to State Legislature**

The Chief Minister enjoys the following powers as the leader of the house:

- (a) He advises the governor with regard to the summoning and proroguing of the sessions of the state legislature.
- (b) He can recommend the dissolution of the legislative assembly to the governor at any time.
- (c) He announces the government policies on the floor of the house.

#### **Do you know?**

#### **SPECIAL PROVISIONS FOR DELHI**

The 69th Constitutional Amendment Act of 1991 provided a special status to the Union Territory of Delhi, and redesignated it the National Capital Territory of Delhi and designated the administrator of Delhi as the lieutenant (Lt.) governor. It created a legislative assembly and a council of ministers for Delhi.

The strength of the council of ministers is fixed at ten per cent of the total strength of the assembly, that is, seven—one chief minister and six other ministers. **The chief minister is appointed by the President (not by the Lt. governor).** The other ministers are appointed by the president on the advice of the chief minister. The ministers hold office during the pleasure of the president. The council of ministers is collectively responsible to the assembly.

**Q.16) Which one of the following statements regarding the levying, collecting and distribution of Income Tax is correct?**

- a) The Union levies, collects and distributes the proceeds.
- b) The Union levies, collects and keeps all the proceeds of income tax to itself.
- c) The Union levies and collects the tax but all the proceeds are distributed among the states.
- d) Only the surcharge levied on income tax is shared between the Union and the states.

**Q.16) Solution (a)**

India is a Federal state. Power is divided between the Union and the states. The functions have been classified as exclusively for the centre, exclusively for the state and both for the centre and the states.

**Do you know?**

Article 280 of our constitution empowers the President of India to set up a Finance Commission in India; taxes are divided into six groups:

**(I) Taxes Levied, Collected and Retained by the Centre:**

These taxes are belonging to the centre exclusively. In other words, no part of the proceeds of these taxes can be assigned to the states. The following taxes fall under this category:

- (i) Corporation Tax (Corporate tax)
- (ii) Customs Duties.
- (iii) Surcharge on Income Tax.
- (iv) Taxes on capital value of assets of individual and companies.
- (v) Fees on matters of the Union list.

**(II) Taxes Levied by the Centre but Collected and Appropriated by the States:**

The following taxes are included in this category:

- (i) Stamp duties on bills of exchange, cheques, promissory notes and others.
- (ii) Excise duties on medicinal and toilet preparation containing alcohol.

There taxes which form part of the union list are levied by the centre but (a) collected by the states within which such duties are levied; and (b) collected by the centre when such duties are levied within any Union Territory.

**(III) Taxes Levied and Collected by the Centre but Assigned to the States:**

This category includes the following duties and taxes:

- (i) Duties on succession to property (other than agricultural land).
- (ii) Estate duty on property (other than agricultural land).
- (iii) Terminal taxes on goods and passengers carried by railways, sea and airways.
- (iv) Taxes on railway fares and freights.
- (v) Taxes on transaction in stock exchanges and future markets (other than stamp duties).
- (vi) Taxes on the sale or purchase of newspapers and taxes on advertisements published in them.
- (vii) Taxes on the sale or purchase of goods in course of inter-state trade or commerce (other than newspaper).
- (viii) Taxes on the consignment of goods in the course of inter-state trade or commerce.

The net proceeds of these duties and taxes are assigned to states in accordance with the principles laid down by the parliament.

**(IV) Taxes Levied and Collected by the Centre and Compulsorily Distributed between the Centre and the States:**

Taxes on income (other than agricultural income and corporation tax) shall be levied and collected by the centre but compulsorily distributed between the centre and the states in such manner as prescribed by the president on the recommendations of the Finance Commission. The obligatory sharing of income tax is provided by Article 270 of the Constitution.

**(V) Taxes Levied and Collected by the Centre and may be distributed between the Centre and the States:**

Under this category falls the excise duties included in the Union list except those on medicinal and toilet preparations. These are levied and collected by the centre. The net proceeds of such duties can be paid to states out of the consolidated Fund of India only if the parliament so provides.



Further, the principles of distribution shall also be laid down by the parliament. It is to be noted that sharing of the proceeds, of income tax is obligatory, while that of excise duties is permissible.

**(VI) Taxes Levied and Collected and Retained by States:**

The following taxes and duties exclusively belong to states. They are mentioned in the State list. Every state is entitled to levy, collect and appropriate these taxes. The taxes are

- (i) Duty on succession to agricultural land.
- (ii) Estate duty on agricultural land.
- (iii) Land revenue.
- (iv) Tax on agricultural income.
- (v) Tax on land and buildings
- (vi) Capitation taxes.
- (vii) Tax on mineral rights.
- (viii) Tax on the consumption or sale of electricity.
- (ix) Tax on vehicles.
- (x) Tax on the sales and purchase of goods (other than newspaper) for e.g. Sales tax.
- (xi) Tolls
- (xii) Tax on professions, trades and employment.

**Q.17) Consider the below statements with regard to legislative councils in states:**

1. Parliament can abolish a legislative council or create it.
2. Constitution of India does not provide for the abolition or creation of legislative councils in states.
3. States can have a legislative council or not according to its own willingness and financial strength.

**Which of the statements given above is/are correct?**

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

**Q.17) Solution (a)**

There is no uniformity in the organisation of state legislatures. Most of the states have an unicameral system, while others have a bicameral system.

The Constitution provides for the abolition or creation of legislative councils in states. Accordingly, the Parliament can abolish a legislative council (where it already exists) or create it (where it does not exist), if the legislative assembly of the concerned state passes a resolution to that effect. Such a specific resolution must be passed by the state assembly by a special majority, that is, a majority of the total membership of the assembly and a majority of not less than two-thirds of the members of the assembly present and voting.

**Note:**

- This Act of Parliament is not to be deemed as an amendment of the Constitution for the purposes of Article 368 and is passed like an ordinary piece of legislation (ie, by simple majority).
- The provision was made for the abolition or creation of a legislative council to enable a state to have a second chamber or not according to its own willingness and financial strength.
- The very existence of the council depends on the will of the assembly. The council can be abolished by the Parliament on the recommendation of the assembly.

**Q.18) An administrator of a union territory is**

1. an agent of the President
2. appointed by the President
3. head of state like a governor

**Select the appropriate code:**

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

**Q.18) Solution (b)**

Every union territory is administered by the President acting through an administrator appointed by him.

**Note:** An administrator of a union territory is an agent of the President and not head of state like a governor.

The President can specify the designation of an administrator; it may be Lieutenant Governor or Chief Commissioner or Administrator.

At present, it is Lieutenant Governor in the case of Delhi, Puducherry and Andaman and Nicobar Islands and Administrator in the case of Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

**Q.19) Consider the below legislative procedures in the State Legislature with regard to Ordinary Bills. Select the *incorrect* statement if any:**

- a) It can be introduced either by a minister or by private member.
- b) The Constitution provides 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.
- c) 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.
- d) None of the above

**Q.19) Solution (b)**

With Regard to Ordinary Bills, the state legislature has following procedures:

1. It can be introduced in either House of the state legislature.
2. It can be introduced either by a minister or by private member.
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 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 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 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 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 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.

**Q.20) In which of the following matters, the powers and status of the council are broadly equal to that of the assembly?**

1. Introduction and passage of ordinary bills.
2. In case of disagreement between the two Houses of ordinary bills.
3. Approval of ordinances issued by the governor.
4. Selection of ministers including the chief minister.

**Choose the correct code from below options:**

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

**Q.20) Solution (c)**

Only in case of introduction and passage of ordinary bills, the powers and status of the council are broadly equal to that of the assembly. However, in case of disagreement between the two Houses, the will of the assembly prevails over that of the council. Hence, statement (2) is wrong.

**Do you know?**

**The following are the other matters where the powers and status of the council are broadly equal to that of the assembly:**

1. Approval of ordinances issued by the governor.
2. Selection of ministers including the chief minister. Under the Constitution the, ministers including the chief minister can be members of either House of the state legislature. However, irrespective of their membership, they are responsible only to the assembly.
3. Consideration of the reports of the constitutional bodies like State Finance Commission, state public service commission and Comptroller and Auditor General of India.
4. Enlargement of the jurisdiction of the state public service commission.

**Q.21) Constitution has defined the territorial limits of the legislative powers vested in the Centre and the states. Which of the below statement is not true in regard to it?**

- a) A state legislature can make laws for the whole or any part of the state.
- b) The laws made by a state legislature are not applicable outside the state, except when there is a sufficient nexus between the state and the object.
- c) Parliament can make laws for the whole or any part of the territory of India.
- d) Neither parliament nor state legislature can make 'extra-territorial legislation'.

**Q.21) Solution (d)**

### **Territorial Extent of Central and State Legislation**

The Constitution defines the territorial limits of the legislative powers vested in the Centre and the states in the following way:

- (i) The Parliament can make laws for the whole or any part of the territory of India. The territory of India includes the states, the union territories, and any other area for the time being included in the territory of India.
- (ii) A state legislature can make laws for the whole or any part of the state. The laws made by a state legislature are not applicable outside the state, except when there is a sufficient nexus between the state and the object.
- (iii) The Parliament alone can make 'extra-territorial legislation'. Thus, the laws of the Parliament are also applicable to the Indian citizens and their property in any part of the world.

**Q.22) Consider the following statements about 'Global Partnership on Wildlife Conservation and Crime Prevention for Sustainable Development'**

- 1. It is funded by the Global Environment Facility (GEF)
- 2. It is focused on countries from Asia, South America and Africa
- 3. It was established during the Gaborone Convention

**Select the correct statements**

- a) 1 Only
- b) 1 and 2
- c) 1 and 3
- d) None of the above

**Q.22) Solution (a)**

Global Partnership on Wildlife Conservation and Crime Prevention for Sustainable Development” program also known as the Global Wildlife Program (GWP)

The GWP, initiated in 2015, is a World-Bank led partnership of 19 countries to promote the conservation and sustainable development by combating trafficking in wildlife.

It is funded by GEF.

In Africa, the GWP has programs in Botswana, Cameroon, Ethiopia, Gabon, Kenya, Malawi, Mali, Mozambique, the Republic of Congo, South Africa, Tanzania, Zambia, and Zimbabwe. In Asia, programs are in Afghanistan, India, Indonesia, the Philippines, Thailand, and Vietnam.

The implementing agencies channelling the funds to the governments or other partners for the national projects are the World Bank Group, United Nations Development Programme (UNDP), United Nations Environment Programme (UN Environment), and the Asian Development Bank (ADB).

**THINK**

- National Wildlife Action Plan (NWAP) 2017-2031
- Secure Himalaya

Read

More

[https://www.thegef.org/sites/default/files/publications/GWP\\_BrochureENG\\_Mar2017\\_Web.pdf](https://www.thegef.org/sites/default/files/publications/GWP_BrochureENG_Mar2017_Web.pdf)

Source: <http://www.downtoearth.org.in/news/india-to-host-global-wildlife-programme-from-october-2-58778>

**Q.23) Which of the following is concerned with Israel-Palestine Conflict?**

1. Madrid Conference of 1991
2. Saudi Initiative
3. Oslo Accords
4. The Quartet

Select the correct code:

- a) 1, 2 and 3
- b) 2 and 3
- c) 1 and 3
- d) All of the above

**Q.23) Solution (d)**

The Madrid Conference of 1991 was a peace conference, held from 30 October to 1 November 1991 in Madrid, hosted by Spain and co-sponsored by the United States and the Soviet Union. It was an attempt by the international community to revive the Israeli–Palestinian peace process through negotiations, involving Israel and the Palestinians as well as Arab countries, including Jordan, Lebanon and Syria.

The Arab Peace Initiative, also known as the "Saudi Initiative", is a 10 sentence proposal for an end to the Arab–Israeli conflict that was endorsed by the Arab League in 2002 at the Beirut Summit and re-endorsed at the 2007 Arab League summit and at the 2017 Arab League summit. The initiative calls for normalizing relations between the Arab region and Israel, in exchange for a full withdrawal by Israel from the occupied territories (including East Jerusalem) and a "just settlement" of the Palestinian refugee problem based on UN Resolution 194.

The Oslo Accords are a set of agreements between the Government of Israel and the Palestine Liberation Organization (PLO): the Oslo I Accord, signed in Washington, D.C., in 1993; and the Oslo II Accord, signed in Taba, Egypt, in 1995. The Oslo Accords marked the start of the Oslo process, a peace process aimed at achieving a peace treaty based on United Nations Security Council Resolutions 242 and 338, and at fulfilling the "right of the Palestinian people to self-determination." The Oslo process started after secret negotiations in Oslo, resulting in the recognition by the PLO of the State of Israel and the recognition by Israel of the PLO as the representative of the Palestinian people and as a partner in negotiations.

The Oslo Accords created a Palestinian Authority tasked with limited self-governance of parts of the West Bank and Gaza Strip; and acknowledged the PLO as Israel's partner in permanent-status negotiations about remaining questions. The Oslo Accords did not create a Palestinian state.

The Quartet on the Middle East or Middle East Quartet, sometimes called the Diplomatic Quartet or Madrid Quartet or simply the Quartet, is a foursome of nations and international and supranational entities involved in mediating the Israeli–Palestinian peace process. The Quartet comprises the United Nations, the United States, the European Union, and Russia. The group was established in Madrid in 2002, recalling Madrid Conference of 1991, as a result of the escalating conflict in the Middle East.

**Source:** <http://www.thehindu.com/news/international/the-israel-palestine-conflict-100-years-of-history/article19954348.ece>

**Q.24) A dry port is being developed in Wardha District of Maharashtra. Consider the following statements**

1. It will be located in the Marathwada region
2. It is being developed by the Mumbai Port Trust

**Select the correct statements**

- a) 1 Only
- b) 2 Only
- c) Both 1 and 2
- d) Neither 1 nor 2

**Q.24) Solution (d)**

It is located in Vidarbha region of Maharashtra, near Nagpur

It is being developed by the Jawaharlal Nehru Port Trust (JNPT)

Another dry Port is coming up in Jalna (Marathwada) as well.

Source: <http://indianexpress.com/article/india/ground-breaking-ceremony-performed-for-wardha-dry-port-in-maharashtra-4872013/>

**Q.25) Consider the following statements about India Investment Grid (IIG)**

1. It is an interactive web portal showcasing information on various projects across States, Sectors and Schemes for both domestic and international investors
2. It is an initiative of NITI Aayog

**Select the correct statements**

- a) 1 Only
- b) 2 Only
- c) Both 1 and 2
- d) Neither 1 nor 2

**Q.25) Solution (a)**

**India Investment Grid (IIG)**



- It is an interactive and dynamic web portal showcasing information on various projects in India, across States, Sectors and Schemes, in need of investment or technology.
- IIG is the first point of contact for investors from around the world. It allows them to view, filter and choose from projects across various states, sectors and flagship schemes in India. On the other hand, project owners get a platform to exhibit their projects as viable investment opportunities to an array of potential investors.
- Thus, it aims to boost Investment and streamline project discovery and promotion.
- Additionally, with the help of its various customizable dashboards, it allows sophisticated data analytics and informed decision making.
- IIG is an initiative of Invest India - India's National Investment Promotion and Facilitation Agency.

Source: <https://economictimes.indiatimes.com/news/economy/foreign-trade/invest-india-the-inside-story-of-a-unique-industry-government-collaboration-to-attract-fdi-into-india/articleshow/61165128.cms>

**Q.26) Consider the following statements about 'Usutu Virus'**

1. It belongs to the poxvirus family
2. It is the active constituent of the vaccine that eradicated smallpox

**Select the correct statements**

- a) 1 Only
- b) 2 Only
- c) Both 1 and 2
- d) Neither 1 nor 2

**Q.26) Solution (d)**

Usutu virus (USUV) first identified in South Africa in 1959, is an emerging zoonotic arbovirus of concern because of its pathogenicity to humans and its similarity in ecology with other emerging arboviruses such as West Nile Virus. USUV is a flavivirus belonging to the Japanese encephalitis complex.

USUV has been reported from several African countries including Senegal, Central African Republic, Nigeria, Uganda, Burkina Faso, Cote d'Ivoire, and Morocco.

Source: <https://www.pressreader.com/india/the-hindu/20171015/282260960690308>