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Q82

Consider the following statements: 1. The Legislative Council of a State in India can be larger in size than half of the Legislative Assembly of that particular State. 2. 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 Official key: D.

UPSC Civil Services Prelims 2015 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation**(a)**

Statement 1 is false. **Article 171** caps the Legislative Council at one-third of the Assembly, not at more than half. This option is not the key.

(b)

Statement 2 is false. The Chairman of the Legislative Council is chosen by the Council from among its members; the Governor does not nominate the Chairman (the Governor nominates one-sixth of members). This option is therefore wrong.

(c)

Both statements are incorrect, so 'both' cannot be the answer. This option is not the key.

(d) Official key

- **Neither statement is correct:** the Council cannot exceed one-third of the Assembly, and its Chairman is elected by the House, not nominated by the Governor. This option is the official key.

Summary

Official key is (d) Neither 1 nor 2. The constitutional maximum for a Vidhan Parishad is one-third of the Vidhan Sabha (and not less than forty). The Chairman is analogous to a Speaker, elected internally. The Governor's nomination power is for a fraction of members with special knowledge, not for the Chair. Both statements therefore fail.

Related possible facts

These can be asked in a future Prelims paper.

Article 171

Composition of Legislative Councils; ceiling one-third of the Assembly

Article 182

Chairman and Deputy Chairman of the Legislative Council

Governor's nominees

One-sixth of Council members, literature, science, art, cooperative movement, social service

Creation/abolition

Article 169; Parliament on State Assembly resolution

Minimum strength

Council not less than 40 members

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