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Q95

The Parliament of India acquires the power to legislate on any item in the State List in the national interest if a resolution to that effect is passed by the (a) Lok Sabha by a simple majority of its total membership (b) Lok Sabha by a majority of not less than two-thirds of its total membership (c) Rajya Sabha by a simple majority of its total membership (d) Rajya Sabha by a majority of not less than two-thirds of its members present and voting
Official key: D.

UPSC Civil Services Prelims 2016 · General Studies · 2 marks · Polity and Governance

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

Explanation**(a)**

Lok Sabha by a simple majority of its total membership is not the [Article 249](#) procedure. The Council of States, not the House of the People, must first declare a State List matter to be of national interest. This option is not the key.

(b)

A two-thirds majority of Lok Sabha's total membership is a different special-majority idea (and still the wrong House). [Article 249](#) does not vest this power in Lok Sabha. This option is wrong.

(c)

Rajya Sabha by a simple majority of its total membership is too weak and misstates the quorum of the special majority. [Article 249](#) requires two-thirds of members present and voting. This option is not the key.

(d) Official key

[Article 249](#) lets Parliament legislate on a State List subject in the national interest if Rajya Sabha passes a resolution to that effect by a majority of not less than two-thirds of the members present and voting. That is the official key.

Summary

Official key is (d) Rajya Sabha by a majority of not less than two-thirds of its members present and voting. The Rajya Sabha represents States, so the Constitution gives it this exceptional gate. The resolution lasts one year at a time and can be renewed; laws may continue for a limited period after it ends. Lok Sabha majorities, simple or special, are not the trigger. [Article 250 \(Emergency\)](#) and [Article 252 \(two or more States\)](#) are different routes.

Related possible facts

These can be asked in a future Prelims paper.

Article 249

Parliament's power over a State List subject in the national interest

Duration

Resolution remains in force up to one year; may be renewed

Article 250

Parliament legislates on State List during a Proclamation of Emergency

Article 252

Two or more States may consent to a parliamentary law on a State subject

Article 253

Parliament legislates to implement international agreements

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