



CURRENT AFFAIRS



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FLOOR TEST IN BIHAR ASSEMBLY

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF "FLOOR TEST IN BIHAR ASSEMBLY". THIS TOPIC IS RELEVANT IN THE "POLITY & GOVERNANCE" SECTION OF THE UPSC CSE EXAM.

WHY IN THE NEWS?

On February 12, the Bihar Legislative Assembly took a floor test amid the current political change in the state. Nitish Kumar, the chief minister of Bihar, was elected again.

ABOUT FLOOR TEST

- The term refers to the **majority test**. If there are any doubts about a State's Chief Minister (CM), he or she can be required to show the House's majority. In the event of a coalition administration, the CM may be expected to call a vote of confidence and secure a majority.
- **When there is no clear majority** and more than one individual has a stake in forming the government, the Governor may call a special session to determine who has the majority.
- Some legislators may be absent or decide not to vote. The numbers are then calculated using only the MLAs who were present to vote.
- **Article 174** of the Constitution grants the Governor the authority to summon, dissolve, and prorogue the state legislative assembly. Additionally, **Article 174(2)(b)** empowers the **Governor to dissolve the Assembly based on the advice of the cabinet, but discretion is allowed when doubts arise about the Chief Minister's majority.**
- **Article 175(2)** enables the Governor to summon the House and call for a floor test to ascertain the government's numerical strength. **However, these actions are constrained by Article 163**, which mandates the Governor to act on the aid and advice of the Council of Ministers, led by the Chief Minister.

DISCRETIONARY POWER OF GOVERNOR

- When the Assembly is in session, the Speaker can initiate a floor test, but during recess, **Article 163 provides the Governor with residual powers to call for a floor test.** The discretionary powers of the Governor, as outlined in **Article 163(1)**, are limited to situations expressly specified by the Constitution, where independent decision-making is necessary.
- The Governor can exercise discretionary power under **Article 174** when the Chief Minister loses support and the majority is questionable.

JUDGEMENTS AND CASE LAWS

- The Supreme Court's observations on the Governor's role in calling for a floor test include the 2016 case of **Nabam Rebia and Bamang Felix vs Deputy Speaker**, where the **court held that the Governor's power to summon the House should be exercised in consultation with the Council of Ministers**. The court highlighted that the Governor, as a nominee of the President, does not have overriding authority over the elected representatives of the people in the State Legislature.
- In the **Shivraj Singh Chouhan & Ors versus Speaker 2020 case**, the Supreme Court upheld the Speaker's powers to call for a floor test when there is a prima facie belief that the government has lost its majority. The Governor retains the authority to order a floor test if the available material indicates the need to assess the government's confidence through such a test.

ABOUT COMPOSITE FLOOR TEST

- The **Composite Floor Test is employed when multiple individuals assert their claim to establish a government**. If the majority is unclear, the governor may convene a special session to determine which contender commands the majority support.
- The **majority is calculated based on the members present and voting**. This process **can be executed through a voice vote**, where members express their support verbally, or through division voting. It is important to note that some legislators may be absent or opt not to cast their votes. In division voting, electronic gadgets, ballots, or slips may be utilized for the voting process.
- The individual with the majority will assume the responsibility of forming the government. However, in the event of a tie, the speaker may exercise the casting vote to break the deadlock.

PRELIMS PRACTICE QUESTION

Q.1 Which of the following are the discretionary powers given to the Governor of a State? (UPSC PRELIMS-2014)

1. Sending a report to the President of India for imposing the President's rule Appointing the Ministers
2. Reserving certain bills passed by the State Legislature for consideration of the President of India
3. 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

ANSWER: B

Mains practice questions

Q.1 Discuss the essential conditions for exercise of the legislative powers by the Governor. Discuss the legality of re-promulgation of ordinances by the Governor without placing them before the Legislature. (UPSC Mains-2022)