

**11**

PARLIAMENT OF INDIA

You have read in the preceding lesson that India has a parliamentary form of government in which the Prime Minister and his Council of Ministers are collectively responsible to the lower House of the Parliament i.e. Lok Sabha. In a parliamentary form of government the Parliament is the most important organ. It is the people who elect their representatives to be members of the Parliament and these representatives legislate and control the executive on behalf of the people. The Prime Minister and his Council of Ministers remain at the helm of affairs so long as they enjoy the confidence of Lok Sabha. The Parliament (Lok Sabha) may dislodge them from power by expressing a no confidence against the Prime Minister and his Council of Ministers. Thus the Parliament occupies a central position in our parliamentary system.



A view of Indian Parliament



Objectives

After studying this lesson, you will be able to

- recall that the Parliament of India consists of the President and the two Houses;

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- describe the composition of the Rajya Sabha and the Lok Sabha;
- explain the functions of Indian Parliament;
- describe the procedure of lawmaking in the Indian Parliament, and
- compare the functions and powers of both the Houses and show that Lok Sabha is more powerful.

11.1 Composition of the Parliament

The Parliament has two Houses—Rajya Sabha and Lok Sabha. Rajya Sabha is upper House and represents the States of India while the Lok Sabha is lower House. It is also called popular House because it represents the people of India. The President is an integral part of the Parliament though he is not a member of the either House. As an integral part of the Parliament, the President has been assigned certain powers and functions, which you have read in the last lesson. In this lesson you will study about the two Houses in details.

11.1.1. Rajya Sabha: Membership and Election

Rajya Sabha or the Upper House of the Parliament is a permanent body as it cannot be dissolved. The membership of the Rajya Sabha cannot exceed 250. Out of these, the President nominates 12 members on the basis of their excellence in literature, science, art and social service and the rest are elected. At present its total membership is 245.

Rajya Sabha is the body representing States in Indian Union. The elected members of the States' Legislative Assemblies elect the members of the Rajya Sabha on the basis of proportional representation through the single transferable vote system. But all the States do not send equal number of members to the Rajya Sabha. Their representation is decided on the basis of population of respective States. Thus the bigger State gets bigger representation and the smaller ones have lesser representation. While the big State like UP has been assigned 31 seats, the smaller states like Sikkim and Tripura send only one member each. Delhi Assembly elects three members of Rajya Sabha and Pondichery sends one member. Other Union Territories are not represented in the Rajya Sabha.

11.1.2 Qualifications

The qualifications for becoming a Rajya Sabha member are as follows:

1. He/she should be a citizen of India and at least 30 years of age.
2. He/she should make an oath or affirmation stating that he will bear true faith and allegiance to the Constitution of India.
3. Thus according to the Representation of People Act 1951, he/she should be registered as a voter in the State from which he is seeking election to the Rajya Sabha. But in 2003, two provisions have been made regarding the elections to Rajya Sabha- (i) Any Indian citizen can contest the Rajya Sabha elections irrespective of the State in which he resides; (ii) elections are to be conducted through open voting system.

11.1.3 Tenure

Every member of Rajya Sabha enjoys a safe tenure of six years. One-third of its members

retire after every two years. They are entitled to contest again for the membership. But a member elected against a mid-term vacancy serves the remaining period only. This system of election ensures continuity in the working of Rajya Sabha.

11.1.4 Officials of Rajya Sabha

The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. He/she presides over the meetings of Rajya Sabha. In his absence the Deputy Chairman, who is elected by its members from amongst themselves, presides over the meeting of the House. The Deputy Chairman can be removed by a majority of all the then members of Rajya Sabha. But the Chairman (Vice-President) can only be removed from his office by a resolution passed by a majority of all the then members of Rajya Sabha and agreed to by the Lok Sabha.

As the Vice-President is an ex-officio Chairman and not a member of Rajya Sabha, he/she is normally not entitled to vote. He/she can vote only in case of a tie.

Tie means a situation in which there are equal vote cast in favour and against a bill or resolution. In such a situation the presiding officer may exercise a casting vote in favour/against to break the tie.



Intext Questions 11.1

1. What can be the maximum strength of Rajya Sabha?
2. How many members the President nominates in Rajya Sabha?
3. Who can vote to elect the members of Rajya Sabha?
4. What is the tenure of a member of Rajya Sabha?
5. What is the minimum age for becoming a member of Rajya Sabha?
6. Who is the ex-officio Chairman of Rajya Sabha?

11.1.5 Membership and Election of the Lok Sabha

Unlike Rajya Sabha, Lok Sabha is not a permanent body. It is elected directly by the people on the basis of universal adult franchise. It is also called the popular House or lower House. The maximum permissible membership of Lok Sabha is 550 out of which 530 are directly elected from the States while 20 members are elected from the Union Territories. Besides, the President may nominate two members from the Anglo-Indian community if he/she feels that the said community is not adequately represented in the House.

Certain number of seats have been reserved for Scheduled Castes and Scheduled Tribes in the Lok Sabha. Initially this provision was made for ten years from the commencement of the Constitution, which has been extended time and again for further ten years by various constitutional amendments. The 79th Amendment has extended it for sixty years from the commencement of the Constitution. Reservation of seats for the Scheduled Castes or Scheduled Tribes means the persons belonging to SC/ST will represent such reserved seats. That implies that only persons belonging to SC/ST can contest from the reserved constituencies. But we have joint electorate and all the voters of the reserved constituency



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vote irrespective of their caste/tribe. There is no separation of voters in terms of caste or tribe.

The representation to the Lok Sabha is based on population. Therefore UP which is the most heavily populated State in India sends as many as 80 members while smaller States like Mizoram, Nagaland and Sikkim send just one representative each to the Lok Sabha. Seven members represent Delhi.

For the purpose of elections to the Lok Sabha, the States are divided into single member constituencies on the basis of population.

11.1.6 Qualifications

All the citizens of 18 years of age and above are entitled to vote in the elections to Lok Sabha subject to the laws made by the Parliament. Any Indian citizen can become a member of Lok Sabha provided he/she fulfils the following qualifications:

1. He/she should be not less than 25 years of age.
2. He/she should declare through an oath or affirmation that he has true faith and allegiance in the Constitution and that he will uphold the sovereignty and integrity of India.
3. He/she must possess such other qualifications as may be laid down by the Parliament by law. He must be registered as a voter in any constituency in India.
4. Person contesting from the reserved seat should belong to the Scheduled Caste or Scheduled Tribe as the case may be.

11.1.7 Tenure

The normal term of Lok Sabha is five years. But the President, on the advice of Council of Ministers, may dissolve it before the expiry of five years. In the case of national emergency, its term can be extended for one year at a time. But it will not exceed six months after the emergency is over. On several occasions Lok Sabha was dissolved prior to the end of its term. For example the 12th Lok Sabha elected in 1998 was dissolved in 1999.

11.1.8 Officials of the Lok Sabha

The Speaker and the Deputy Speaker: The presiding officer of Lok Sabha is known as Speaker. The members of the House elect him. He/she remains the Speaker even after Lok Sabha is dissolved till the next House elects a new Speaker in his place. In his absence, a Deputy Speaker who is also elected by the House presides over the meetings. Both the Speaker as well as the Deputy Speaker can be removed from office by a resolution of Lok Sabha passed by a majority of all the then members of the House.

Some of the powers and functions of the speaker are given below :

1. The basic function of the Speaker is to preside over the house and conduct the meetings of the House in orderly manner. No member can speak in the House without his permission. He/she may ask a member to finish his speech and in case the member does not obey he/she may order that the speech should not be recorded.
2. All the Bills, reports, motions and resolutions are introduced with Speaker's permission. He/she puts the motion or bill to vote. He/she does not participate in the voting but

when there is a tie i.e. equal number of votes on both sides, he/she can use his casting vote. But he/she is expected to cast her vote in a manner so that her impartiality and independence is retained.

3. His/her decisions in all parliamentary matters are final. She also rules on points of order raised by the members and her decision is final.
4. He/she is the custodian of rights and privileges of the members.
5. He/she disqualifies a member of his/her membership in case of defection. He/she also accepts the resignation of members and decides about the genuineness of the resignation.
6. In case of joint sitting of Lok Sabha and Rajya Sabha, the Speaker presides over the meeting.



Intext Questions 11.2

1. What is the maximum permissible membership of Lok Sabha?
2. Which State sends the maximum number of members to Lok Sabha?
3. How many Anglo-Indian members may be nominated by the President in Lok Sabha?
4. For which section of the society seats are reserved in the Lok Sabha?
5. Who can vote in Lok Sabha elections?
6. Who can dissolve the Lok Sabha?
7. Who elects the Speaker of Lok Sabha?

11.2 Functions of Parliament

The functions and powers of the Indian Parliament can be divided into legislative, executive, financial and other categories.

11.2.1 Legislative Functions

Basically the Parliament is a law-making body. In an earlier lesson you have seen that there is a division of power between the Centre (Union) and the States. There are three lists – Union List, State List and the Concurrent List. Only Parliament can make laws on the subjects mentioned in the Union List. You know that the Union List has 97 subjects. Along with the State Legislatures, the Parliament is empowered to make laws on the Concurrent List. In case, both the Centre as well as the States make a law on the subject mentioned in the Concurrent List then the central law prevails upon the state law if there is a clash between the two. Any subject not mentioned in any list i.e. residuary powers are vested with the Parliament.

Thus the law making power of the Parliament is very wide. It covers the Union List and Concurrent List and in certain circumstances even the State List also.

11.2.2 The Executive Functions

In a parliamentary system of government there is a close relationship between the legislature and the executive. And the executive is responsible to the legislature for all its acts. The

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Prime Minister and his Council of Ministers are responsible to the Parliament individually as well as collectively. The Parliament can dislodge a ministry by passing a vote of no-confidence or by refusing to endorse a confidence motion. In India this has happened several times. This happened in 1999 when the Atal Bihari Vajpayee Government lost the confidence motion in the Lok Sabha by just one vote and resigned.

But the no-confidence motion or the confidence motions are the extreme ways of maintaining the accountability of the Parliament over the executive. They are employed in exceptional cases. Parliament also maintains its control over executive in a routine manner through several ways. Some of them are as follows:-

- a. The members of Parliament can ask questions and supplementary questions regarding any matters connected with the affairs of the Central Government. The first hour of every working day of Parliament relates to the Question Hour in which the Ministers have to answer the questions raised by the members.
- b. If the members are not satisfied with the Government's answer then they may demand separate discussion on the subject.
- c. The Parliament also exercises control over the executive through several motions. For example calling attention notice or adjournment motion are such ways by which some recent matters of urgent public importance are raised. The government always takes these motions very seriously because the government's policies are criticized severely and their likely impact on the electorate whom the government would have to face ultimately. If the motion is passed then it means that the government is censured.

Censure Motion: This motion implies severe indictment of the government; but it does not require resignation of the Council of Members.

- d. The Lok Sabha can express its lack of confidence in the executive by disapproving budget or money bill or even an ordinary bill.

11.2.3 The Financial Functions

The Parliament performs important financial functions. It is the custodian of the public money. It controls the entire purse of the Central Government. No money can be spent without its approval. This approval may be taken before the actual spending or in rare cases after the spending. The budget is approved by the Parliament every year.

11.2.4 The Electoral Functions

The elected member of Parliament one members of the Electoral College for Presidential election. As such, they participate in the election of the President of India. They elect the Vice-President. The Lok Sabha elects its Speaker and Deputy Speaker and the Rajya Sabha elects its Deputy Chairman.

11.2.5 Power of Removal

Certain high functionaries may be removed from office on the initiative of the Parliament. The President of India may be removed through the process of impeachment (you have read about it in Lesson No. 10). The judges of Supreme Court and of High Courts can be removed by an order of the President, which may be issued only if a resolution of their removal is passed by both Houses of Parliament by special majority (see Lessons 12 and 15).



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11.2.6 Functions Regarding the Amendment of the Constitution

Most of the parts of the Constitution can be amended by the Parliament by special majority. But certain provisions only be amended by the Parliament with the approval of States. However India being a federal State, the amending power of the Parliament is highly limited. The Supreme Court has ruled that the Parliament cannot change the basic structure of the Constitution. You have already read about the amending procedure in another lesson.

11.2.7 Miscellaneous Functions

Besides the above-mentioned functions, the Parliaments also performs a variety of other functions. Some of them are as follows: -

- While it is the power of the President to declare Emergency, the Parliament approves all such Proclamations of Emergency. Both the Lok Sabha and Rajya Sabha have to approve the Proclamation.
- Parliament may form a new State by separating the territory from any State or by uniting two or more States. It may also change the boundaries and the name of any State. In the recent years (2000), new states of Chhattisgarh, Jharkhand and Uttarakhand were created.
- Parliament may admit or establish new States in the Indian Union (Sikkim in 1975).
- The Parliament can abolish or create Legislative Councils in the States. This is done only on the request of concerned States Assemblies.

Thus the Indian Parliament, though limited by the federal nature of the political system, has wide functions to perform. In performing its functions, it has to mirror the aspirations and needs of the people of India. It also has to function as an agency for resolving socio-economic or political conflicts in the country. It also helps in building consensus on specific issues, which are crucial to the nation like foreign policy formulation.



Intext Questions 11.3

- What is the name of the list on which only the Parliament can make laws?
- Who makes laws on the subjects mentioned in the State List?
- How many States can request the Parliament to make law on some subject mentioned in the State list?
- Who Can admit a new State in the Indian Union?

11.3 Law-making Procedure in the Parliament

As pointed out earlier basically the Parliament is a law making body. Any proposed law is introduced in the Parliament as a bill. After being passed by the Parliament and getting the President's assent it becomes a law. Now you will study how the law is made by the Parliament. There are two kinds of bills, which come up before the Parliament:-(i) ordinary bill and (ii) money bill. Here we shall discuss the legislative procedure in each of these kinds of bills.

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11.3.1 Ordinary Bills

Every member of the Parliament has a right to introduce an ordinary bill and from this point of view, we have two types of bills – government bills and private member's bills. A Minister moves a government bill and any bill not moved by a Minister is a Private Member's Bill, which means that the bill has been moved by a member of parliament but not a minister in the Government. The Government bills consume most of the time of the Parliament. The Bills pass through several stages. :-

- (A) With the introduction of the bill, the First Reading of the bill starts. This stage is simple. The Minister wanting to introduce a bill, informs the presiding officer. He/she puts the question of introduction to the House. When approved, normally by voice-vote, the Minister is called upon to introduce the bill.
 - (B) Second Reading: -This stage is the most vital stage. After general discussion the House has four options: - (i) it may straightaway take the bill into detailed (clause-by-clause) consideration or (ii) refer it to a select committee of the House or, (iii) refers it to the Joint Committee of both the Houses or (iv) circulate it among the people to elicit public opinion. If the bill is referred to a select committee of the House or the joint select committee of both the Houses, the concerned committee examines the bill very minutely. Each and every clause is examined. The committee may also take the opinion of professionals and legal experts. After due deliberations, the committee submits its report to the House.
 - (C) Third Reading:- After the completion of the second reading, the Minister may move that the bill be passed. At this stage normally no discussion takes place. The members may oppose or support the adoption of the bill, by a simple majority of members present and voting.
2. Bill in the other House: -After the bill has been passed by one House, it goes to the other House. Here also the same procedure of three readings is followed. The following consequences may follow: -
 - (A) It may pass it; then the bill is sent to the President for his assent.
 - (B) It may pass the bill with amendments. The bill will be sent back to the first House. In such a case, the first House will consider the amendments and if it accepts the amendments then the bill will be sent to President for his assent. In case the first House refuses to accept the amendments, then it means there is a deadlock.
 - (C) It may reject it. It means there is a deadlock. In order to remove the deadlock between the two Houses, the President may call for a joint sitting of the two Houses. Such joint sittings are very rare in India and till now only three times such meetings have taken place. They were convened on the occasion of passage of Dowry Prohibition Bill 1959, Banking Service Commission (Repeal) Bill, 1978, and Prevention of Terrorism Bill, 2002.
 - (D) President's assent to the Bill:- After being passed by both the Houses or the Joint Sitting of both Houses, the bill is referred to the President for his assent. The President also has some options in this regard: - (i) He may give his assent and with his assent, the bill becomes a law. (ii) He may withhold his assent, but may suggest some changes. In such a case the bill is sent back to the House from where it had originated. But if



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both the Houses pass the bill again with or without accepting the recommendations of the President, the President has no option but to give his assent. (iii) In 1986, the President Giani Zail Singh invented a new option. He neither gave his assent nor he returned it to the Parliament for reconsideration of the Postal Bill. He sought some clarifications, which were never provided. The bill thus, lapsed.

11.3.2 Money Bills

The money bills are such bills which deal with money matters like imposition of taxes, governmental expenditure and borrowings etc. In case there is a dispute as to whether a bill is a money bill or not, the Speaker's decision is final. The money bill has to undergo three readings like an ordinary bill but few considerations are also added here. They are (i) Money bill can be introduced only in Lok Sabha and not in Rajya Sabha and that too with the prior approval of and on behalf of the President. (ii) After being passed by the Lok Sabha, the bill goes to the Rajya Sabha. Rajya Sabha has 14 days at its disposal for consideration and report. (iii) The Rajya Sabha cannot reject the money bill. It may either accept it or make recommendations. (iv) In case Rajya Sabha chooses to make recommendations, the bill will return to Lok Sabha. The Lok Sabha may accept these recommendations or reject them. In any case the bill will not go back to Rajya Sabha. Instead it will be sent directly to the President for his assent. (v) If the Rajya Sabha does not return the bill within 14 days, it will be deemed to have been passed by both the Houses of the Parliament and sent to the President for his assent.

The bill that deals with the money matters i.e. imposition, abolition, alteration of any tax or the regulation of the borrowing of money or giving of any guarantee by the Government of India or amendment of law with respect to any financial obligation undertaken by the Government of India or related to Consolidated Fund or Contingency Fund of India, is called a **Money Bill**.

11.3.3 The Budget

The Budget is an annual financial statement showing expected revenue and expenditure of public money. It is not a bill. Every year the budget is presented by the Finance Minister in the Lok Sabha. The budget – making is a big exercise. The Finance Ministry prepares the budget but it involves the entire government. The budget in India is presented in two parts- Railway Budget and the General Budget.

- (i) **Presentation of the Budget:** - The railway budget is generally presented by the Railway minister in the third week of February, while the general budget is presented normally on the last working day of February. The general budget is presented along with the speech of the Finance Minister. The budget remains a closely guarded secret till its presentation. After the speech, the Finance Minister introduces the Finance Bill, which contains the taxation proposals of the government. The House rises thereafter and there is no discussion on the day of the presentation of the Budget.

A new system of **departmental select committees** has been introduced in India since 1993-94. The Lok Sabha sets up committees for all major Ministries and Departments of Union Government. The select committees consider demand for grants in details and submit their recommendations to the Lok Sabha. After general discussion on the budget, the Houses are adjourned for about three weeks. During this period select committees of Departments of Ministry scrutinise budget demands and may make recommendations.

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This saves time of the full House. The full Lok Sabha now does not discuss demands for grants, one by one, in details.

Quorum means the minimum number of members required to be present to enable the House to meet. This is one-tenth of the total membership of the House. This means the meeting of the Lok Sabha or Rajya Sabha can take place only if one tenth of the total membership of the House is present.

**Intext Questions 11.4**

1. What is a Government Bill?
2. What is a Private Member's Bill?
3. When are the Private Member's Bills discussed?
4. Which bill cannot be introduced in Rajya Sabha?
5. When is the joint sitting of the two Houses of Parliament held?
6. What constitutes quorum in either House of Parliament?

11.4 Rajya Sabha and Lok Sabha – A Comparative Study

You have seen earlier that the two Houses of Parliament differ in their composition. From the federal point of view the Rajya Sabha represents the States in the Indian Union while the Lok Sabha is the representative of the Indian people. This is also the reason why the method of election differs. The members of Legislative Assemblies of the States elect the members of Rajya Sabha while the people directly participate in the elections to the Lok Sabha. Rajya Sabha is a permanent House while the Lok Sabha is constituted for a specified term of five years. From the constitutional point of view, the relationship between the two Houses can best be studied from three angles which are as follows: -

1. There are certain powers and functions in which Lok Sabha is superior to the Rajya Sabha. Introduction and adoption of money bills and removal of a cabinet by passing no confidence motion are two examples relevant here.
2. In certain areas Rajya Sabha has been vested with exclusive powers. It does not share these powers with the Lok Sabha. For example, it can declare a subject in state as a matter of national importance and facilitate a central legislation.
3. In several areas, both the Houses enjoy equal powers. The examples are adoption of bills other than money bills, approval of proclamation of emergency, moving of adjournment and other types of motions.

Members of both houses of Parliament get Rs. 2 Crore per annum from the Members of Parliament Local Development Fund. This fund is not directly allotted to the MP but to the respective district headquarters and the MP can use it for development projects in his area.

**Intext Questions 11.5**

Fill in the blanks:

1. Budget can only be introduced in the_____
2. Only _____can create a new All-India service
3. Each member of Parliament gets a sum of Rs. _____ as Local Development Fund every year.

**What You Have Learnt**

You have learnt in this lesson that the Parliament is country's central legislative body. It has two Houses-Rajya Sabha and Lok Sabha and the President is an integral part of the Parliament. Rajya Sabha is a permanent body, which can never be dissolved. Each member of Rajya Sabha enjoys a term of six years and one-third of its member retire after every two years. The Rajya Sabha represents the States in Indian Union. In contrast, the Lok Sabha or the lower House has a fixed term of five years and the President before the expiry of stipulated five years can also dissolve it. Members of the Lok Sabha are directly elected by people on the basis of universal adult franchise. While the Vice-President chairs the meetings of Rajya Sabha, the Lok Sabha is presided over by the Speaker. You have read about the powers of the Speaker. You have read that the quorum of both the Houses is one-tenth of the total membership. Without the quorum, no meeting of the House/Houses can take place. You have also read in details about the various legislative, executive, financial, electoral, judicial and miscellaneous functions of the Parliament, and its law making procedure. Finally, you have been able to compare the two Houses and find that Lok Sabha is more powerful than Rajya Sabha.

**Terminal Exercises**

1. Describe the composition of Rajya Sabha and method of election of its members?
2. Describe powers of the Speaker of Lok Sabha?
3. Discuss the functions of Parliament?
4. Describe the law-making procedure in India?
5. Analyse the relationship between the two Houses of the Parliament?
6. Write short notes on the following: -
 - a. Qualification for membership of Rajya Sabha
 - b. Second reading
 - c. The Budget



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Answers to Intext Questions

11.1

1. 250
2. 12
3. Members of State Assemblies
4. 6 years -- 1/3 entire every 2 years
5. 30 years
6. The Vice-President

11.2

1. 550
2. Uttar Pradesh
3. Two
4. Scheduled Castes and Scheduled Tribes
5. All the Indian citizens of 18 years of age and above
6. President
7. Members of Lok Sabha

11.3

1. Union List
2. State Legislatures
3. Two or more State Legislatures
4. The Parliament

11.4

1. A bill moved by a Minister in the Government is a Government bill.
2. A bill moved by Member of Parliament but not a minister, is called Private member's bill.
3. Private Member's bills are discussed only on Fridays.
4. Money bills cannot be introduced in Rajya Sabha.
5. Joint Sitting of the two Houses is held to remove the deadlock between the two Houses over a non-money bill.
6. One-tenth of the strength of a House.

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1. Lok Sabha
2. Rajya Sabha
3. Rs. 2 crore

Hints for Terminal Exercises

1. Refer to Section 11.1.1
2. Refer to Section 11.1.Q
3. Refer to Section 11.2
4. Refer to Section 11.3
5. Refer to Section 11.4
6. Refer to Section (A) 11.1.2
7. Refer to Section (B) 11.3.1
8. Refer to Section (C) 11.3.3