

Part V of the Indian Constitution: Parliament of India

Organization of the Parliament

1. The Parliament consists of the President, the Lok Sabha and the Rajya Sabha.
2. Lok Sabha is the Lower House (First Chamber or Popular House) and Rajya Sabha is the Upper House (Second Chamber or House of Elders).

Composition of Rajya Sabha

1. The maximum strength of the Rajya Sabha is fixed at 250, out of which, 238 are to be the representatives of the states and union territories (elected indirectly) and 12 are nominated by the president.
2. At present, the Rajya Sabha has **245** members. Of these, 229 members represent the states, 4 members represent the union territories and 12 members are nominated by the president.
3. The Fourth Schedule of the Constitution deals with the allocation of seats in the Rajya Sabha to the states and union territories.
4. The representatives of states in the Rajya Sabha are elected by the elected members of state legislative assemblies. The seats are allotted to the states in the Rajya Sabha on the basis of population.

NOTE – Population as ascertained on the basis of 2001 census as per 87th Amendment Act, 2003.

Composition of Lok Sabha

1. The maximum strength of the Lok Sabha is fixed at 552. Out of this, 530 members are to be the representatives of the states, 20 members are to be the representatives of the union territories and 2 members may be nominated by the president from the Anglo-Indian community.
2. At present, the Lok Sabha has 545 members.
3. The representatives of states in the Lok Sabha are directly elected by the people from their respective constituencies.
4. The voting age was reduced from 21 to 18 years by the 61st Constitutional Amendment Act, 1988.

Duration of the two Houses of Parliament

1. The Rajya Sabha is a permanent body and not subject to dissolution. However, one-third of its members retire every second year. The retiring members are eligible for re-election and re-nomination any number of times.
2. Unlike the Rajya Sabha, the Lok Sabha is not a continuing chamber. Its normal term is five years from the date of its first meeting after the general elections, after which it automatically dissolves.

Qualification, disqualifications etc. to be an MP

1. Eligibility



- (a) Citizen of India.
- (b) Minimum age – 30 years in Rajya Sabha and 25 years in Lok Sabha.
- (c) He must possess other qualifications prescribed by Parliament. (Hence, the Representation of People Act, 1951).

2. Criteria for disqualifying an MP:

- (a) If he holds any office of profit under the Union or state government
 - (b) If he is of unsound mind and stands so declared by a court.
 - (c) If he is an undischarged insolvent.
 - (d) if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign state or is under any acknowledgement of allegiance to a foreign state; and
 - (e) If he is so disqualified under any law made by Parliament (RPA, 1951).
3. The Constitution also lays down that a person shall be disqualified from being a member of Parliament if he is so disqualified on the ground of defection under the provisions of the Tenth Schedule.
4. **Double Membership** - A person cannot be a member of both Houses of Parliament at the same time.
5. A House can declare the seat of a member vacant if he is absent from all its meetings for a period of sixty days without its permission.

Speaker of the Lok Sabha

- 1. The Speaker is elected by the Lok Sabha from amongst its members (as soon as may be, after its first sitting). The date of election of the Speaker is fixed by the President.
- 2. The Speaker offers his resignation to the Deputy Speaker and he can be removed by a resolution passed by a majority of members of Lok Sabha, however, only after giving him a 14-day notice.
- 3. He presides over a joint sitting of the two Houses of Parliament. Such a sitting is summoned by the President to settle a deadlock between the two Houses on a bill.
- 4. He decides whether a bill is a money bill or not and his decision on this question is final.
- 5. He can't vote in the first instance, though can vote in the event of a tie. When his removal motion is under consideration, he can take part and speak in the proceedings and can vote as well but not in the case of a tie. He can't preside in that case. However, his motion can be passed by an absolute majority only and can be considered only if it has the support of at least 50 members.
- 6. G.V Mavalankar was the first Speaker of Lok Sabha.
- 7. The longest serving Speaker of Lok Sabha so far has been Balram Jakhar.
- 8. **NOTE** – There's also a post known as *Speaker Pro Tem*, appointed by the President himself. He is usually the oldest member of the last Lok Sabha and he presides over the first session of the incoming Lok Sabha. President administers him the oath.



Deputy Speaker of the Lok Sabha

1. Like the Speaker, the Deputy Speaker is also elected by the Lok Sabha itself from amongst its members.
2. The date of election of the Deputy Speaker is fixed by the Speaker. The removal process is the same as that of the speaker and he offers his resignation to the Speaker of the Lok Sabha.
3. Madabhushi Ananthasayanam Ayyangar was the first Deputy Speaker of Lok Sabha.
4. He presides over the joint sitting in case of absence of the Speaker.

Sessions of Parliament

A 'session' of Parliament is the period spanning between the first sitting of a House and its prorogation (or dissolution in the case of the Lok Sabha). The time period between the prorogation of a House and its reassembly in a new session is called 'Recess'. There are usually three sessions. The budget session is the longest and winter is the shortest.

1. The Budget Session (February to May);
2. The Monsoon Session (July to September); and
3. The Winter Session (November to December).

Important parliamentary terms, points, motions, bills, questions and Committees

1. The maximum gap between two sessions of Parliament cannot be more than six months.
2. The President summons and prorogues the two houses of parliament.
3. **Quorum** is the minimum number of members required to be present in the House before the transaction of any business. It is one-tenth of the total number of members in each House including the presiding officer. It means that there must be at least 55 members present in the Lok Sabha and 25 in the Rajya Sabha.
4. Every minister and the attorney general of India have the right to speak and take part in the proceedings of either House, any joint sitting of both the Houses and any committee of Parliament of which he is a member, without being entitled to vote.
5. **A lame-duck session** refers to the last session of the existing Lok Sabha after a new Lok Sabha has been elected.
6. **Question Hour** is the first hour of every parliamentary sitting.
7. A **starred question** (distinguished by an asterisk) requires an oral answer and hence supplementary questions can follow.
8. An **unstarred question**, on the other hand, requires a written answer and hence, supplementary questions cannot follow.
9. A **short notice question** is one that is asked by giving a notice of fewer than ten days. It is answered orally.
10. **The zero hour** starts immediately after the question hour and lasts until the agenda for the day (that is, regular business of the House) is taken up. In other words, the time gap between the question hour and the agenda is known as zero hours. It is an Indian innovation in the field of parliamentary procedures and has been in existence since 1962.



11. **Adjournment Motion** It is introduced in the Parliament to draw the attention of the House to a definite matter of urgent public importance and needs the support of 50 members to be admitted. Rajya Sabha isn't permitted to make use of this device and the discussion should last for not less than two hours and thirty minutes.
12. **No-Confidence Motion** Article 75 of the Constitution says that the council of ministers shall be collectively responsible to the Lok Sabha. It means that the ministry stays in the office so long as it enjoys the confidence of the majority of the members of the Lok Sabha. In other words, the Lok Sabha can remove the ministry from office by passing a no-confidence motion. The motion needs the support of 50 members to be admitted.
13. **A bill** is a proposal for legislation and it becomes an act or law when duly enacted. It could be classified as a private member bill or a public bill. A public bill is the one introduced by any minister and a private bill is the one which is otherwise.
14. Bills can be ordinary, money or financial and constitutional amendment bills. Money bills are the ones which are concerned with taxation, money matters which are specifically mentioned in article 110. Financial bill is also concerned with such matters though with slight differences and are mention in articles 117(1) and 117(3). Constitution amendment bills, which are concerned with the amendment of the provisions of the Constitution.
15. The Rajya Sabha cannot reject or amend a money bill. It can only make the recommendations. It must return the bill to the Lok Sabha within 14 days, either with or without recommendations. The decision of the speaker is final in deciding a bill is a money bill or not. Also, every such bill is deemed to be a public bill.
16. The provision of joint sitting is applicable to ordinary bills or financial bills only and not to money bills or Constitutional amendment bills. In the case of a money bill, the Lok Sabha has overriding powers, while a Constitutional amendment bill must be passed by each House separately.
17. The term 'budget' has nowhere been used in the Constitution. It is the popular name for the 'annual financial statement' that has been dealt with in Article 112 of the Constitution.
18. The Railway Budget was separated from the General Budget in 1921 on the recommendations of the Acworth Committee. From the year 2017, the railway budget and the main financial budget were again merged and in 2017 the budget was presented on the 1st February 2017.
19. **Consolidated Fund of India** - It is a fund to which all receipts are credited and all payments are debited. In other words, (a) all revenues received by the Government of India; (b) all loans raised by the Government by the issue of treasury bills, loans or ways and means of advances; and (c) all money received by the government in repayment of loans forms the Consolidated Fund of India. Mentioned in article 266.
20. **Public Account of India** - All other public money (other than those which are credited to the Consolidated Fund of India) received by or on behalf of the Government of India shall be credited to the Public Account of India.
21. **Contingency Fund of India** - The Constitution authorised the Parliament to establish a 'Contingency Fund of India', into which amounts determined by law are paid from time to time. Accordingly, the Parliament enacted the contingency fund of India Act in 1950. This fund is placed at the disposal of the president, and he can make advances out of it to meet unforeseen expenditure pending its authorisation by the Parliament.
22. **Public Accounts Committee** - It consists of 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha). Term of members – 1 year. A minister cannot be elected as a member of the committee. The chairman of the committee is appointed by the Speaker from amongst its members. Until 1966–67, the chairman of the committee belonged to the ruling party. However, since 1967 a convention has developed whereby the chairman of the committee is selected invariably from the Opposition. The function of the committee is to examine the annual audit reports of the Comptroller and auditor general of India (CAG), which are laid before the Parliament by the president.



23. **Estimates Committee** – The largest committee of the Parliament. The present number of members is 30. All the thirty members are from Lok Sabha only. The term of office is one year. A minister cannot be elected as a member of the committee. The chairman of the committee is appointed by the Speaker from amongst its members and he is invariably from the ruling party.
24. **Committee on Public Undertakings** – Present number of members is 22 (15 from the Lok Sabha and 7 from the Rajya Sabha). The term of office of the members is one year. A minister cannot be elected as a member of the committee. The chairman of the committee is appointed by the Speaker from amongst its members who are drawn from the Lok Sabha only.

