UNIT 7: THE PARLIAMENT OF INDIA AND THE STATE LEGISLATURE

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7.1 LEARNING OBJECTIVES

After going through this unit you will be able to:

- discuss the composition of the Indian Parliament - the Lok Sabha and the Rajya Sabha
- explain the powers and functions of the Parliament
- describe the relations between the two Houses of the Parliament and
- explain the legislative procedure in the Indian Parliament
- discuss the composition, powers and functions of the State Legislature.

2.2 INTRODUCTION

The legislature at the Centre in India is known as the Parliament. It consists of the President, the Lok Sabha and the Rajya Sabha. The Rajya Sabha is the upper house which is also known as the Council of States. The Lok Sabha which is the lower house is called the House of the People. The President of India is an integral part of the Indian Parliament, but he or she is not a member of it. So far as the State legislature is concerned, some States have only one chamber or house in their legislature and some other States have two chambers or houses. The Governor is an integral part of the State legislature.

7.3 COMPOSITION OF THE PARLIAMENT OF INDIA

7.3.1 The President

One of the important parts of the Indian parliament is the President of India. He or she summons and prorogues the sessions of both houses of the Parliament. He or she can even dissolve the Lok Sabha. A bill passed by the Parliament can become a law only after the president puts his or her signature on it.

At the commencement of the first session after each general election of the Lok Sabha and at the commencement of the first session of each year, the President addresses both houses of the Parliament sitting together. He or she can nominate same members to the Parliament.

7.3.2 The Rajya Sabha

The Rajya Sabha is also known as the Council of States. It represents the States of the Indian Union. The States send their representatives to this house on the basis of their population. The Rajya Sabha consists of 250 members - 238 elected by the various State Legislative Assemblies and 12 nominated by the President form the fields of literature, science, art and social service.

The members of the Rajya Sabha are not directly elected by the people. It consists of the representatives elected by the members of the State Legislative Assemblies on the basis of proportional representation by means of single transferable vote.

To be a member of the Rajya Sabha, are must be a citizen of India. He must not be less than 30 years of age. He or she must be an elector of a parliamentary constituency of the State from which he is seeking election.

The Rajya Sabha is a permanent house. It cannot be dissolved. One-third of its members retire after every two years and elections to the vacant Rajya Sabha seats are held for those States. A member of the Rajya Sabha has to tender his or her resignation and cease to be a member of the House if he or she incurs some disqualifications as have been provided in the Constitution.

The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. He or she presides over its meetings. He or she maintains the order of the House and preserves the rights and privileges of the members of the House. In his or her absence, the deputy Chairman presides over the meetings of the Rajya Sabha. He or she is elected from among the members of the House.

7.3.3 Lok Sabha

The Lok Sabha is also known as the House of the people. It represents the people of the country in general. The maximum strength of the Lok Sabha has been decided to be 552 by the Constitution. However, at present it consists of 545 members of whom 543 members are directly elected by the people and 2 members are nominated by the President from the Anglo-Indian community if no member is elected from this community to this House. It may be mentioned here that the reserved seats for the Anglo-Indian Community in the Lok Sabha have been discontinued by the 104th Constitutional Amendment Act, 2019. Some seats of the House are reserved for the Scheduled Castes and Schedule

Tribes.

The members of the Lok Sabha are directly elected by the people. For the election of the members, the whole country is divided into certain constituencies according to the number of seats fixed for the House. From each constituency, one member is elected by the voters on the basis of universal adult franchise. The number of seats for States and Union Territories are allotted on the basis of their population.

To be a member of the Lok Sabha, one must be a citizen of India. He must not be less than 25 years of age. He or she must not hold any office of profit under Government of India or any state government.

A seat of the House will be declared vacant if a member becomes subject to any disqualification or voluntarily resigns his or her seat. The House may declare a seat vacant if a member remains absent from the session of the House for more than 60 days without any reason communicated to the Speaker.

The members of the Lok Sabha are elected for a term of 5 years. But the President can dissolve the House before the expiry of its full term. The term of the Lok Sabha may also be extended by the President when national emergency is in operation.

The sessions of the Lok Sabha must be held twice a year. The gap between the last sitting of the previous session and the first sitting of the next session should not be mare than six months. The President may also summon a special session of the House when such a need arises.

The Speaker presides over the meetings of the House. He or she is elected by the members of the House from among themselves. In his or her absence, the Deputy Speaker presides over the meetings. The House has a secretariat to assist the speaker in its administrative activities.

- **The Speaker of the Lok Sabha**

The presiding officer of the Lok Sabha is called the Speaker.

His or her office is of great dignity, honour and authority. In order of precedence, he or she is ranked seventh along with the Chief Justice of India. The Speaker represents the dignity of the House of the people and because of this, he or she also represents the dignity, freedom and liberty of the nation as a whole. This is an honoured and prestigious position under the Constitution of India and the person who is holding this office should be an intelligent, judicious and impartial person.

Besides performing the responsibility as the presiding officer of the Lok Sabha, the constitution has given him or her same special powers. He or she decides whether a bill passed by the House is a many bill or not. He or she presides over the joint sittings of both houses of the Parliament. He or she acts as the ex-offices chairman of the Indian Parliamentary Group. The Speaker can disqualify a member on the charge of political defection.



CHECK YOUR PROGRESS

Q 1: The President of India is an integral part of the Parliament. (True/False)

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Q 2: How many chambers or houses are there in the Indian Parliament?

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Q 3: Which chamber or house of the Indian Parliament is known as the House of the People?

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Q 4: Who is the presiding officer of the Rajya Sabha ?

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Q 5: Who can introduce a money bill in the Lok Sabha ?

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Q 6: Who presides over the joint sittings of the Parliament?

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Q 7: Mention two qualifications to be a member of the Lok Sabha.

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ACTIVITY 7.1

Try to know how many members are elected from Assam to the Lok Sabha and the Rajya Sabha.

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7.4 POWERS AND FUNCTIONS OF THE PARLIAMENT

The main responsibility of the Parliament is to make laws. It can make laws on all subjects which are mentioned in the Union list and the State list. It can also make a law on the subjects of residuary power. No bill will be regarded as passed by the Parliament unless both the Houses approve of it. Money bills can originate only in the Lok Sabha. A money bill passed by the Lok Sabha must be adopted by the Rajya Sabha within 14 days. If the Rajya Sabha fails to adopt the bill within that period, the it will be declared passed by bath the houses of the Parliament. In case of a difference between the two Houses over a non-money bill, the President may call a joint sitting of the Houses to resolve it.

The Parliament can also amend the Constitution. In passing some amendment bills it needs simple majority, and in others special majority of the House. In case of a difference between the two Houses over an amendment bill, ultimately the voice of the Lok Sabha prevails.

The Parliament has to approve the ordinances and the proclamation of emergency issued by the President.

The elected members of both house of the Parliament participate in the election of the President. All the members of the Parliament participate in the election of the Vice-President. They also take part in their removal. The members of the Lok Sabha also elect the Speaker and the Deputy Speaker of the House. It also shares with the Rajya Sabha power of discussing the reports submitted by autonomous official agencies, such

as, the Union Public Service commission, Comptroller and Audit-General of India, etc. It can take punitive action against the outsiders as well as its own members who commit a breach of its privileges.

The Parliament exercises control over the executive. It is the highest forum where the government policies can be discussed and criticised. The Council of Ministers is responsible or answerable to the Lok Sabha for its activities. The members of both the Rajya Sabha and Lok Sabha may table adjustment motion, introduce call-attention motions and supplementary questions from the ministers in order to exercise their control over the government. However, in the matter of controlling the executive, the Lok Sabha is more powerful than the Rajya Sabha as Lok Sabha alone can pass a no-confidence motion against the Council of Ministers. If the majority of the Members of Parliament support such a motion, then the Council of Ministers will have to resign. That means the Council of Ministers can remain in office as long as it is supported by the majority members of the Parliament. So, the Lok Sabha can make and unmake the government.



LET US KNOW

An ordinance is issued by the president when the parliament is not in session. It has the same force and effect as laws passed by the Parliament.



ACTIVITY 7.2

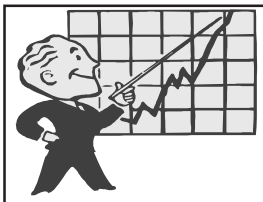
Now-a-days, the proceedings of the Parliament are telecast by Doordarshan. Try to observe the proceedings as conducted in the Parliament.

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CHECK YOUR PROGRESS

Q 8: The Parliament can amend the Constitution. (True/False)

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Q 9: Explain how the Parliament exercises control over the executive. (within 50 words)

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7.5 RELATION BETWEEN THE TWO HOUSES OF THE PARLIAMENT

India has a bi-cameral legislature, which means the Indian Parliament consists of two Houses - the Lok Sabha and Rajya Sabha. But the two Houses are not equally powerful. The Lok Sabha has been made more powerful than the Rajya Sabha.

However, on same matters, both Houses exercise equal power. In matters like that of the election and removal of the President and the Vice-President of India, amendment of the Constitution, removal of the Judges of the Supreme Court and the High Courts, approval of Presidential Ordinances and proclamation of Emergency, considering the reports of various independent agencies, etc. both the Lok Sabha and the Rajya Sabha are equally powerful.

The Lok Sabha has exclusive control over the finances of the country. Money bills can only be introduced in the Lok Sabha. No tax can be imposed, increased or curtailed without the approval of the Lok Sabha. In passing the budget also, the Lok Sabha is all in all.

The Lok Sabha can exercise control over the executive. The Union Council of Ministers remains in office so long as it enjoys majority support in the Lok Sabha. When the Lok Sabha passes a no-confidence motion against the council of Ministers, it has to resign from office.

In case of joint sittings of the Parliament, the Lok Sabha, gets upper hand because of its numerical majority to that of the Rajya Sabha. Again, the Speaker of the Lok Sabha presides over the joint sitting of the parliament.

There are certain matters, where the Rajya Sabha has special power. The Rajya Sabha can shift an item from the State List to the Concurrent List or the Union List on the plea that it is in the national interest. It can also create one or more All-India Services by adopting a resolution by two third majority of the House.

As it is a permanent house, so when the Lok Sabha stands dissolved, legislative activities are carried out by the Rajya Sabha.



LET US KNOW

1. One-tenth of the total membership of each House constitute the quorum of that House. Without the quorum of the House, no meetings can take place in the House.
2. The Lok Sabha and the Rajya Sabha must sit at least twice in a year. The gap between two sittings should not be more than six months.
3. The President may call for special sittings of the Parliament at any time.



CHECK YOUR PROGRESS

Q 10: The Rajya Sabha can shift an item from the State List to the Concurrent List or the Union List on the plea that it is in the national interest. (True/False)

Q 11: Money bills can only be introduced in the ……. (Fill in the Blank)

7.6 LEGISLATIVE PROCEDURE

The principal function of the Parliament is to make laws. To make laws, a proposal called a “bill” is introduced in the Parliament. A bill may be of two types - money bill or ordinary bill. A money bill is introduced only by a government member, that is, by a minister. But an ordinary bill can be introduced by any member of the parliament.

A bill passes through various stages in the Parliament before becoming a law.

The first stage is called the first reading. At this stage, a bill is introduced in the House. Where it is approved by the House, the bill is published in the official Gazette of India.

The next stage is the second reading. At this stage, a bill is either (i) taken into consideration at once ; or (ii) referred to a select committee ; or (iii) circulated for eliciting public opinion ; or (iv) sent to a joint committee with the approval of the other House.

Normally, bills are sent to a select committee or to a joint committee. At this stage, the bill is discussed in detail and the drafting of the bill is completed. Then the chairman of the committee lays the bill before the House. The House discusses the bill clause by clause and makes necessary amendments in it.

Now, the bill enters into the third reading. At this stage, the bill is discussed as a whole in the House. The main purpose is either to accept or to reject the bill. If majority of the members of the House accepts the bill by their voting, then the bill is regarded as passed by that House.

When a bill is passed by one House, it is sent to the other House for its approval. The bill goes through the same three stages in that House also. If the bill is passed by that House in the original form, then it is sent to the President for his signature. If on the other hand, there arises a difference between two Houses over a bill, then the President calls for a joint sitting of the Parliament. When the bill is passed in the joint sitting, it is sent to the president for his or her signature. A bill becomes a law when the President puts his or her signature on it.



LET US KNOW

The Annual Budget which is a money bill can be laid only in the Lok Sabha by the Finance Minister.

7.6.1 Procedure for a Money Bill

It has already been mentioned that a money bill can be introduced only in the Lok Sabha. Money bills cannot be introduced in the Rajya Sabha.

A money bill also passes through three stages - first reading, second reading and third reading. When a money bill is passed by the Lok Sabha, it is signed and codified by the Speaker. Then it is sent to the Rajya Sabha.

The Rajya Sabha has to return a money bill within fourteen days. If it is not returned within fourteen days, then it is regarded as passed by both Houses of the Parliament. Then the bill is sent to the president for his signature. The President cannot withhold his or her signature on a money bill. After receiving the President's signature, the bill becomes a law.



CHECK YOUR PROGRESS

Q 12: Discuss the procedure for money bill in the Parliament.(within 50 words)

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Q 13: A bill becomes a law when the …… puts his signature on it. (Fill in the Blank)

7.7 THE STATE LEGISLATURE

In India, the State Legislature consists of the Governor and one or two houses. The lower house is called the Legislative Assembly or Vidhan Sabha while the upper house is called the Legislative Council or Vidhan Parishad.

7.7.1 Legislative Assembly or Vidhan Sabha

According to the Constitution, a Legislative Assembly cannot have more than 500 members and less than 60 members. The

members are elected directly by the people. Some seats in the Legislative Assembly are reserved for Scheduled Castes and Scheduled Tribes. The Governor can nominate one member from the Anglo-Indian community if no member is elected from that Community to the House.

The members of the Legislative Assembly are elected for a term of five years. But the Governor can dissolve the house before the expiry of five years and can call for fresh elections

To be a member of the Legislative Assembly one must be a citizen of India and should have attained 25 years of age. He or she cannot be a member of both houses of the State legislature or a member of the Union Parliament at the same time.

The meetings of the Assembly are presided over by the Speaker who is elected from among the members of the Assembly. In his or her absence, the Deputy Speaker conducts its meetings.



LET US KNOW

When State Emergency is declared under Article 356 of the Constitution in a State, the Legislative Assembly is kept either "suspended" or is dissolved.

➢ **Powers and Functions of the Legislative Assembly :**

The main duty of the Legislative Assembly is to make laws for the state. It can make law on the subjects mentioned in the state list and the concurrent list. However, during state emergency, it can not exercise its legislative power.

The Assembly has control over the State Council of Ministers. The State council of ministers is responsible or answerable to the Assembly for its activities. The Assembly many pass a no- confidence nation against the council of Ministers and bring its downfall if it is not satisfied with the performance of the council of Ministers.

The Legislative Assembly has control over the finances of the state. A money bill can be introduced only on the floor of the Assembly. The government can not impose, increase, lower or withdraw any tax without

the approval of the Assembly.

The elected members of the Legislative Assembly can take part in the election of the president of India and all members can take part in the election of the members of the Rajya Sabha from the state.

The Assembly also takes part in the amendment of the Constitution on certain matters.

7.7.2 Legislative Council or Vidhan Parishad

The Constitution provides that the total strength of the Legislative Council must not be less than 40 and not more than 1/3 of the total strength of the Legislative Assembly of the State.

The members of the Legislative Council are elected indirectly. One third of its members are elected by the local government bodies like the Zila Parishad and Municipalities. Another one third are elected by the members of the Legislative Assembly. One twelfth are elected by the graduates of the constituency and another one twelfth by the teachers of secondary schools, colleges and universities. One sixth of the members of theLegislative Council are nominated by the Governor of the State.

The Legislative Council is a continuing house. The Governor cannot dissolve this house. One-third of its members retire after every two years and elections are held to fill the vacant seats. The members are elected for a term of six years.

To be a member of the Legislative Council, one must be a citizen of India. He or she must attain 30 years of age. He or she cannot be a member of the Legislative Assembly or either of the houses of the Parliament.

The Chairman is the presiding officer of the Legislative Council. In his or her absence, the Deputy Chairman presides over its meetings. They are elected from among the members of that house.



LET US KNOW

At present, only five states in India have Legislative Council in their legislature. They are– Bihar, Uttar Pradesh, Maharashtra, Karnataka and Jammu & Kashmir.

➢ **Powers and functions of the Legislative Council:**

Ordinary bills can be introduced in the Council on any matter of the State List and the Concurrent List. A money bill cannot be introduced in the Legislative Council. A money bill passed by the Legislative Assembly must be adopted by the Legislative Council within a period of 14 days. If a money bill is not adopted within that period, then it is regarded as passed by both houses of the State legislature.

The Legislative Council exercises control over the Council of Ministers. The members can ask questions to the Ministers on various matters and can introduce motions against the ministers. However, it can not pass a no- confidence motion against the Council of Ministers.

The Legislative Council also takes part in the amendment of the Constitution along with the Legislative Assembly.

The existence of the Legislative Council is criticized as purposeless. It is not only less powerful than that of the Legislative Assembly, but also can not be compared with the Rajya Sabha of the Union parliament. The Rajya Sabha, which is an upper house like that of the Legislative Council, is not as powerless as the Legislative Council. The Legislative Council is often regarded as ornamental in terms of powers and functions.



LET US KNOW

The State Legislature follows the same procedure for passing an ordinary or a money bill like that of the Parliament. In State legislatures also, the Legislative Assembly which is the lower house is more powerful than the Legislative Council which is the upper house.



ACTIVITY 7.3

1. Find out how many States are there in India at present.

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2. How many members are there in the Assam Legislative Assembly?

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CHECK YOUR PROGRESS

Q 14: Name the two houses of the State legislature?

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Q 15: Write the qualifications of the members of the Legislative Assembly?

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Q 16: Write a note on the strength of the Legislative Council.

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Q 17: Write a note on the strength of the Legislative Assembly.

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7.8 LET US SUM UP

- The Parliament of India consists of two houses - the Lok Sabha and the Rajya Sabha. Between the two houses, the Lok Sabha is more powerful than the Rajya Sabha as it has complete control over the finances of the country and the Council of Ministers is collectively responsible to it for its activities. However, the importance of the Rajya

Sabha cannot be ignored as it is a permanent house. The President of India cannot dissolve it.

- The Rajya Sabha is also known as the Council of States. It represents the States of the Indian Union. The States send their representatives to this house on the basis of their population.
- The members of the Rajya Sabha are not directly elected by the people.The Rajya Sabha is a permanent house. The Vice-President of India is the ex-officio Chairman of the Rajya Sabha.
- The Lok Sabha is also known as the House of the people. It represents the people of the country in general.
- The members of the Lok Sabha are elected for a term of 5 years. But the President can dissolve the House before the expiry of its full term.
- The presiding officer of the Lok Sabha is called the Speaker. The main responsibility of the Parliament is to make laws.
- It can make laws on all subjects which are mentioned in the Union list and the State list. It can also make a law on the subjects of residuary power.
- The State Legislature consists of the Governor and one or two houses. The lower house is called the Legislative Assembly or Vidhan Sabha while the upper house is called the Legislative Council or Vidhan Parishad.
- The members of the Legislative Assembly are elected for a term of five years. But the Governor can dissolve the house before the expiry of five years and can call for fresh election.

  The Legislative Council is a continuing house.



7.9 FURTHER READING

1) Chander, Prakash.(2000). *Indian Government and Politics*. New Delhi :Cosmos Bookhive Pvt. Ltd.

2) Ghai, K.K.(2007). *Indian Government and Politics*.New Delhi: Kalyani Publishers.

3) Kapur, Anup Chand and Misra, K.K. (2006). *Select Constitutions.*New Delhi : S. Chand and Company.

4) Pylee, M,V. (2006). *Constitutional Government in India.* New Delhi:S. Chand and Company.



7.10 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: True

Ans to Q No 2: Two houses

Ans to Q No 3: The Lok Sabha

Ans to Q No 4: The Vice-President of India

Ans to Q No 5: A government member, that is, a minister can introduce a money bill in the Lok Sabha

Ans to Q No 6: The Speaker of the Lok Sabha

Ans to Q No 7: A member of the Lok Sabha should be -

(i) a citizen of India

(ii) must not be less than 25 years of age

Ans to Q No 8: True

Ans to Q No 9: The Parliament exercises control over the executive. It is the highest forum where the government policies can be discussed and criticised. It can bring about a no-confidence motion against the Council of Ministers. If the majority of the members supports such a motion, then the Council of Ministers has to resign. That means the Council of Ministers can remain in office as by as it is supported by the majority members of the Parliament. In this regard, the Lok Sabha is more powerful than the Rajya Sabha.

Ans to Q No 10: True

Ans to Q No 11: Lok Sabha

Ans to Q No 12: A money bill also passes through three stages - first reading,

second reading and third reading. When a money bill is passed by the Lok Sabha, it is signed and codified by the speaker. Then it is sent to the Rajya Sabha. The Rajya Sabha has to return a money bill within fourteen days. Then the bill is sent to the President for his signature. After receiving the President's signature, the bill becomes a law.

Ans to Q No 13: President

Ans to Q No 14: Legislative Assembly or Vidhan Sabha and the Legislative Council or Vidhan Parishad.

Ans to Q No 15: To be a member of the Legislative Assembly one must be a citizen of India and should have attained 25 years of age. He can not be a member of both houses of the State legislature or a member of the Union Parliament at the same time.

Ans to Q No 16: The Constitution provides that the total strength of the Legislative Council must not be less than 40 and not more than 1/3 of the total strength of the Legislative Assembly of the State.

Ans to Q No 17: According to the Constitution, a Legislative Assembly cannot have more than 500 members and less than 60 members



7.11 POSSIBLE QUESTIONS

Q 1: Discuss the composition of the Rajya Sabha.

Q 2: Discuss the composition of the Lok Sabha.

Q 3: Explain the relation between the two houses of the Parliament.

Q 4: Discuss the powers and functions of the Legislative Assembly.

Q 5: Discuss the composition of the Parliament of India.Discuss the powers and functions of the Parliament of India.

Q 6: Discuss the legislative procedure in the Indian Parliament.

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