# UNIT 5: UNION PARLIAMENT

## UNIT STRUCTURE


5.1 Learning Objectives

5.2 Introduction

5.3 Composition of the Parliament of India

- 5.3.1 The President
- 5.3.2 The Rajya Sabha
- 5.3.3 The Lok Sabha

5.4 Powers and Functions of the Parliament

5.5 Relation between the two Houses of the Parliament

5.6 Legislative Procedure

- 5.6.1 Procedure for a Money Bill

5.7 Let Us Sum Up

5.8 Further Readings

5.9 Answers to Check Your Progress

5.10 Model Questions


## 5.1 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

## 5.2 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.

## 5.3 COMPOSITION OF THE PARLIAMENT OF INDIA

### 5.3.1 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 some members to the Parliament.

### 5.3.2 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.

### 5.3.3 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. 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 theParliament. (True / False)

.....

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

.....

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

.....

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

.....

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

.....

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

.....

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

.....



**ACTIVITY 5.1**

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

.....

.....

.....

.....

## 5.4 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

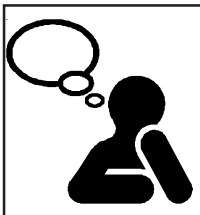
discussing the reports submitted by autonomous official agencies, such as, the Union Public Service commission, Comptroller and Audit-General of India, etc. It can take punitive action against the outsiders as well as its own members who commit a breach of its privileges.

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 5.2**

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

.....

.....

.....

.....



**CHECK YOUR PROGRESS**

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

.....

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

.....

.....

## 5.5 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)

## 5.6 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.

### 5.6.1 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)

.....

.....

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



## 5.7 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.



## 5.8 FURTHER READINGS

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.



## 5.9 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



## 5.10 MODEL QUESTIONS

**A) Very Short Questions**

**Q 1:** Who summons and prorogues the sessions of both Houses of the Parliament ?

**Q 2:** For how many years are the members of the Rajya Sabha elected ?

**Q 3:** Can the Rajya Sabha be dissolved ?

**B) Short Questions** (Answer each question in about 150 words)

**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.

**C) Long Questions** (Answer each question in about 300-500 words)

**Q 1:** Discuss the composition of the Parliament of India.Discuss the powers and functions of the Parliament of India.

**Q 2:** Discuss the legislative procedure in the Indian Parliament.

*** ***** ***