

The Union Parliament

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The Union Parliament consists of the President and two houses—The House of People commonly known as the Lok Sabha and the Council of States known as the Rajya Sabha.

The Parliament is a body of people's representatives who have the supreme power and authority of governance in a democratic country.

Federal Government

India has a federal form of Government which means that the powers are divided between the central and state governments and both are supreme within their respective spheres. Both central and state governments draw their authority from the Constitution of the country.

Importance of the Federal Form of Government

- Although India has the federal form of Government, it is not possible for the states to break away from the Indian Union. This ensures and maintains the unity and the integrity of the country.
- Because people belonging to various religions, cultures and linguistic affiliations reside in the country, the federal setup allows them to maintain their cultural and linguistic affiliations.
- Both union and state governments draw their power and the authority from the Constitution. There is division of administrative and legislative powers between them and none can violate any terms of the Constitution.
- The states also participate in the functioning of the government. The Upper House (Rajya Sabha) mainly consists of the representatives of the states.
- The Constitution has provided the central and state governments with adequate financial resources to carry out their duties towards the people.

Unitary Features (Non-Federal)

India has certain unitary features which limit the powers of the state governments. Therefore, it is said that India is federal in form and unitary in spirit. Some important unitary features of the Constitution are

- **The central government in India is strong** and has been vested with power and authority. There exist three lists on which the governments can make laws. These are
 - The Union List: It contains 97 subjects on which only the central government can make laws such as defence and finances.
 - The State List: It consists of 67 subjects on which only the state government can make laws such as education and health.
 - The Concurrent List: It contains 47 subjects on which both central and state governments can make laws such as criminal laws, laws on adulteration etc. In case both governments do not agree on the same matter, the will of the union government prevails. This makes the central government more powerful.
- There is only **one single Constitution** for the country from which both central and state governments derive their power and authority.
- The Constitution of India provides for a **single citizenship** for the country.
- The Constitution of the country **does not give equal representation to the states in the Rajya Sabha**. States get representation based on the population of their states.
- There exist administrative units known as the **Union Territories** which are directly administered by the central government. This has further increased the power of the central government.

Lok Sabha

The Lok Sabha is known as the House of People as its members are directly elected by the people of India.

Term

- The members of the Lok Sabha are elected for a period of five years. However, it can be dissolved before completing its term by the President on the advice of the Prime Minister and his cabinet.
- The term of the Lok Sabha can be extended for a year during an emergency.

Composition

- The maximum strength of the Lok Sabha is 552 members.
- According to the Constitution, not more than 530 members can represent the states and not more than 20 members can represent the union territories.
- The president may appoint two members of the Anglo Indian community.
- Seats in the Lok Sabha are allotted to the states on the basis of their population. For example, Uttar Pradesh being the most populous state in India sends 80 members to the Lok Sabha, while Sikkim and Goa sends one and two members, respectively.

Qualification

- He should be a citizen of India and should not be less than 25 years of age.
- His name should be in the electoral rolls in some parts of the country.
- He should not be under debt and should be able to meet his/her financial requirements.
- He should not hold any office of profit under the government.
- He should not be a proclaimed criminal and should be of sound mind.

Disqualification of Membership

A Member of Parliament can be disqualified under the following circumstances:

- If he holds any office of profit under the central or state government.
- If any court declares him to be of unsound mind.
- If he is an insolvent or has not been able to pay his debts.
- If it is found that he is not a citizen of India or has willingly acquired citizenship of any foreign state.
- If he is disqualified by law made by the Parliament.

Vacation of Seats

Seats of either the Lok Sabha or Rajya Sabha become vacant under the following circumstances:

- If a member of the Parliament resigns from his seat.
- If a member remains absent from the House continuously for a period of 60 days.
- If a member of the Parliament is elected to the State Legislature, he has to give up his seat in the Parliament and *vice versa*.

Procedures in the Parliament

There are certain procedures and sessions in the Parliament. These are

Sessions

- The President summons each House of the Parliament. Each House has to meet for at least twice a year and the difference between two consecutive sessions should not be less than six months.
- Generally, there are three sessions—the Budget Session, the Monsoon Session and the Winter Session.

Quorum

No bills can be passed if the required number of members of the Lok Sabha and Rajya Sabha are not present in the House. This is known as quorum. The speaker may adjourn the House until the requisite quorum or the required members are present.

Question Hour

Question Hour is a time in the Parliament when a member of a House asks questions from the government on the matters of public interests. This right of the members to ask questions from the government is known as **interpellation**.

The first hour of every working day in the Parliament is reserved for Question Hour.

There are three types of questions which can be asked in the Parliament. These are

- a. Starred Questions are those to which the members of the House want oral answers in the Parliament.
- b. Unstarred Questions are those to which answers have to be given in a written form.
- c. Short Notice Questions are asked with a notice shorter than of ten days. It is up to a member to accept or to reject short notice questions.

Types of Motions

A motion is a proposal made by a member of the House to take some important matter related to public importance for discussions. Members draw the attention of the government on important matters by bringing in the motions. Some important types of motions are

Adjournment Motion

The adjournment motion is an extraordinary procedure which leads to discussing the matters of urgent public opinion leaving aside the normal businesses of the House. Such motions are generally allowed on subjects such as a large-scale dacoity, occurrence of a disastrous natural calamity, communal tension etc.

No-Confidence Motion

A No-Confidence Motion is a proposal which expresses lack of confidence in a Ministry. The Prime Minister and his Council of Ministers are collectively responsible to the Parliament. If a motion of No-Confidence is moved by the opposition with the required support of at least 50 members, it is first discussed and then put to vote. If the No-Confidence Motion is passed in the Lok Sabha, the government has to resign.

Adjournment and the Prorogation of the House

When the Government resigns because of the passing of the Motion of No-Confidence, the Prime Minister can recommend the dissolution of the House. The President can dissolve the House if the Prime Minister recommends him and if there are no parties which have the majority to form the government.

The House can also be adjourned if a sitting or an ex member of the House dies, there is too much disorder in the House or when there is no quorum in the House.

Speaker of the Lok Sabha

The speaker of the Lok Sabha is the presiding officer of the House. He/she is elected from among the members of the Parliament after the general elections. After his/her elections, the speaker has to act impartially. The Speaker is elected for a term of five years. A Deputy Speaker looks after the proceedings of the House if the Speaker is absent or his/her seat falls vacant.

Functions of the Speaker (related to conducting business of the House)

- The Speaker presides over the business of the House and allots time for discussions. His decision in all parliamentary matters is final.
- All bills passed by the Lok Sabha have to be signed by the Speaker.
- He puts issues to vote and announces the results.
- The Speaker decides if a bill is an ordinary bill or a money bill.

Administrative Functions

- The Speaker receives all petitions and documents in the House.
- He communicates all decisions which are taken in the House to the concerned authority.

Disciplinary Functions

- The speaker maintains order in the House. He can suspend a member or in the case of serious disorder may adjourn the House.
- If indecent words are used by the members, the Speaker may order not to use such words in the future.
- The Speaker decides in accordance with the Constitution if a member stands disqualified under the Anti-Defection Law. His decision is considered final.

Parliamentary Committees

- The Speaker presides over some Committees of the House such as the Business Advisory Committee and the Rules Committee.
- He appoints the Chairmen of all committees in the House and issues directions to them.

Miscellaneous Functions

- The Speaker presides over the joint sessions of both Houses.
- He presides over the Conference of Presiding Officers of Legislative Bodies in India.

Rajya Sabha

The Upper House of the Parliament is known as the Rajya Sabha. It represents the states in India.

Term

The Rajya Sabha is a permanent House as it cannot be dissolved. Members of the Rajya Sabha are elected for a period of six years and one-third of the total members retire after every six years.

Composition

The Rajya Sabha consists of 250 members. Of these, 12 members are nominated by the President. These are individuals who have contributed immensely to the fields of education, sports, art, sciences, social service etc. The remaining 238 members of the Rajya Sabha are elected by the members of State Legislative Assemblies. Seats are allocated to the states on the basis of their population. While Uttar Pradesh sends 31 members, Mizoram sends only one member.

Qualification

- He should be a citizen of India and should not be less than 30 years of age.
- His name should be in the electoral rolls in some parts of the country.
- He should not be under debt and should be able to meet his/her financial requirements.
- He should not hold any office of profit under the government.
- He should not be a proclaimed criminal and should be of sound mind.

The Vice President is the presiding officer or the ex-officio Chairman of the Rajya Sabha. He presides over the meetings of the Rajya Sabha and he votes in the House only in the case of a tie.

The Deputy Chairman is also elected from among the members of the House. He performs all functions of the Chairman in the absence of the latter.

Powers and Functions of the Lok Sabha and the Rajya Sabha

Legislative Powers

- The Lok Sabha and the Rajya Sabha **make laws on the Union List** on important subjects such as foreign policy and defence.
- Both Houses also **make laws on the Concurrent List**. In case of conflicts with the state governments, the laws made by the Union Government are accepted.
- The Houses can make laws on the matters which are not included in any of the three lists. This power is known as **residuary powers**.
- The Parliament **can make laws on the subjects included in the State List** during an emergency, when the Rajya Sabha passes a resolution stating that the subject in the State List is of national importance and when two or more states in the Rajya Sabha want laws on the subject in the State List should be made by the Parliament.
- The President can pass **Ordinances** at the time when the Parliament is not in session. However, the Ordinances cease to exist after six weeks.
- When there is a breakdown of Constitutional machinery in the state, an emergency can be declared by the Parliament in that state. The Parliament acts as the legislature in such a state and assumes all important powers in the state.

Financial Powers

All bills except the Money Bill can originate in either House of the Parliament. Money Bills can originate only in the Lok Sabha. The Rajya Sabha plays only an advisory role in the financial sphere.

- The Parliament **passes the Union budget** which consists of the total income and expenditures of a financial year.
- The Parliament may ask for a **Supplementary Grant** if the amount authorised for the current financial year is insufficient.
- If the Budget is not passed in the beginning of the financial year, the executive may draw funds from the **Consolidated Fund** until the Budget is passed by the Parliament.
- The Parliament decides on the salaries and allowances of the MPs.
- No taxes can be imposed on the people or money can be sent by the Government without the approval of the Parliament.

Control over the Executive

- The Parliament exercises control over the Executive by posing questions to ministers related to public opinion during Question Hour. By asking questions, members can draw the attention of the House and people towards unjust policies of the government.
- The Parliament can pass a motion of No-Confidence against the government. If such a motion is passed, then the government has to resign.
- Adjournment motions can be passed on certain occasions when a mishap takes place such as railway accidents, killing of people during riots etc. Through this motion, the Parliament draws the attention of the people towards acts of omission and commission.
- A cut motion may be moved if the Parliament aims to reduce the demand of grants presented to the Lok Sabha. It also ensures that public money is spent in accordance with the decisions of the Parliament.

Judicial Powers

- The Parliament can **impeach the President** on the charges of grave misconduct, violation of the Constitution etc. If the charges against the President are passed by two-thirds majority of both Houses, the President may be removed from his office.
- The Parliament can remove the judges of the Supreme Court and High Courts, the Chief Election Commissioner, the Comptroller and Auditor General of India if they are found to be violating any provision of the Constitution.
- The Parliament can punish a person for hampering the work of the Parliament or for ridiculing them.

Electoral Functions

- The Parliament with the State Legislatures elects the President of the country.
- It also elects the Vice President of India.
- Members of the Lok Sabha elect the Speaker among themselves, while the Rajya Sabha elects its own Deputy Chairman.

Amendment of the Constitution

The Parliament can amend the Constitution. The amendments should be passed by each House with two-thirds majority.

Other Powers

- The Parliament has the power to alter the name or the boundaries of any state. It can also make new states.
- It makes laws regarding the composition, jurisdiction and powers of the Supreme Court.

Special Powers of the Rajya Sabha

- The Lok Sabha cannot make laws on subjects included in the State List. Only if the Rajya Sabha passes a resolution by two-thirds majority of the House, the Parliament can make laws on the State List.
- If the Rajya Sabha demands that new all-India services should be made in national interests, the Parliament may create new services.
- If the Lok Sabha is dissolved before or after the declaration of a national emergency, the Rajya Sabha plays the role of the Lok Sabha.

Special Powers of the Lok Sabha

- Motion of No-Confidence can be moved and passed only in the Lok Sabha. If it is passed, the Government has to resign.
- Money bills can only be introduced in the Rajya Sabha.
- In case of a deadlock over an ordinary bill, the will of the Lok Sabha prevails as its numerical strength is double that of the Rajya Sabha.

Differences between the Lok Sabha and the Rajya Sabha

Lok Sabha	Rajya Sabha
It is known as the 'House of People'.	It is known as the 'Upper House'.
The members are elected directly by the people of India.	Its members are elected by the members of the state Legislative Assemblies.
Money bills can originate only in the Lok Sabha.	Money bills cannot originate in the Rajya Sabha.
The Speaker is the presiding officer of the House.	Vice President is the presiding officer of the Rajya Sabha.
It represents the people of India.	It represents states of the Indian Union.
It enjoys more powers than the Rajya Sabha.	It has less power than the Lok Sabha.

Anti-Defection Law

The Constitutional Act passed in 1985 is known as the Anti-Defection Law. Members of Parliament and state legislatures can be disqualified from the Parliament on the grounds of defection. These are

- If a member of a party who is a parliamentarian abandons his membership from a party or votes or abstains from voting contrary to the directions issued by the party.
- A nominated Member of Parliament belonging to any party can be disqualified if he gives up his membership and abstains from voting contrary to the directions of the party.
- An independent Member of Parliament is disqualified if he joins any political party after his election.