



SAFALTA CLASSTM

An Initiative by **अमर उजाला**

Qualifications



The Constitution lays down the following qualifications for a person to be chosen a member of the Parliament:

1. He must be a citizen of India
2. He must make and subscribe to an oath or affirmation before the person authorised by the election commission for this purpose. In his oath or affirmation, he swears
 - (a) To bear true faith and allegiance to the Constitution of India
 - (b) To uphold the sovereignty and integrity of India
3. He must be not less than 30 years of age in the case of the Rajya Sabha and not less than 25 years of age in the case of the Lok Sabha.
4. He must possess other qualifications prescribed by Parliament.

PM ⇒
min. Age
25 yrs

The Parliament has laid down the following additional qualifications in the

Representation of People Act (1951).

1. He must be registered as an elector for a parliamentary constituency. This is same in the case of both, the Rajya Sabha and the Lok Sabha. The requirement that a candidate contesting an election to the Rajya Sabha from a particular state should be an elector in that particular state was dispensed with in 2003. In 2006, the Supreme Court upheld the constitutional validity of this change.
2. He must be a member of a scheduled caste or scheduled tribe in any state or union territory, if he wants to contest a seat reserved for them. However, a member of scheduled castes or scheduled tribes can also contest a seat not reserved for them.

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Presiding Officers of Parliament

Each House of Parliament has its own presiding officer. There is a Speaker and a Deputy Speaker for the Lok Sabha and a Chairman and a Deputy Chairman for the Rajya Sabha.

RS → chairman →
LS → Speaker =

ex-officio
↑
Vice President

A panel of chairpersons for the Lok Sabha and a panel of vice-chairpersons for the Rajya Sabha is also appointed.



Speaker of Lok Sabha

The institutions of Speaker and Deputy Speaker originated in India in 1921 under the provisions of the Government of India Act of 1919 (Montague–Chelmsford Reforms).

At that time, the Speaker and the Deputy Speaker were called the President and Deputy President respectively and the same nomenclature continued till 1947.

Before 1921, the Governor-General of India used to preside over the meetings of the Central Legislative Council.

In 1921, the Frederick Whyte and Sachidanand Sinha were appointed by the Governor-General of India as the first Speaker and the first Deputy Speaker (respectively) of the central legislative assembly.

In 1925, Vithalbhai J. Patel became the first Indian and the first elected Speaker of the central legislative assembly.

Viceroy

Swaraj

Patel

The Government of India Act of 1935 changed the nomenclatures of President and Deputy President of the Central Legislative Assembly to the Speaker and Deputy Speaker respectively.

However, the old nomenclature continued till 1947 as the federal part of the 1935 Act was not implemented.

G V Mavalankar and Ananthasayanam Ayyangar had the distinction of being the first Speaker and the first Deputy Speaker (respectively) of the Lok Sabha. G V Mavalankar also held the post of Speaker in the Constituent Assembly (Legislative) as well as the provisional Parliament.

He held the post of Speaker of Lok Sabha continuously for one decade from 1946 to 1956.

Election and Tenure

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.

Usually, the Speaker remains in office during the life of the Lok Sabha.

However, he has to vacate his office earlier in any of the following three cases:

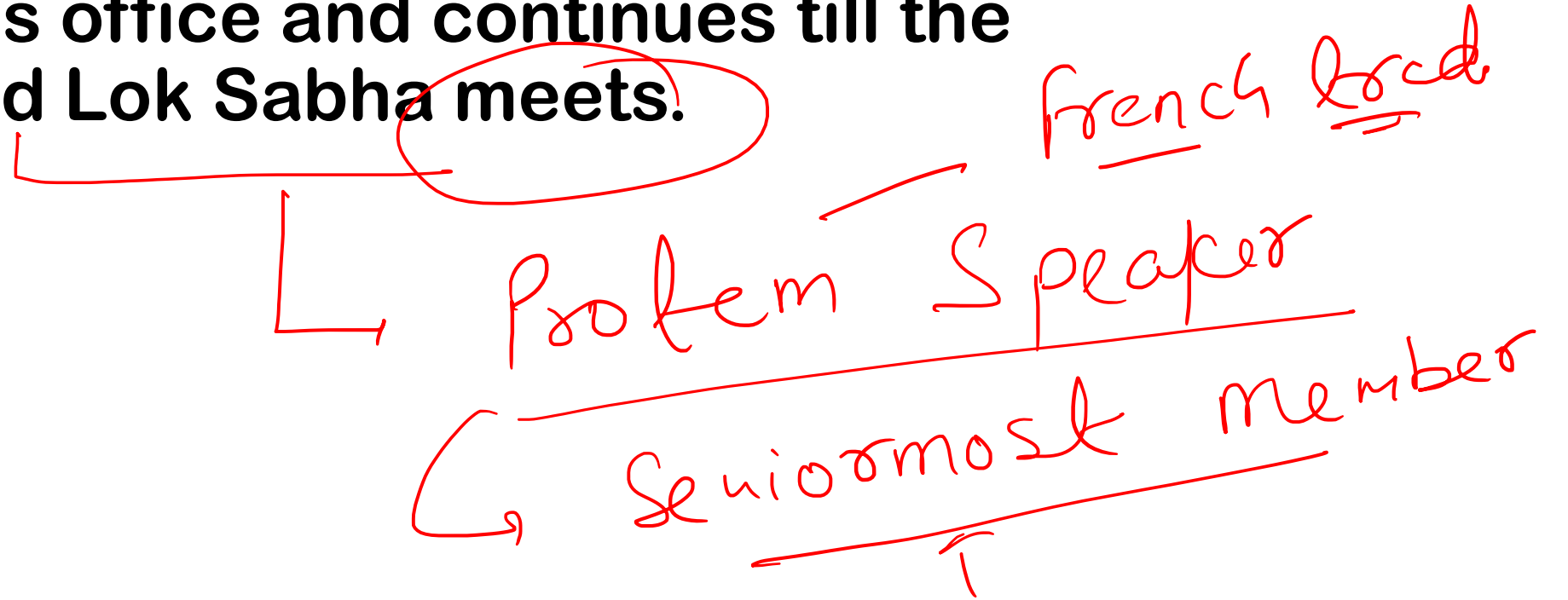
- 1. if he ceases to be a member of the Lok Sabha;**
- 2. if he resigns by writing to the Deputy Speaker; and**
- 3. if he is removed by a resolution passed by a majority of all the members of the Lok Sabha. Such a resolution can be moved only after giving 14 days' advance notice.**

Incapacity & proved misbehaviour

- When a resolution for the removal of the Speaker is under consideration of the House, he cannot preside at the sitting of the House, though he may be present.
- However, he can speak and take part in the proceedings of the House at such a time and vote in the first instance, though not in the case of an equality of votes.

↳ → Casting Vote

- It should be noted here that, whenever the Lok Sabha is dissolved, the Speaker does not vacate his office and continues till the newly-elected Lok Sabha meets.



Role, Powers and Functions

- The Speaker is the head of the Lok Sabha, and its representative.
- He is the guardian of powers and privileges of the members, the House as a whole and its committees.

- He is the principal spokesman of the House, and his decision in all Parliamentary matters is final.

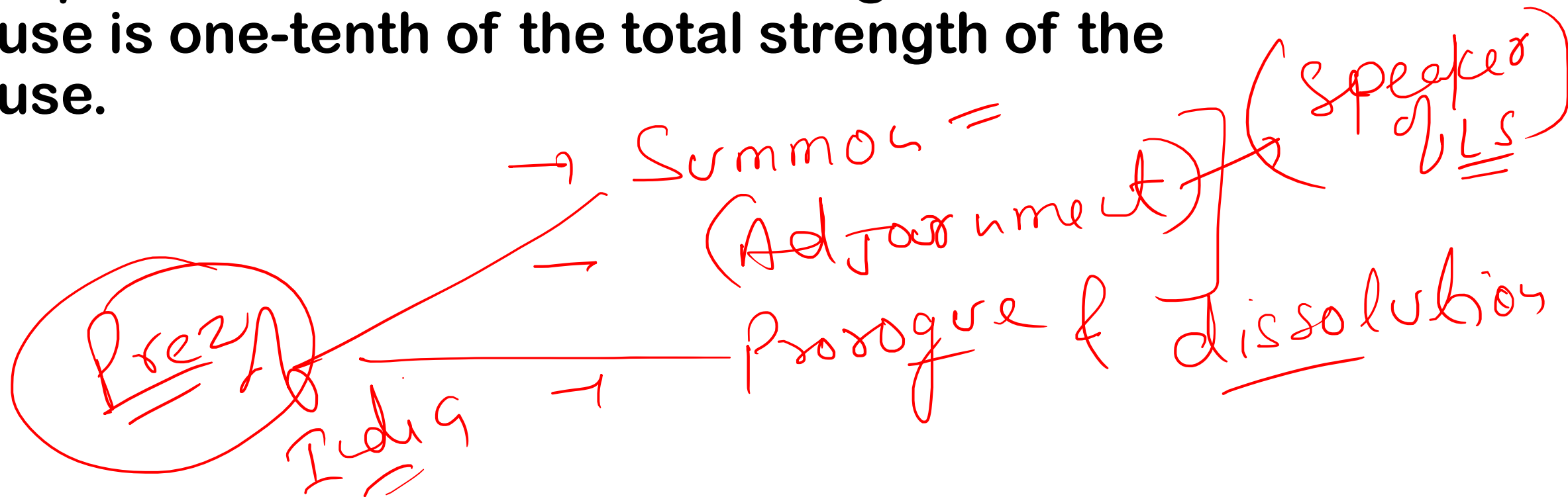
He is thus much more than merely the presiding officer of the Lok Sabha.

550 x 1/10 = 55

- He adjourns the House or suspends the meeting in absence of a quorum.

→ 1/10 of members

The quorum to constitute a meeting of the House is one-tenth of the total strength of the House.



- He does not vote in the first instance.

But he can exercise a casting vote in the case of a tie.

In other words, only when the House is divided equally on any question, the Speaker is entitled to vote.

Such vote is called casting vote, and its purpose is to resolve a deadlock.

- He presides over a joint setting 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.

- He decides whether a bill is a money bill or not and his decision on this question is final. When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the President for assent, the Speaker endorses on the bill his certificate that it is a money bill.

Difference between Money Bill & Financial Bill

Money Bill

1. Deals solely with matters listed in Article 110 (1)(a) to (g) of constitution.
 - ★ Imposition/ Abolition/ Remission/ Alteration or Regulation of Central/ States taxes(not local taxes).
 - ★ Borrowing by central Government.
 - ★ Withdrawal/ receipt of money from consolidated/ Contingency fund/ Public Account.
2. Can be introduced only in Lok Sabha.
3. President/ Government's prior recommendation is required introducing in Lok Sabha/ LA.
4. It can be only Government bill.
5. Rajya Sabha has limited power only for 14 days.
6. President can withhold assent but cannot return it.
7. No provision of joint sitting in case of money bills.
8. A money bill cannot be returned to the House by the President.

Financial Bill

Financial Bill Category-A

1. Listed under Article 117(1) of the constitution.
2. A bill that contains some provisions related to Taxation of expenditure and additionally contains provisions related to any other matter is called Financial Bill.
3. Only it is introduced after recommendation of President in Lok Sabha.
4. Once passed in the Lok Sabha, becomes like an ordinary bill.
5. Rajya Sabha has all power to reject/ amend.
6. There can be joint sitting of Lok Sabha & Rajya Sabha.

Financial Bill Category-B

1. Categorized as Financial Bill under Article 117(1).
2. It is ordinary bill in all respects.
3. Both Lok Sabha & Rajya Sabha has equal powers.
4. Recommendation of President is needed.
5. It involves expenditure from CFI (Consolidated Fund of India).
6. It can be introduced in either house.

- He decides the questions of disqualification of a member of the Lok Sabha, arising on the ground of defection under the provisions of the Tenth Schedule.

In 1992, the Supreme Court ruled that the decision of the Speaker in this regard is subject to judicial review.

(Kihoto Hollohan Vs. Zachilhu (1992)).

- He acts as the ex-officio chairman of the Indian Parliamentary Group which acts as a link between the Parliament of India and the various parliaments of the world.

He also acts as the ex-officio chairman of the conference of presiding officers of legislative bodies in the country.

Independence and Impartiality

1. He is provided with a security of tenure. He can be removed only by a resolution passed by the Lok Sabha by an absolute majority (ie, a majority of the total members of the House) and not by an ordinary majority (ie, a majority of the members present and voting in the House).

$(100 \Rightarrow) 51$

ABSOLUTE MAJORITY

- Majority of more than 50% of the total strength of house
 - Lokshaba -543- more than 272
 - Raj shaba-245- more than-123

It is not used in the anymore in the indian constitution

- This motion of removal can be considered and discussed only when it has the support of at least 50 members.

- He cannot vote in the first instance. He can only exercise a casting vote in the event of a tie. This makes the position of Speaker impartial.
- He is given a very high position in the order of precedence. He is placed at seventh rank, along with the Chief Justice of India.

NOTE:

Upto the 10th Lok Sabha, both the Speaker and the Deputy Speaker were usually from the ruling party. Since the 11th Lok Sabha, there has been a consensus that the Speaker comes from the ruling party (or ruling alliance) and the post of Deputy Speaker goes to the main opposition party.

Pro Tem Speaker :

As provided by the Constitution, the Speaker of the last Lok Sabha vacates his office immediately before the first meeting of the newly-elected Lok Sabha. Therefore, the President appoints a member of the Lok Sabha as the Speaker Pro Tem.

Usually, the seniormost member is selected for this.

The President himself administers oath to the Speaker Pro Tem.

The Speaker Pro Tem has all the powers of the Speaker. He presides over the first sitting of the newly-elected Lok Sabha.

His main duty is to administer oath to the new members.

He also enables the House to elect the new Speaker.

When the new Speaker is elected by the House, the office of the Speaker Pro Tem ceases to exist.

Hence, this office is a temporary office, existing for a few days.

Whip → (Tradition)

Though the offices of the leader of the House and the leader of the Opposition are not mentioned in the Constitution of India, they are mentioned in the Rules of the House and Parliamentary Statute respectively.

The office of ‘whip’, on the other hand, is mentioned neither in the Constitution of India nor in the Rules of the House nor in a Parliamentary Statute.

It is based on the conventions of the parliamentary government.

He is charged with the responsibility of ensuring the attendance of his party members in large numbers and securing their support in favour of or against a particular issue.

He regulates and monitors their behaviour in the Parliament.

The members are supposed to follow the directives given by the whip. Otherwise, disciplinary action can be taken.

Sessions of Parliament

Summoning

The president from time to time summons each House of Parliament to meet. But, the maximum gap between two sessions of Parliament cannot be more than six months. In other words, the Parliament should meet at least twice a year.)

There are usually three sessions in a year, viz,

1. the Budget Session (February to May);

2. the Monsoon Session (July to September);
and

3. the Winter Session (November to December).

4 x 3

Adjournment

A session of Parliament consists of many meetings. Each meeting meeting of a day consists of two sittings, that is, a morning sitting from 11 am to 1 pm and post-lunch sitting from 2 pm to 6 pm.

A sitting of Parliament can be terminated by adjournment or adjournment sine die or prorogation or dissolution (in the case of the Lok Sabha).

Prorogation

The presiding officer (Speaker or Chairman) declares the House adjourned sine die, when the business of a session is completed.

Within the next few days, the President issues a notification for prorogation of the session.

<i>Adjournment</i>	<i>Prorogation</i>
1. It only terminates a sitting and not a session of the House.	1. It not only terminates a sitting but also a session of the House.
2. It is done by presiding officer of the House.	2. It is done by the president of India.
3. It does not affect the bills or any other business pending before the House and the same can be resumed when the House meets again.	It also does not affect the bills or any other business pending before the House. ¹³ However, all pending notices (other than those for introducing bills) lapse on prorogation and fresh notices have to be given for the next session. In Britain, prorogation brings to an end all bills or any other business pending before the House.