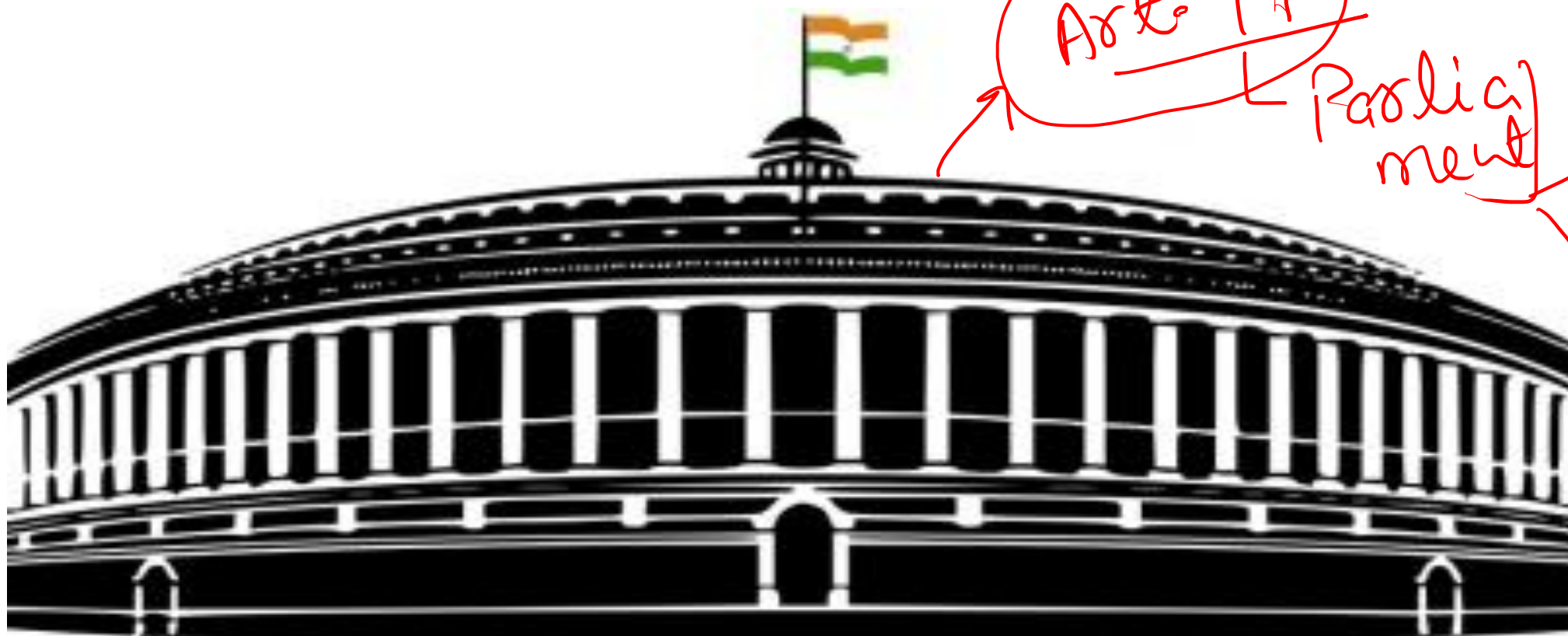




GAT ⇒ $1500 \rightarrow 75-80$
 $50\% + 60\%$

INDIAN POLITY BY- SUJEET BAJPAI SIR





Art. 79

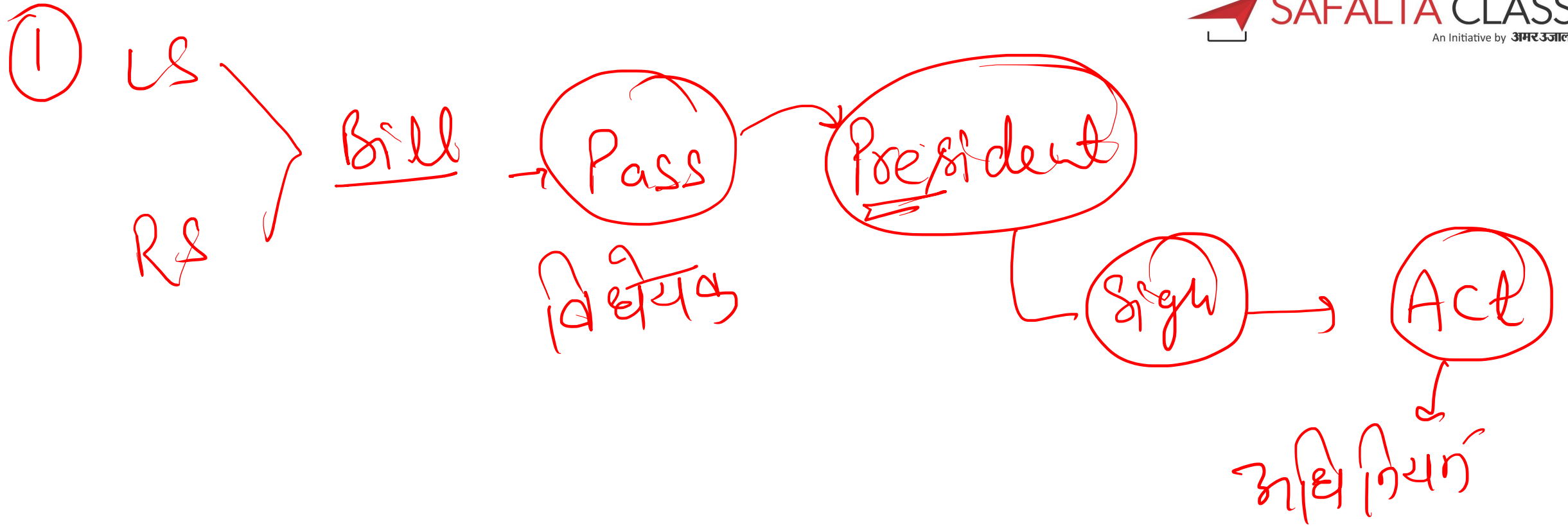
Parliament

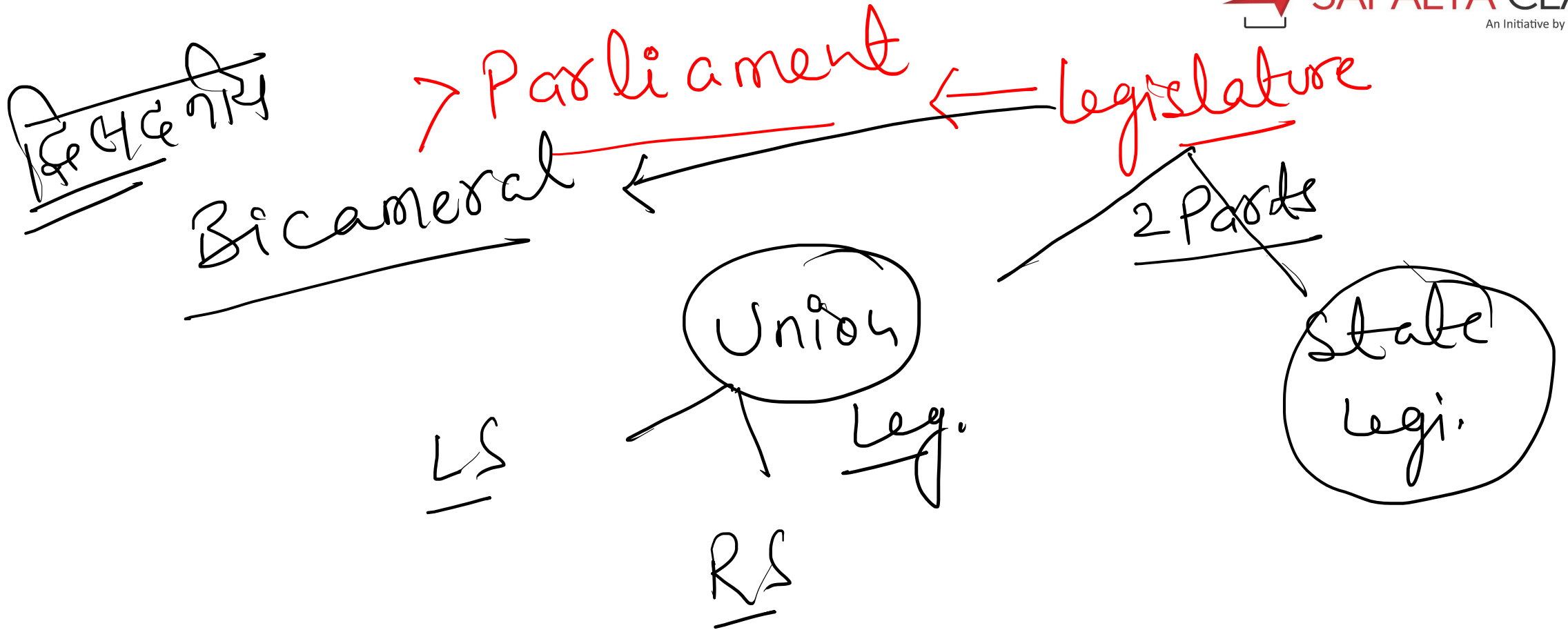
LS

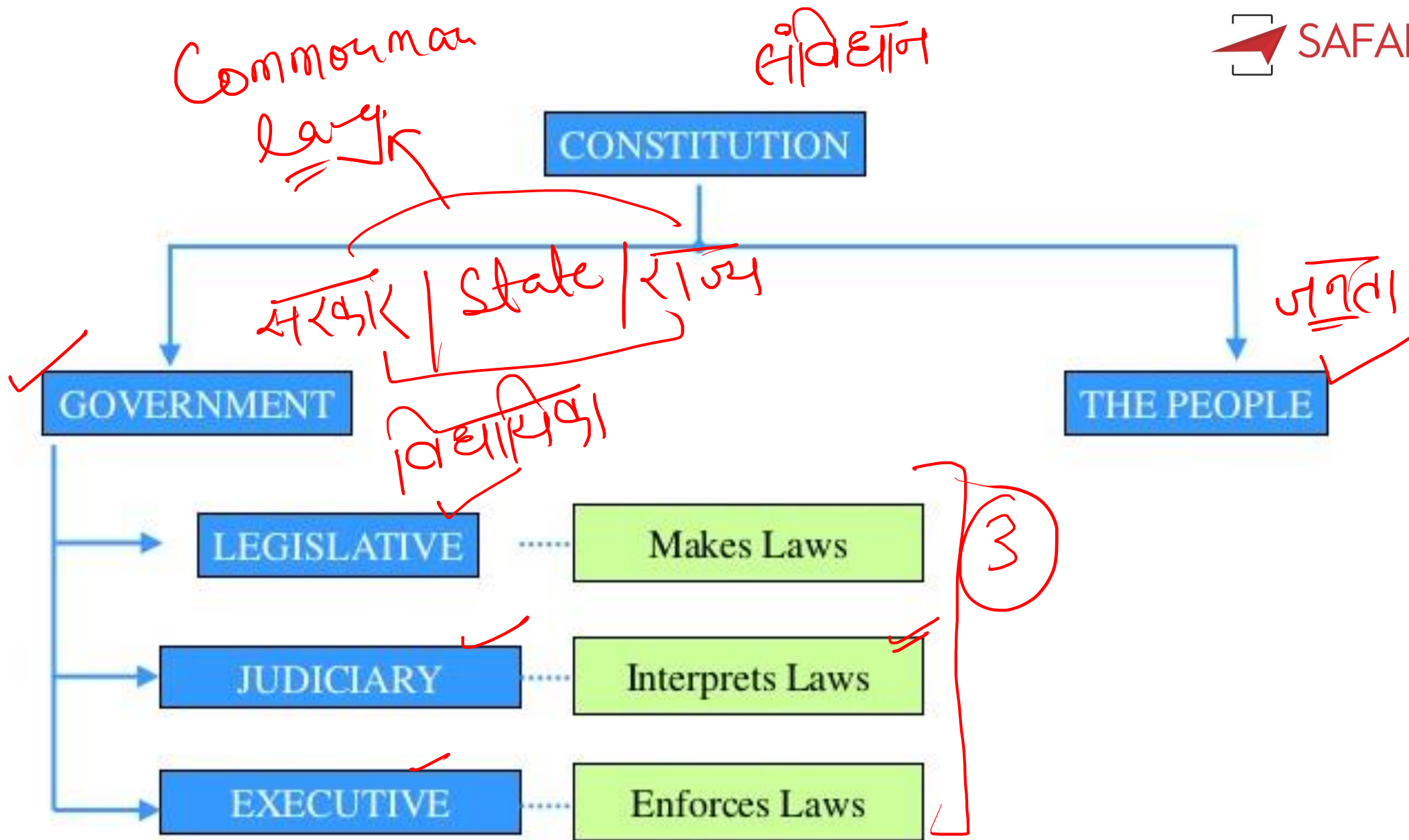
RS

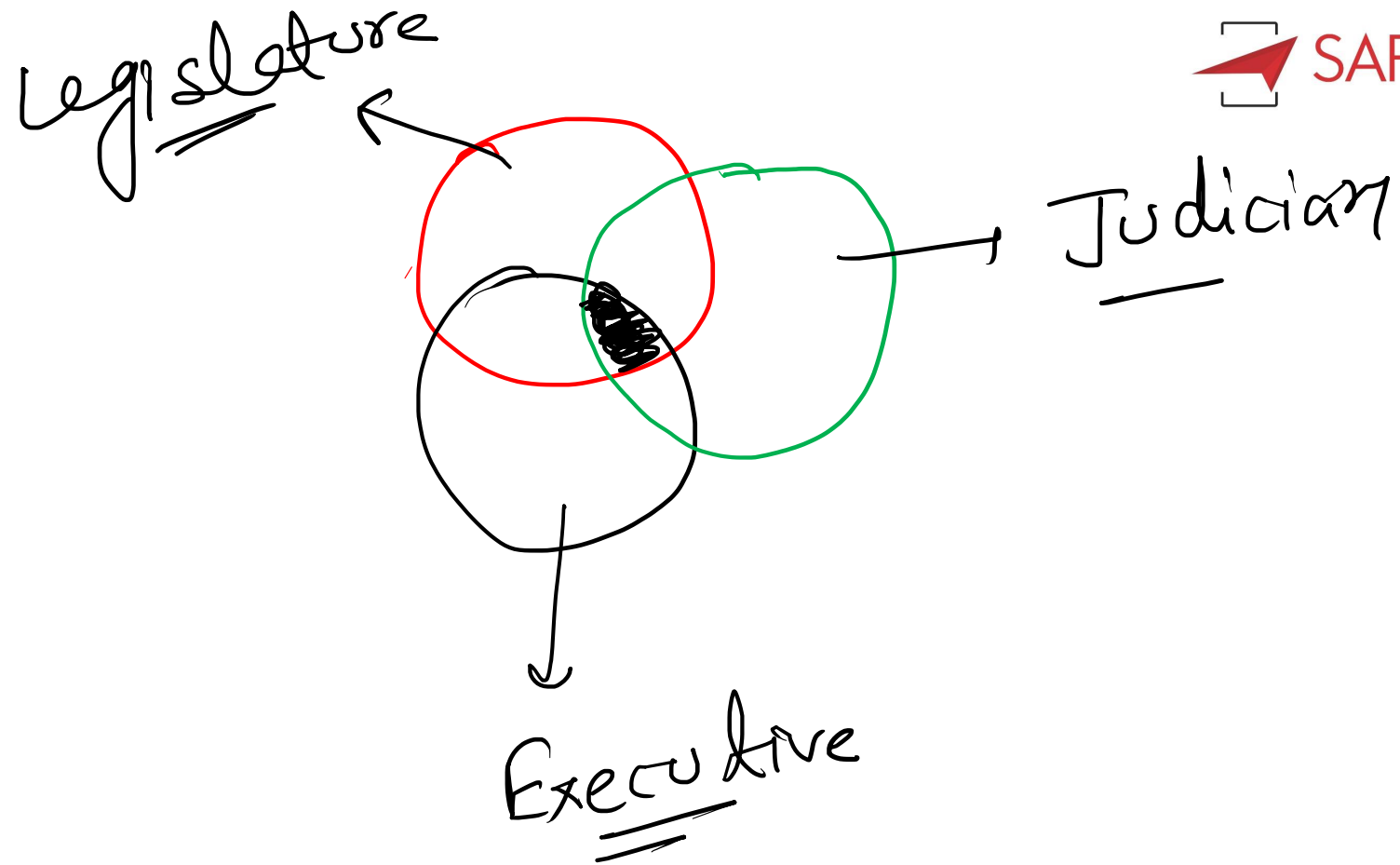
President

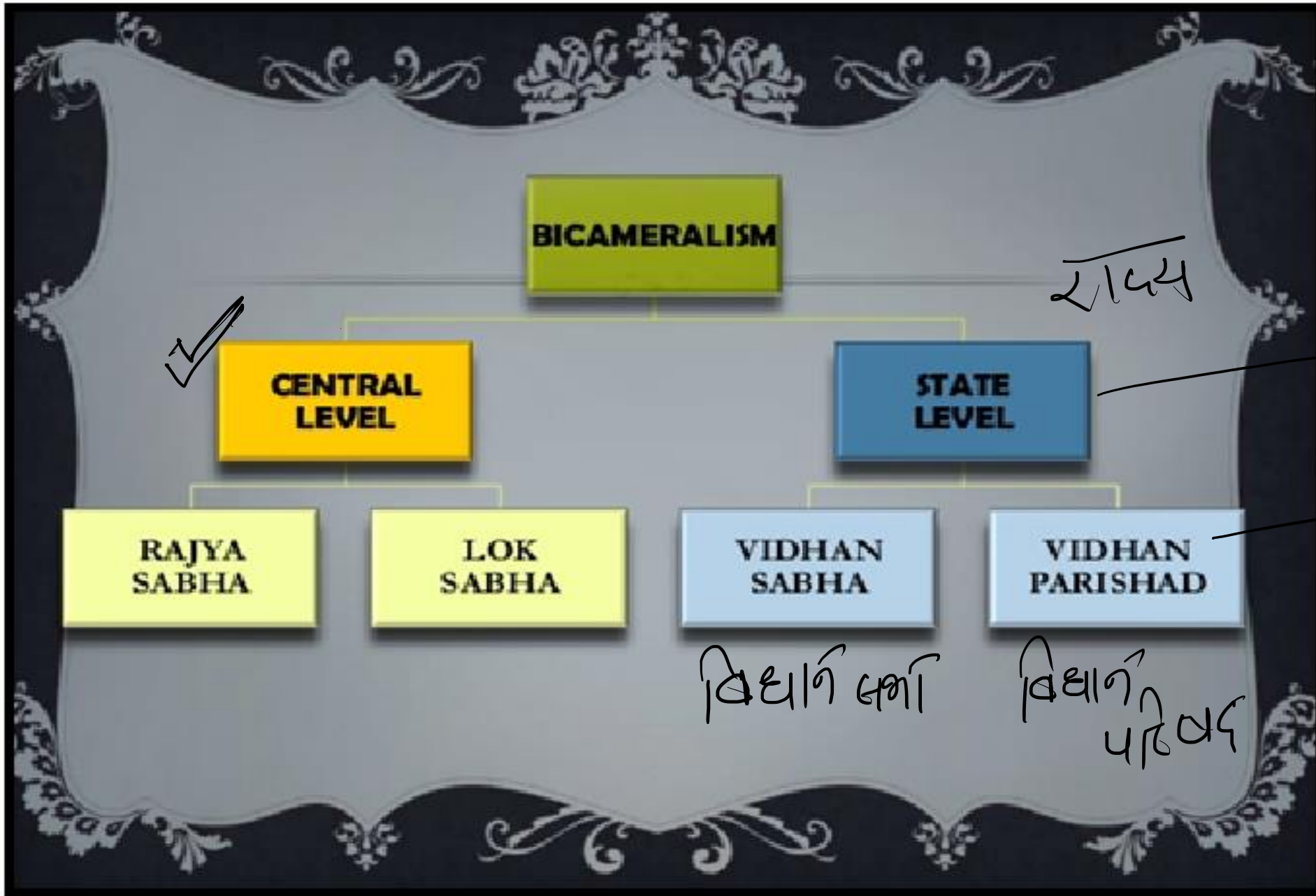
PARLIAMENT OF INDIA











राज्य

→ द्विसदनीय

⑥

Legislative Council

विधान सभा

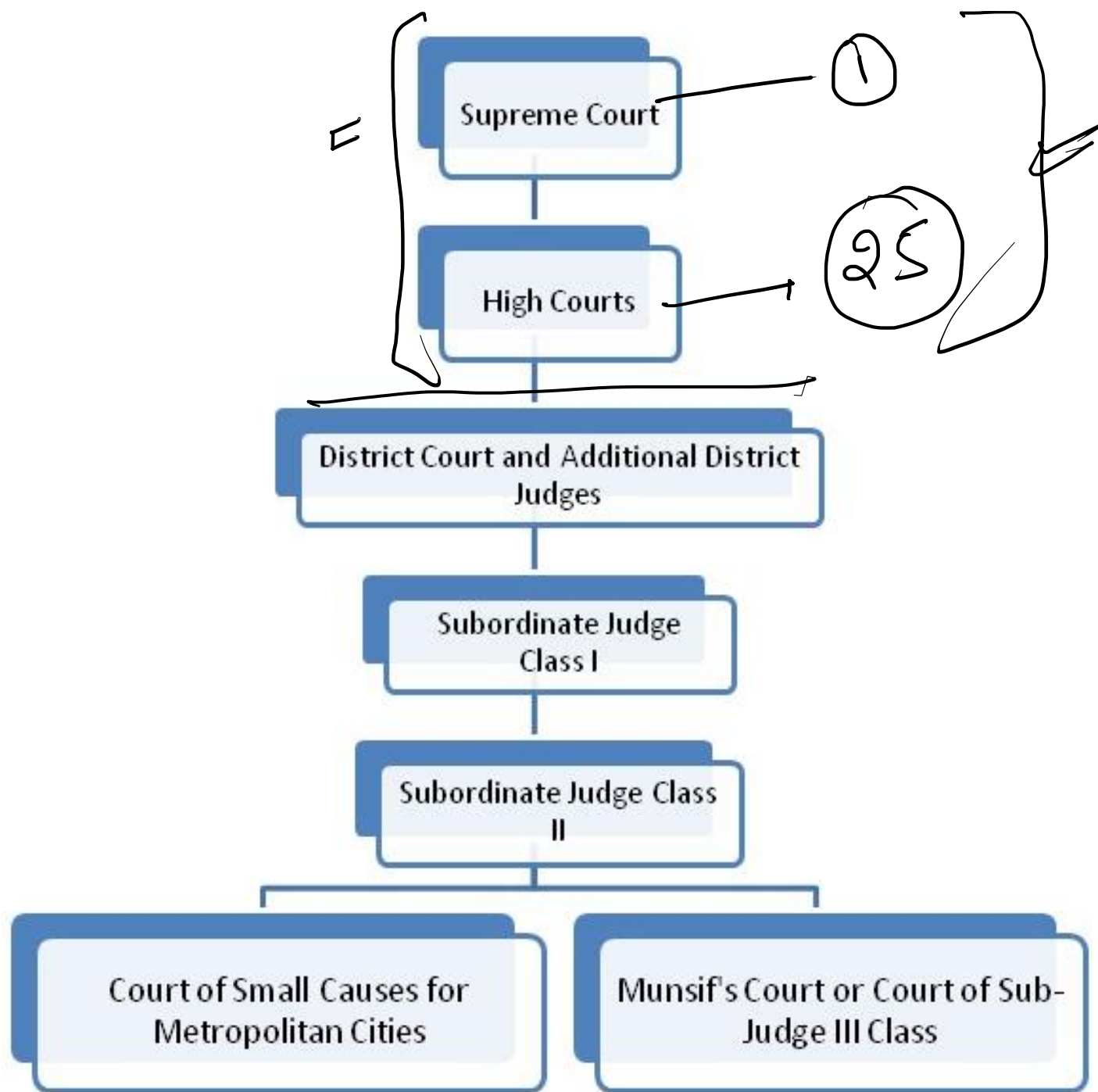
विधान परिषद

⑥ - Bicameral States

- ① UP
- ② Bihar
- ③ MH
- ④ Karnataka
- ⑤ Telangana
- ⑥ Andhra

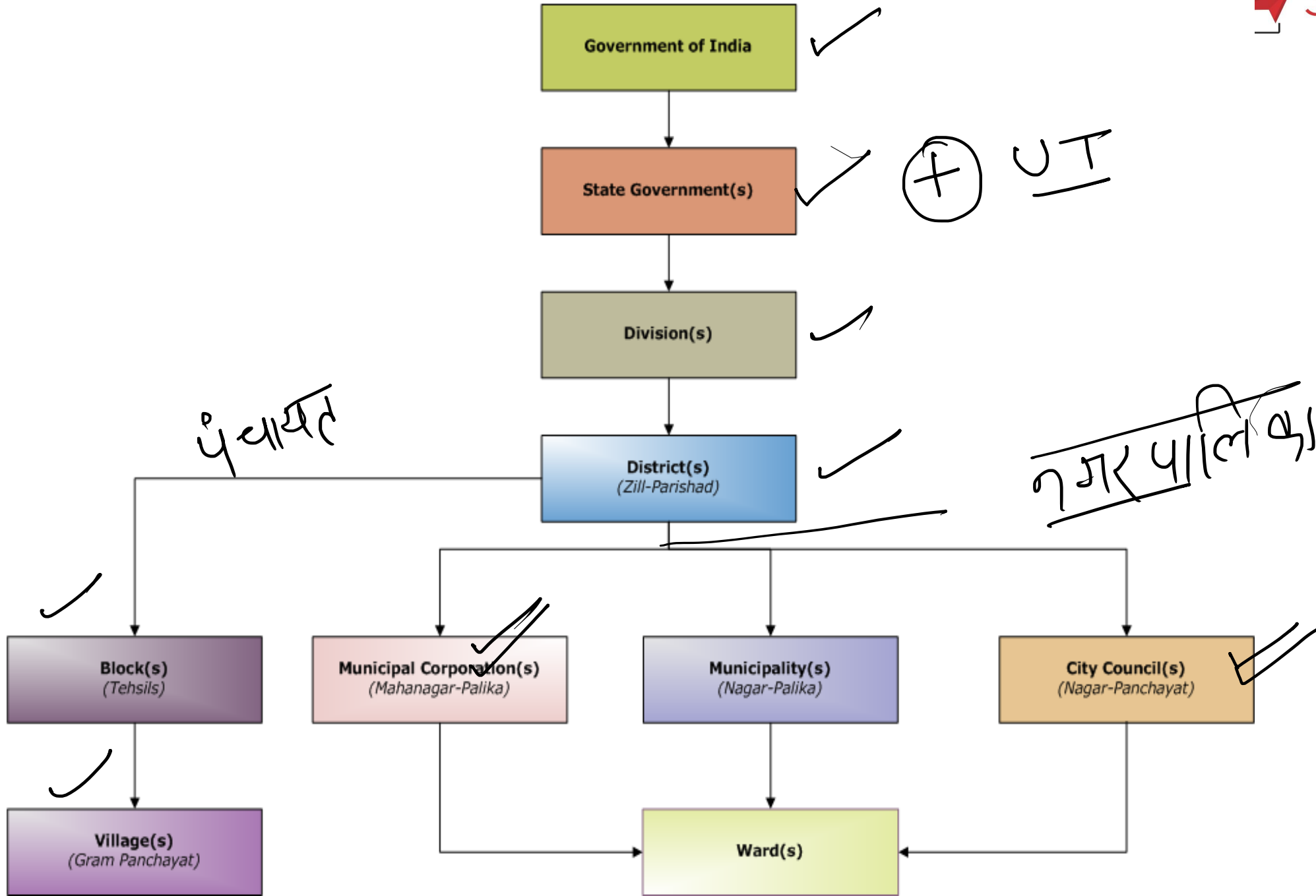
दोहल सयुधललल =





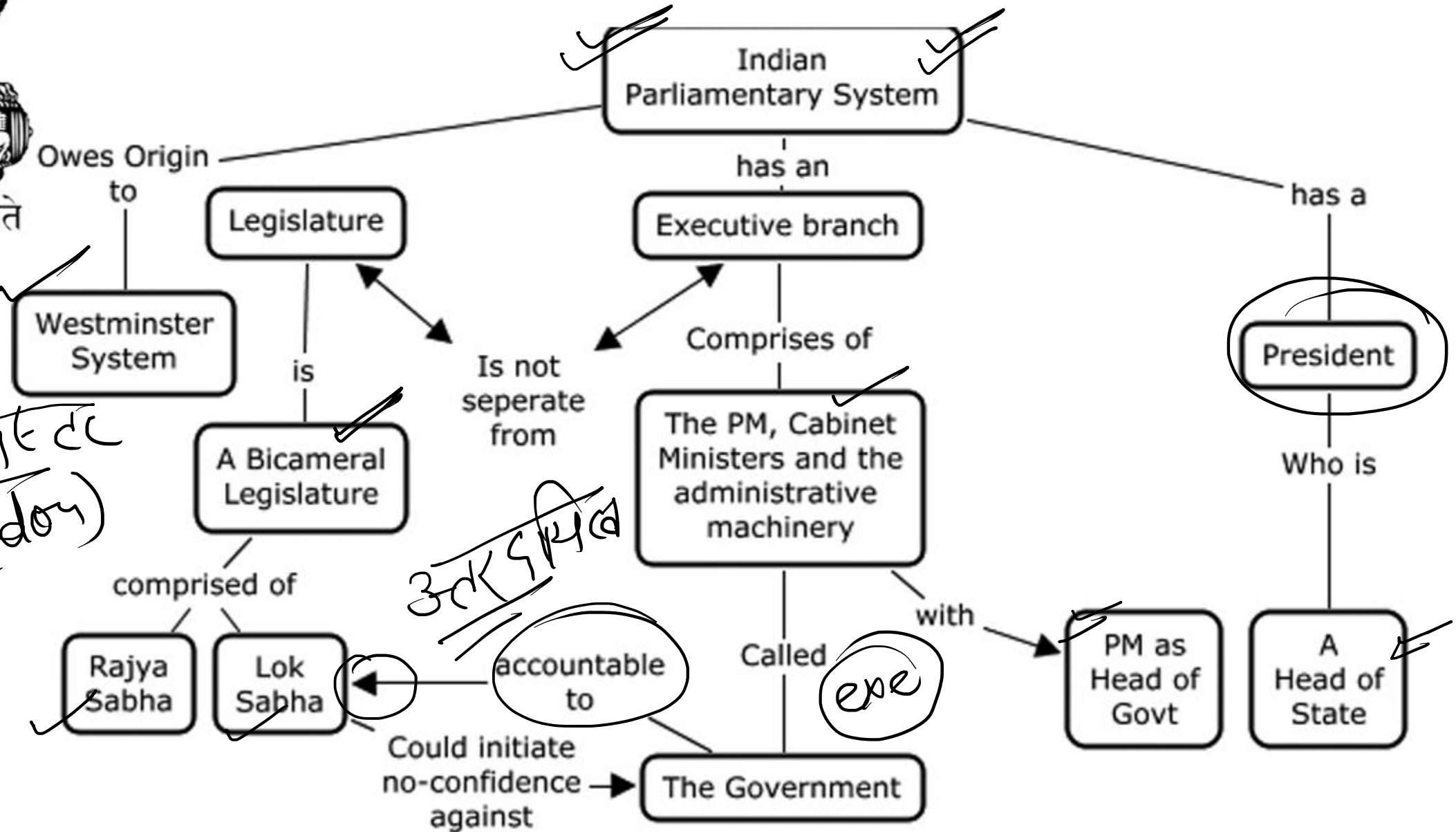
EXECUTIVE

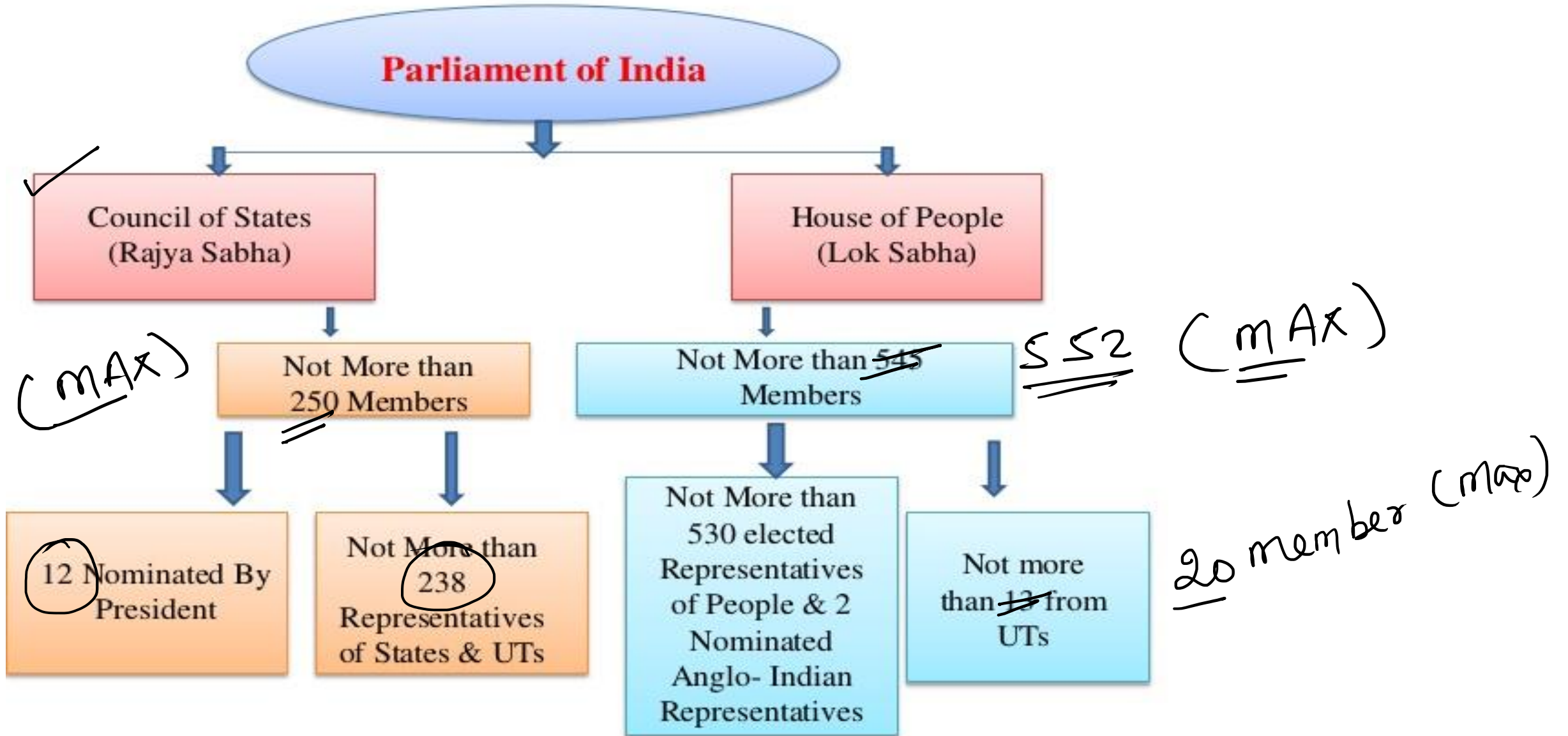
कार्यपालिका





INDIAN PARLIAMENTARY SYSTEM





The Parliament is the legislative organ of the Union government.

It occupies a pre-eminent and central position in the Indian democratic political system due to adoption of the parliamentary form of government, also known as ‘Westminster’ model of government.

Articles 79 to 122 in Part V of the Constitution deal with the organisation, composition, duration, officers, procedures, privileges, powers and so on of the Parliament.

Under the Constitution, the Parliament of India consists of three parts viz, the President, the Council of States and the House of the People. In 1954, the Hindi names 'Rajya Sabha' and 'Lok Sabha' were adopted by the Council of States and the House of People respectively.

The parliamentary form of government emphasises on the interdependence between the legislative and executive organs.

Hence, we have the 'President-in-Parliament' like the 'Crown-in-Parliament' in Britain.

The presidential form of government, on the other hand, lays stress on the separation of legislative and executive organs.

Hence, the American president is not regarded as a constituent part of the Congress.

Composition of Rajya Sabha ✓

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. ✓

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.

The Fourth Schedule of the Constitution deals with the allocation of seats in the Rajya Sabha to the states and union territories.



The president nominates 12 members to the Rajya Sabha from people who have special knowledge or practical experience in **ART, LITERATURE, SCIENCE AND SOCIAL SERVICE.**

The rationale behind this principle of nomination is to provide eminent persons a place in the Rajya Sabha without going through the process of election.

It should be noted here that the American Senate has no nominated members.

Composition of Lok Sabha

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 are to be nominated by the president from the Anglo-Indian community.

At present, the Lok Sabha has 545 members. Of these, 530 members represent the states, 13 members represent the union territories and 2 Anglo-Indian members are nominated by the President.

Duration of Two Houses

Duration of Rajya Sabha:

Permanent House
does not dissolve (X)



The Rajya Sabha (first constituted in 1952) is a continuing chamber, that is, it is a permanent body and not subject to dissolution.

$\frac{1}{3}$ rd

However, $\left[\text{one-third of its members retire every second year.} \right]$

Their seats are filled up by fresh elections and presidential nominations at the beginning of every third year.

Term of members of RS
 \Rightarrow 6 yrs

The retiring members are eligible for re-election and renomination any number of times.

The Constitution has not fixed the term of office of members of the Rajya Sabha and left it to the Parliament.

Accordingly, the Parliament in the Representation of the People Act (1951) provided that the term of office of a member of the Rajya Sabha shall be six years.

The act also empowered the president of India to curtail the term of members chosen in the first Rajya Sabha.

In the first batch, it was decided by lottery as to who should retire.

Further, the act also authorised the President to make provisions to govern the order of retirement of the members of the Rajya Sabha⁶.

— Term = 5 yrs

Duration of Lok Sabha

L Dissolve गति (✓) → President

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.

However, the President is authorised to dissolve the Lok Sabha at any time even before the completion of five years and this cannot be challenged in a court of law.

Further, the term of the Lok Sabha can be extended during the period of national emergency be a law of Parliament for one year at a time⁷ for any length of time.

However, this extension cannot continue beyond a period of six months after the emergency has ceased to operate.

NOTE:

The term of the **fifth Lok Sabha** that was to expire on 18 March, 1976, was extended by one year upto 18 March, 1977 by the House of the People (Extension of Duration) Act, 1976.

It was extended for a further period of one year up to 18 March, 1978 by the House of the People (Extension of Duration) Amendment Act, 1976. However, the House was dissolved on 18 January 1977, after having been in existence for a period of **Five Years, 10 Months And Six Days.**

Qualifications

योरिड

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.

✓

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.

प्रीति नमिनी

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.

Role, Powers and Functions of Speaker:

- 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.

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

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

→ ~~अधिवेशन~~

$\frac{1}{10}$ of total members House

प्रश्न दो

- 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.

Tie Breaker
Vote

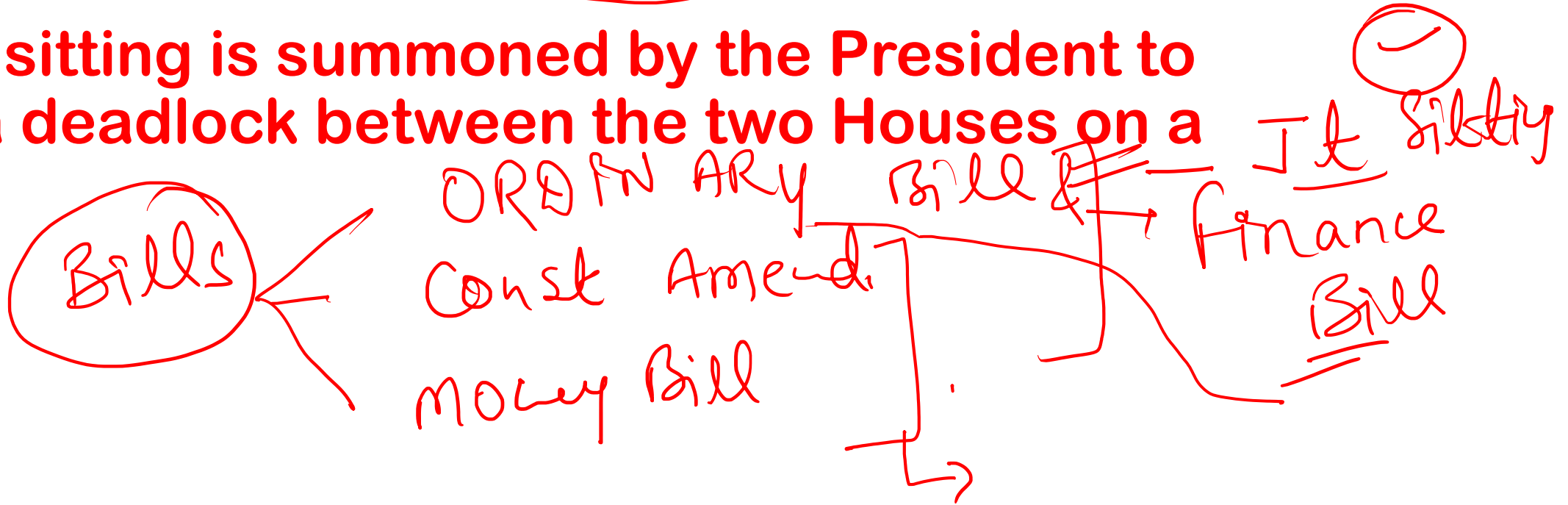
संयुक्त बैठक

Art

108

- 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.



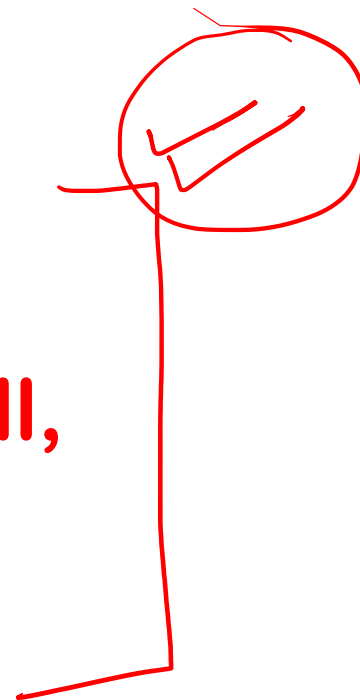
Joint Sitting of Two Houses

Summons
President
Presided over by - Speaker of LS

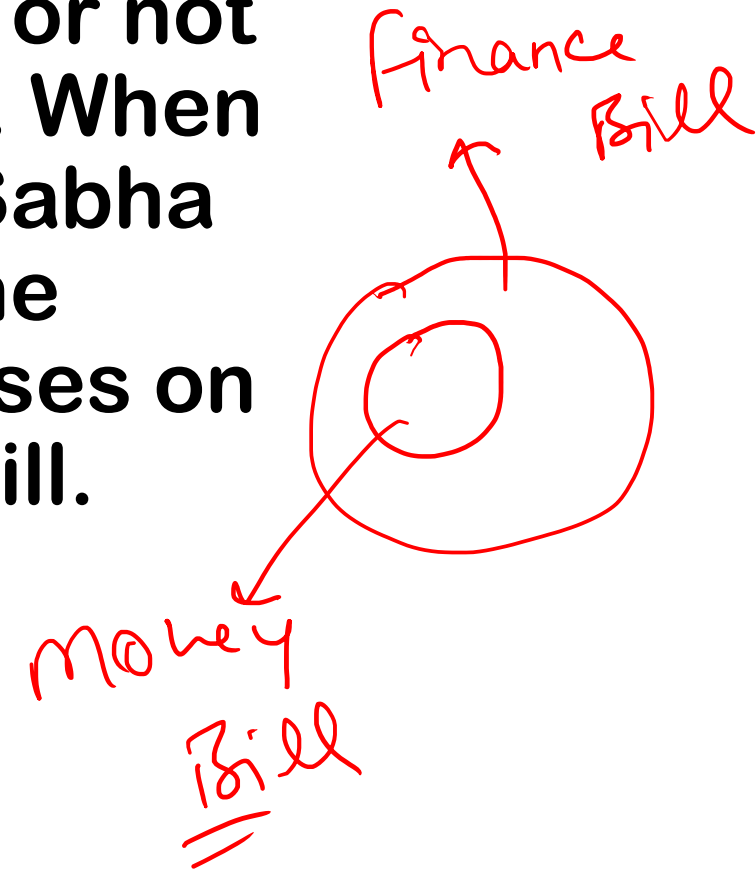
1. if the bill is rejected by the other House;
2. if the Houses have finally disagreed as to the amendments to be made in the bill; or
3. if more than six months have elapsed from the date of the receipt of the bill by the other House without the bill being passed by it.

Since 1950, the provision regarding the joint sitting of the two Houses has been invoked only thrice. The bills that have been passed at joint sittings are:

- ✓ 1. Dowry Prohibition Bill, 1960.
2. Banking Service Commission (Repeal) Bill, 1977.
3. Prevention of Terrorism Bill, 2002.



- 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. Categorised 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.

Pro Tem Speaker :

(अध्यापक अहमद)

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.