



Study notes for Polity topic Parliament

Hello dear learners, today we will unleash some important and interesting facts about our Indian parliament. So, let's start the topic.

The Constitution of India provides for a parliamentary form of government in which the parliament is the legislative organ or law-making organ of the Union Government. The Indian Parliament comprises three parts i.e. The President, Lok Sabha, Rajya Sabha

1. The President

The President of India is the Nominal executive and Head of the Indian State and is symbolic of unity, integrity and solidarity of the nation. He is the first citizen of India. The Election to the president is indirect through an Electoral College comprising of:

1. The elected members of both the Houses of Parliament
2. Elected Members of Legislative Assembly of States
3. Elected Members of Legislative Assembly of Union Territories with legislature.

Qualifications for a person to be eligible for election to the office of President:

1. He should be a citizen of India.
2. He should have completed the age of 35 years.
3. He should be qualified for election as a member of the Lok Sabha.
4. He should not hold any office of profit under the Union or any State government.

The Oath to the Office of President is administered by the Chief Justice of India or in his absence the senior most judge of the Supreme Court. The President holds office for a term of five years. He can hold the office beyond five years until his successor assumes charge. He is eligible for re-election to that office. He can resign before five years by writing to the Vice President or can be removed through the process of Impeachment. The impeachment process for removal of the President can be initiated in either House of Parliament for 'violation of constitution'. As to what constitutes this violation is not mentioned in the constitution. The charges should be signed by one-fourth members of the house that initiated the charge and a 14-day notice should be given to the President. The impeachment resolution has to be passed by two-thirds of the total membership of both the houses.

Veto Power of the President:

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Veto	Action	Exercised in case of
Absolute Veto	Does not give assent	Ordinary, Money bills
Pocket Veto	Doesn't take any action	Ordinary, Money
Suspensive Veto	Returns to Parliament for Reconsideration	Ordinary Bills only

Please note that no Veto Power can be exercised in case of constitutional amendment bills.

The President also enjoys ordinance making powers when both or any of the houses are not in session. The Ordinance so promulgated has to be approved by both the houses within six weeks of their reassembly and as there can be maximum six months between two sessions of Parliament in a year, the ordinance survives for maximum six months and six weeks. The President also has certain pardoning powers. He can: **1. Remit 2. Reprieve 3. Respite 4. Pardon** sentences in case of Union Law, sentence by Court Martial and death sentences even of State Laws. Further the president has the powers to proclaim emergency. Under Article 352 of the constitution, he can proclaim national emergency on the ground of war, external aggression or armed rebellion only on the advice of the Union Council of Ministers by the 44th Amendment Act. He can proclaim emergency in a state also known as President's Rule on the recommendation of the Governor or by himself on the advice of Union CoM. The financial emergency is proclaimed on the advice of Union CoM.

2. Lok Sabha

The Lok Sabha or House of People is the lower house of Indian Parliament, elections to which are direct. The Maximum strength of the Lok Sabha is fixed at 552. At present, the Lok Sabha has 545 members. Of these 530 members represent the states, 13 represent the Union territories. There are seats reserved in Lok Sabha on the basis of population ratios i.e. from each state such number of seats will be reserved for SCs and STs as their respective proportion in the population of the concerned state without any separate electorates. The duration of Lok Sabha is for five years. However, it can be dissolved prior to the completion of five years also on the recommendation by the Prime Minister to the President or in certain other cases as well.



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The Lok Sabha is presided over by the Speaker who is elected from amongst the members of the house itself and by members themselves on such a date as assigned by the President. Further, he can be removed from his office by passing a resolution supported by a majority of total membership of the house i.e. above 50%. He can also resign by giving his resignation to the Deputy Speaker. He is responsible for carrying out the day-to-day business of the house adjourning the sitting or adjournment since the sitting along with deciding on the question of disqualification of a member on grounds of defection. He also presides over the joint sitting of the two houses and decides on the question whether a bill is a money bill or not. The Deputy Speaker is also elected from amongst the members by them and takes the speaker's responsibility in his absence. He resigns writing to the Speaker.

3. Rajya Sabha

The Rajya Sabha or Council of States is the upper house of Indian Parliament, elections to which are indirect. The maximum strength of the Rajya Sabha is fixed at 250. At present Rajya Sabha has 245 members. Of these, 229 represent the states, 4 represent the Union Territories and 12 members are nominated by the President on the recommendation of the Union Cabinet. The nominated members are experts or eminent personalities from art, literature, science and social service. The members of Rajya Sabha are indirectly elected by the elected members of state legislative assemblies. Seats are allotted to states on the basis of population of each state. Unlike Lok Sabha, the Rajya Sabha is a continuing chamber, that is, it is a permanent body not subject to dissolution. However, one-third of its members retire every second year. The term of members of Rajya Sabha is six years. The President decides the order of retirement of members of Rajya Sabha. The Rajya Sabha is presided over by the Chairman of Rajya Sabha. Vice President of India acts as the ex officio chairman of Rajya Sabha.

Some important concepts regarding Parliament:

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- 1. Summoning:** The President of India summons, on PMs Recommendation, each house for carrying out the session. There cannot be more than six months gap between two sessions i.e. there cannot be less than two sessions in a year. Usually there are three sessions viz. Budget, Monsoon and Winter.
- 2. Adjournment:** A sitting of the house is terminated through adjournment which is issued by the speaker of the house.
- 3. Adjournment Sine Die:** Termination of a sitting for an indefinite period is known as adjournment sine die which is also issued by the speaker of the house.
- 4. Prorogue:** After every session of Parliament is over following a few days the President issues the order for prorogation which marks the end of session and house is summoned again.
- 5. Ordinary Bills:** Bills concerning any matter other than financial are known as ordinary bills. Once they are passed by the introducing house the next house can either accept, reject or put amendments to the bill. Such amendments may or may not be accepted by the original house.
- 6. Money Bills:** Article 110 of the Constitution deals with the concept of money bills which are concerned with taxation, borrowing, expenditure etc. They necessarily are introduced in Lok Sabha and with prior recommendation of the President. Further, before transmitting to Rajya Sabha, the speaker certifies the bill as Money Bill. Money Bill cannot be rejected or amended by Rajya Sabha, which can only put suggestions which may or may not be accepted by Lok Sabha.
- 7. Financial Bills:** Article 117 of the constitution deals with Financial Bills. There are two types of Financial Bills: Financial Bill I which can be introduced only in Lok Sabha and can only be introduced on the recommendation of the President, except this, Financial Bill I is just like an ordinary bill. Financial Bill II does not concern matters mentioned in Article 110 and Presidential recommendation is required at the consideration stage, except this, for all other matters they are treated just like ordinary bills.
- 8. Joint Sitting:** In case the second house rejects the bill passed by the first or the amendments proposed by it are not accepted by the first house, a deadlock takes place which is resolved by the joint sitting of the two houses summoned by the President. The bill is passed with majority of the members present and voting i.e. simple majority. Further joint sitting is not summoned for Constitution Amendment Bills and Money Bills. The speaker of Lok Sabha presides over the joint sitting and in his absence, the Deputy Speaker of Lok Sabha and even in his absence, the Deputy Chairman, Rajya Sabha.
- 9. Question Hour:** The first hour of every sitting is slotted for this. There are three types of questions asked:
 1. Starred question: Requires oral reply hence supplementary question can follow.
 2. Unstarred question: Requires written answer, hence supplementary question cannot follow.
 3. Short Notice question: Notice of ten days is given prior to it. It is answered orally.

No-Confidence Motion and Censure Motion

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No-Confidence Motion	Censure Motion
<ol style="list-style-type: none">1. The Council of Ministers stays in office only so long as it enjoys the confidence of the Lok Sabha; once the confidence is withdrawn the Government is bound to resign. The motion is generally known as “no-confidence motion”.2. It does not specify any ground on which it is based.	<ol style="list-style-type: none">1. A censure motion can be moved against the Council of Ministers or against an individual Minister for failing to act or for some policy. Reasons for the censure must be precisely enumerated.2. It has to mention the charges against the Government for which it is being moved.

Hope you liked learning about the parliament of India. Stay connected for more.

