

## The parliament of India

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### Abstract

The Parliament of India is the supreme legislative body of the Republic of India. Parliament is composed of the President of India and the houses. It is bicameral with two houses: Rajya Sabha (Council of States) and the Lok Sabha (House of the People). The President in his role as head of legislature has full powers to summon and prorogue either house of Parliament or to dissolve Lok Sabha. The president can exercise these powers only upon the advice of the Prime Minister and his Council of Ministers. Those elected or nominated (by the President) to either house of Parliament are referred to as members of parliament (MP). The Member of Parliament, Lok Sabha are directly elected by the Indian public voting in single member districts and the members of Rajya Sabha are elected by the members of the State Legislative Assemblies by proportional representation. The Parliament has a sanctioned strength of 543 in Lok Sabha excluding the 2 nominees from the Anglo- Indians if so the president of India felt desirable and 245 in Rajya Sabha including the 12 nominees from the expertise of different fields of science, culture, art and history. The Parliament meets at Sansad Bhavan in New Delhi.

**Keywords:** parliament, loksabha, rajya sabha, legislature

### Introduction

The parliament of India is the supreme legislature body of the republic of India. Parliament is composed of the president of India and the houses. “there shall be parliament for the union which shall consist of the president and two houses to be know respectively as the council of states and the house of people” -Article 79

Latin word Parliamentum which means talking. It has come to mean “meeting for discussion”. Different names of legislature in India parliament is known as Sansad. Other nation has their own names viz. diet in Japan congress in US.

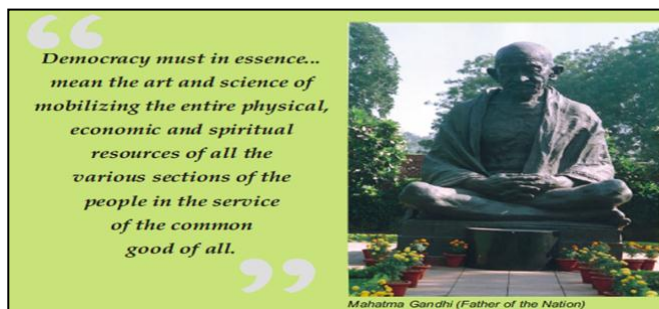
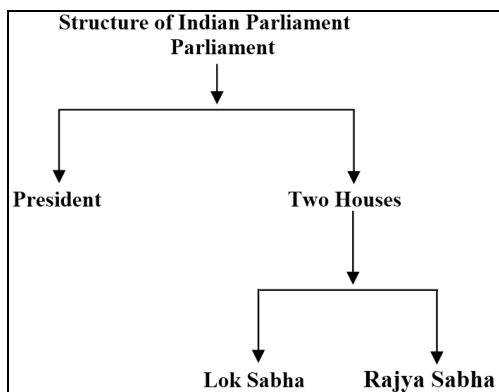


Fig 1



Fig 2: Indian Parliament House Photo



### Meaning of parliament

Meaning of the word parliament is a word derived from the French expression Parlement which means, “speaking” and

### Parliamentary system

Close coordination between the executive and the legislature. Executive is responsible to the legislature.

### Meaning

Parliamentary system means responsible government and cabinet Government.

### Composition of parliament

#### President of Indian

The President of India, the Head of State are a component of Parliament. Under Article 60 and Article 111, President’s responsibility is to scrutinize that bills/laws passed by the parliament are in accordance with constitutional mandate and stipulated procedure is followed before according his/her

approval to the bills. The President of India is elected by the members of the Parliament of India and the state legislatures and serves for a term of five years.

### **Composition of council of states (Rajya sabha)**

The Rajya Sabha/Upper house is a permanent body not subject to dissolution. One third of the members retire every second years being replaced by newly elected members. Its members are indirectly elected by members of legislative body of the states. The Rajya Sabha can have a maximum of 250 members. It currently has a sanctioned strength of 245 with 233 members are to be elected from the states and Union Territories and 12 members are nominated by the president of India.

- Method of election
- Qualifications
- Term
- Sessions
- Quorum
- Privileges of members of Rajya Sabha.
- Salary, Allowances and pension of members of parliament
- Official recognition of the leader of opposition party

### **Rajya Sabha: Membership and Election**

Rajya Sabha or the Upper House of the Parliament is a permanent body as it cannot be dissolved. The membership of the Rajya Sabha cannot exceed 250. Out of these, the President nominates 12 members on the basis of their excellence in literature, science, art and social service and the rest are elected. At present its total membership is 245.

Rajya Sabha is the body representing States in Indian Union. The elected members of the States' Legislative Assemblies elect the members of the Rajya Sabha on the basis of proportional representation through the single transferable vote system. But all the States do not send equal number of members to the Rajya Sabha. Their representation is decided on the basis of population of respective States.

### **Tenure**

Every member of Rajya Sabha enjoys a safe tenure of six years. One-third of its members retire after every two years. They are entitled to contest again for the membership. But a member elected against a mid-term vacancy serves the remaining period only. This system of election ensures continuity in the working of Rajya Sabha.

### **Officials of Rajya Sabha**

The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. He/she presides over the meetings of Rajya Sabha.

### **Composition of the house of people (Lok Sabha)**

Lok Sabha/Lower house has member from 545 representing parliament constitution across the country. 543 members are directly elected by the citizens of India on the basis of universal adult franchise and two are appointed by the president of India. The constitution provides that the maximum strength of the house be 552 members.

- Method of election
- Qualifications
- Exceptions of the office of the profit
- Term

- Sessions
- Quorum
- Salary, Allowances and pension of members of parliament privileges of members of parliament.
- Official recognition of the leader of opposition party

### **Membership and Election of the Lok Sabha**

Lok Sabha is not a permanent body. It is elected directly by the people on the basis of universal adult franchise. It is also called the popular House or lower House. The maximum permissible membership of Lok Sabha is 550 out of which 530 are directly elected from the States while 20 members are elected from the Union Territories. Besides, the President may nominate two members from the Anglo-Indian community if he/she feels that the said community is not adequately represented in the House.

### **Tenure**

The normal term of Lok Sabha is five years. But the President, on the advice of Council of Ministers, may dissolve it before the expiry of five years. In the case of national emergency, its term can be extended for one year at a time. But it will not exceed six months after the emergency is over. On several occasions Lok Sabha was dissolved prior to the end of its term. For example the 12th Lok Sabha elected in 1998 was dissolved in 1999.

### **Officials of the Lok Sabha**

**The Speaker and the Deputy Speaker:** The presiding officer of Lok Sabha is known as Speaker. The members of the House elect him. He/she remains the Speaker even after Lok Sabha is dissolved till the next House elects a new Speaker in his place. In the absence, a Deputy Speaker who is also elected by the House presides over the meetings. Both the Speaker as well as the Deputy Speaker can be removed from office by a resolution of Lok Sabha passed by a majority of all the then members of the House.

### **Session of parliament**

The period during which the House meets to conduct its business is called a session. The Constitution empowers the president to summon each House at such intervals that there should not be more than a six-month gap between the two sessions. Hence the Parliament must meet at least twice a year. In India, the parliament conducts three sessions each year:

- Budget session: February to May
- Monsoon session: July to September
- Winter session: November to December

### **Parliament Multi-functional Institution:-**

#### **Legislative Functions**

Basically the Parliament is a law-making body. In an earlier lesson you have seen that there is a division of power between the Centre (Union) and the States. There are three lists – Union List, State List and the Concurrent List. Only Parliament can make laws on the subjects mentioned in the Union List. You know that the Union List has 97 subjects. Along with the State Legislatures, the Parliament is empowered to make laws on the Concurrent List. In case, both the Centre as well as the States make a law on the subject mentioned in the Concurrent List then the central law

prevails upon the state law if there is a clash between the two. Any subject not mentioned in any list i.e. residuary powers are vested with the Parliament.

Thus the law making power of the Parliament is very wide. It covers the Union List and Concurrent List and in certain circumstances even the State List also.

### **The Executive Functions**

In a parliamentary system of government there is a close relationship between the legislature and the executive. And the executive is responsible to the legislature for all its acts. The Prime Minister and his Council of Ministers are responsible to the Parliament individually as well as collectively.

Parliament also maintains its control over executive in a routine manner through several ways. Some of them are as follows:-

- a) The members of Parliament can ask questions and supplementary questions regarding any matters connected with the affairs of the Central Government. The first hour of every working day of Parliament relates to the Question Hour in which the Ministers have to answer the questions raised by the members.
- b) If the members are not satisfied with the Government's answer then they may demand separate discussion on the subject.
- c) The Parliament also exercises control over the executive through several motions. For example calling attention notice or adjournment motion are such ways by which some recent matters of urgent public importance are raised. The government always takes these motions very seriously because the government's policies are criticized severely and their likely impact on the electorate whom the government would have to face ultimately. If the motion is passed then it means that the government is censured.

**Censure Motion:** This motion implies severe indictment of the government; but it does not require resignation of the Council of Members.

- d) The Lok Sabha can express its lack of confidence in the executive by disapproving budget or money bill or even an ordinary bill.

### **The Financial Functions**

The Parliament performs important financial functions. It is the custodian of the public money. It controls the entire purse of the Central Government. No money can be spent without its approval. This approval may be taken before the actual spending or in rare cases after the spending. The budget is approved by the Parliament every year.

### **The Electoral Functions**

The elected Member of Parliament one members of the Electoral College for Presidential election. As such, they participate in the election of the President of India. They elect the Vice-President. The Lok Sabha elects its Speaker and Deputy Speaker and the Rajya Sabha elects its Deputy Chairman.

### **Power of Removal**

Certain high functionaries may be removed from office on the initiative of the Parliament. The President of India may be

removed through the process of impeachment (you have read about it in Lesson No. 10). The judges of Supreme Court and of High Courts can be removed by an order of the President, which may be issued only if a resolution of their removal is passed by both Houses of Parliament by special majority

### **Functions Regarding the Amendment of the Constitution Structure of Government**

Most of the parts of the Constitution can be amended by the Parliament by special majority. But certain provisions only be amended by the Parliament with the approval of States. However India being a federal State, the amending power of the Parliament is highly limited. The Supreme Court has ruled that the Parliament cannot change the basic structure of the Constitution. You have already read about the amending procedure in another lesson.

### **Miscellaneous Functions**

Besides the above-mentioned functions, the Parliaments also performs a variety of other functions. Some of them are as follows: -

- a) While it is the power of the President to declare Emergency, the Parliament approves all such Proclamations of Emergency. Both the Lok Sabha and Rajya Sabha have to approve the Proclamation.
- b) Parliament may form a new State by separating the territory from any State or by uniting two or more States. It may also change the boundaries and the name of any State. In the recent years (2000), new states of Chhattisgarh, Jharkhand and Uttarakhand were created.
- c) Parliament may admit or establish new States in the Indian Union (Sikkim in 1975).
- d) The Parliament can abolish or create Legislative Councils in the States. This is done only on the request of concerned States Assemblies. Thus the Indian Parliament, though limited by the federal nature of the political system, has wide functions to perform. In performing its functions, it has to mirror the aspirations and needs of the people of India. It also has to function as an agency for resolving socioeconomic or political conflicts in the country. It also helps in building consensus on specific issues, which are crucial to the nation like foreign policy formulation.

### **Law-making Procedure in the Parliament**

#### **Law making processes in parliament**

As pointed out earlier basically the Parliament is a law making body. Any proposed law is introduced in the Parliament as a bill. After being passed by the Parliament and getting the President's assent it becomes a law. Now you will study how the law is made by the Parliament. There are two kinds of bills, which come up before the Parliament :- (i) ordinary bill and (ii) money bill. Here we shall discuss the legislative procedure in each of these kinds of bills.

#### **Parliamentary committees**

Parliamentary committees are formed to deliberate specific matters at length.

The public is directly or indirectly associated and studies are conducted to help committees arrive at the conclusions. Parliamentary committees are of two kinds: ad hoc committees and the standing committees. Standing

committees are permanent committees constituted from time to time in pursuance of the provisions of an act of Parliament or rules of procedure and conduct of business in Parliament. The work of these committees is of a continuing nature. Adhoc committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit a report.

“Committee are eyes ears and hands of legislature and some time these become the brain of the house” -Thomas Reed

Basics Purpose of the committee is to

- Bring efficiency
- Save Time
- Expert knowledge can be acquired
- Members of opposition also get chance to participate
- Discussions above party lines

#### Different committee

- **Adhoc committee**:- usually topic issues
- **Standing committee**:- the business advisory committee, the committee on petitions, the committee of privilege and rule of committee department related standing committee, such as committee on commerce, HRD, Home affair.
- **Author committee**:- Committee on Estimates, Committee on Public undertaking, Committee on public account, committee on private Members bills and resolution, committee on the welfare of SCs and STs, committee on empowerment of women.

#### Incidents

On 13 December 2001, Indian Parliament was attacked by a terrorist organisation. The perpetrators were Lashkar-e-Taiba (Let) and Jaish-e-Mohammed (JeM) terrorists. The attack led to the deaths of five terrorists, six Delhi Police personnel, two Parliament Security Service personnel and a gardener, which totaled 14 fatalities. It also led to increased tensions between India and Pakistan, resulting in the 2001-2002 India-Pakistan standoff.

#### Conclusion

We have learnt in this Paper that the Parliament is country's central legislative body. It has two Houses-Rajya Sabha and Lok Sabha and the President is an integral part of the Parliament. Rajya Sabha is a permanent body, which can never be dissolved. Each member of Rajya Sabha enjoys a term of six years and one-third of its member retire after every two years. The Rajya Sabha represents the States in Indian Union. In contrast, the Lok Sabha or the lower House has a fixed term of five years and the President before the expiry of stipulated five years can also dissolve it. Members of the Lok Sabha are directly elected by people on the basis of universal adult franchise. While the Vice-President chairs the meetings of Rajya Sabha, the Lok Sabha is presided over by the Speaker. We have read about the powers of the Speaker. We have read that the quorum of both the Houses is one-tenth of the total membership. Without the quorum, no meeting of the House/Houses can take place. We have also read in details about the various legislative, executive, financial, electoral, judicial and miscellaneous functions of the Parliament, and its law making procedure. Finally, we have been able to compare the two Houses and find that Lok Sabha is more powerful than Rajya Sabha.

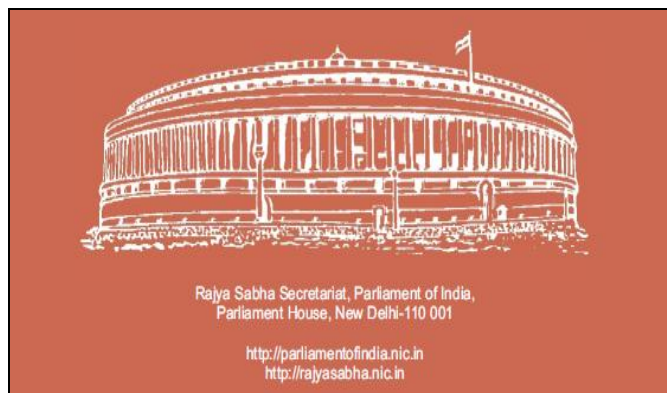


Fig 3

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