

## Module-2

### Union Legislature and State Legislature

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#### 2.1 Introduction:

Indian Parliament is based on Bicameral legislature. It consists of two houses namely: Lok Sabha (Lower House of the Indian Parliament) and Rajya Sabha (The Upper House of the Indian Parliament). Along with these two houses, Indian Parliament also includes the 'President', who is not a member of either the houses but an integral part of the Union Legislature. Hence if any bill has to become a law, it has to pass through all these three stages. i.e., Lok Sabha, Rajya Sabha and the President.

#### 2.2 Learning Objectives:

This Module deals with:

- The Lower House of the Union Parliament – Lok Sabha, details of it.

- The Upper House of the Union Parliament – Rajya Sabha, details of it.
- Speaker of Lok Sabha.
- State Legislature – State Legislative Assembly and State Legislative Council.
- Law Making procedure in India.
- Committee system of the Parliament.

### 2.3 LOK SABHA (HOUSE OF THE PEOPLE)

The **Lok Sabha** (also titled the **House of the People**, by the Constitution) is the directly elected lower house of the Parliament of India. As of 2009 there have been fifteen Lok Sabhas elected by the people of India. It is a powerful, democratic and fully representative house of the union parliament.

#### 2.3.a Composition:

The Constitution limits the Lok Sabha to a maximum of 552 members, including not more than 20 members representing the Union Territories, and two members to represent the Anglo-Indian community (if the President feels that that community is not adequately represented). The Lok Sabha has currently 545 members which includes 543 elected members and two appointed members.

The total elective membership is distributed among the States in such a way that the ratio between the number of seats allotted to each State and the population of the State, so far as practicable, and the same for all States. The number is divided among the 28 States and the 7 Union Territories as follows:

#### States:

- (1) Andhra Pradesh-- 42
- (2) Arunachal Pradesh --2
- (3) Assam --14
- (4) Bihar-- 40
- (5) Chhattisgarh - 11
- (6) Goa-- 2
- (7) Gujarat-- 26
- (8) Haryana-- 10
- (9) Himachal Pradesh --4
- (10) Jammu & Kashmir --6
- (11) Jharkhand - 14
- (12) Karnataka --28
- (13) Kerala --20
- (14) Madhya Pradesh --29
- (15) Maharashtra --48
- (16) Manipur --2
- (17) Meghalaya --2
- (18) Mizoram --1

- (19) Nagaland --1
- (20) Orissa --21
- (21) Punjab --13
- (22) Rajasthan --25
- (23) Sikkim --1
- (24) Tamil Nadu --39
- (25) Tripura --2
- (26) Uttar Pradesh --80
- (27) Uttarakhand - 5
- (28) West Bengal --42

#### Union Territories

- (1) Andaman & Nicobar Islands --1
- (2) Chandigarh --1
- (3) Dadra & Nagar Haveli --1
- (4) Daman & Diu --1
- (5) Delhi --7
- (6) Lakshadweep --1
- (7) Pondicherry --1

Anglo-Indians (if nominated 2 by the President under Article 331 of the Constitution)

**2.3.b. Election of the members:** The Members of Lok Sabha are elected on the basis of:

- **Universal adult franchisee:** According to which any citizen who has attained 18 years or more than that, can cast his vote in the election and select their representatives. (Previously the minimum age to vote was 21 years, but it was reduced to 18 years according to 62<sup>nd</sup> amendment in the year 1988).
- **Secret ballot:** No one knows who has voted in favour of which candidate. Secrecy will be maintained.
- **Single Member Constituency:** The country, on the basis of population has been divided into various constituencies (usually population of one constituency is between 5 lakh to 7.5 lakh). Only one member can be elected from each constituency. Karnataka has 28 Lok Sabha Constituencies, whereas Uttar Pradesh has 80 Lok Sabha Constituencies.
- **One man one vote** is the policy followed.
- **Direct Election:** Almost all members of Lok Sabha are directly elected by the people.

#### 2.3.c. QUALIFICATIONS:

- I) He must be a citizen of India
- II) He must be minimum 25 years of age
- III) He should not hold any office of profit either under the central or the state government

or local self government.

IV) He should be recognized as a voter in any one of the constituencies

V) No member can be a member of both houses at the same time.

#### **2.3.d TENURE:**

Lok Sabha, unless dissolved, continues for five years from the date appointed for its first meeting and the expiration of the period of five years operates as dissolution of the House. However, while Proclamation of Emergency is in operation, this period may be extended by Parliament by law for a period not exceeding one year at a time and not extending, in any case, beyond a period of six months after the proclamation ceased to operate.

The Constitution of India came into force on January 26, 1950. The first general elections under the new Constitution were held during the year 1951-52 and the first elected Parliament came into being in April, 1952, the Second Lok Sabha in April, 1957, the Third Lok Sabha in April, 1962, the Fourth Lok Sabha in March, 1967, the Fifth Lok Sabha in March, 1971, the Sixth Lok Sabha in March, 1977, the Seventh Lok Sabha in January, 1980, the Eighth Lok Sabha in December, 1984, the Ninth Lok Sabha in December, 1989, the Tenth Lok Sabha in June, 1991, the Eleventh Lok Sabha in May, 1996, the Twelfth Lok Sabha in March, 1998, the Thirteenth Lok Sabha in October, 1999, the Fourteenth Lok Sabha in May, 2004 and the Fifteenth Lok Sabha in May, 2009.

**2.3.e. QUORUM:** 10% or 1/10<sup>th</sup> of members of the house should be present in order to carry out the proceedings of the house. It is 55 at present.

**2.3.f. SESSION:** Lok Sabha should meet atleast twice a year. The time gap between one meeting and the other meeting should not be more than 6 months. However the President can call emergency meetings at any time.

At present Lok Sabha conducts three sessions - Budget session (Feb to May); Monsoon session (June-Sep); Winter session (Oct-Jan).

Any member absent for these sessions for a period of 6 months or more than 6 months without prior permission of the President will be removed from office.

#### **2.3.g. Time of Sitzings**

On normal business days, the Lok Sabha assembles from 11 a.m. to 1 Prime Minister, and again from 2 Prime Minister to 6 Prime Minister. The first hour of every sitting is called the *Question Hour*, during which questions posed by members may be assigned to specific government ministries, to be answered at a fixed date in future. On some days the sittings are continuously held without observing lunch break and are also extended beyond 6 Prime Minister depending upon the business before the House. Lok Sabha does not ordinarily sit on Saturdays and Sundays and other closed holidays.

**2.3.h. Commencement of a Sitting**

At the time fixed for the commencement of a sitting, the Marshal of the House after ascertaining that 55 members are present in the House, which includes the Speaker is a number, required to form the quorum, announces *Hon'ble Members, Hon'ble the Speaker*. The Speaker then reaches his seat from his Chamber and the members rise in their seats. After bowing or doing *namaskar* with folded hands to all sides of the House which is reciprocated by members bowing or folding hands towards the Chair, the Speaker takes his seat. Thereafter the members take their seats and the business of the House starts. Before the business enters in the order paper is taken up, a new member who has not yet made and subscribed an oath or affirmation does so. In case of death of a sitting or an ex-member or a leading personality, obituary references are made and this is also taken up before Questions.

**2.3.i. Question Hour**

The first hour of every sitting of Lok Sabha is called the Question hour. Asking questions in Parliament is the free and unfettered right of members. It is during the Question hour that they may ask questions on different aspects of administration and Government policy in the national as well as international spheres. Every Minister whose turn is to answer to questions has to stand up and answer for his Ministry's acts of omission or commission.

Questions are of three types - Starred, Unstarred and Short Notice. A Starred Question is one to which a member desires an oral answer in the House and which is distinguished by an asterisk mark. An unstarred Question is one which is not called for oral answer in the house and on which no supplementary questions can consequently be asked. An answer to such a question is given in writing. Minimum period of notice for starred/unstarred question is 10 clear days.

If the questions given notice of are admitted by the Speaker, they are listed and printed for answer on the dates allotted to the Ministries to which the subject matter of the question pertains.

The normal period of notice does not apply to Short Notice Questions which relate to matters of urgent public importance. However, a Short Notice Question may only be answered on short notice if so permitted by the Speaker and the Minister concerned is prepared to answer it at shorter notice. A Short Notice Question is taken up for answer immediately after the Question Hour.

**2.3.j. Business after Question Hour**

After the Question Hour, the House takes up miscellaneous items of work before proceeding to the main business of the day. These may consist of one or more of the following:-

Adjournment Motions, Questions involving breaches of Privileges, Papers to be laid on the Table, Communication of any messages from Rajya Sabha, Intimations regarding

President's assent to Bills, Calling Attention Notices, Matters under Rule 377, Presentation of Reports of Parliamentary Committee, Presentation of Petitions, - miscellaneous statements by Ministers, Motions regarding elections to Committees, Bills to be withdrawn or introduced.

### **2.3.k. Main Business**

The main business of the day may be consideration of a Bill or financial business or consideration of a resolution or a motion.

**2.3.l. PRESIDING OFFICER:** Speaker is the chairman and the presiding officer of Lok Sabha. Along with the Speaker, one Deputy Speaker will be there in Lok Sabha. Mrs. Meria Kumari is the present speaker and Kariya Munda is the present deputy speaker. The conduct of business in Lok Sabha is the responsibility of the Speaker. In the absence of Speaker, the Deputy Speaker is incharge of conduct of business.

### **2.3.m. LOWANCES:**

- i) A member of Lok Sabha gets a salary of Rs.50,000/- per month
- ii) Constituency and office allowances Rs. 20,000. Now both those tax-free allowances have been raised to Rs. 25,000 a month.
- iii) Air fare- 40 times from their constituency to New Delhi.
- iv) Contingency fund-Rs.10,000/- per month
- v) Travelling- Rs.13/- per kilometer (by road)
- vi) Railway- unlimited travel in 1<sup>st</sup> class air-condition compartment
- vii) Telephone-1,00,000 free calls per annum (two landlines – one in their home constituency and another in New Delhi)
- viii) 4000 kilo liters of water in a year
- ix) Free electricity of 50,000 units per year

## **2.4 POWERS AND FUNCTIONS OF LOK SABHA**

### **2.4.a. LEGISLATIVE OR LAW MAKING FUNCTIONS:**

Law making is the most important function of the house. Being comprised of the members who are directly elected by the people, Lok Sabha has an immense power in law making. It makes laws on union list items and on concurrent list items. In theory, the task of law making is a collective function of Lok Sabha, Rajya Sabha and the President. But in reality the law making function of Rajya Sabha is negligible and the President is only a symbolic one.

Hence, with respect to law making, Lok Sabha enjoys more power. It is free to make any laws and to amend the existing one. But there are 3 legal constraints to this:

- The limited powers of Rajya Sabha
- The veto power of the President
- The constitution

Any bill (other than the Money Bill) approved by Lok Sabha will be sent to Rajya Sabha for

its approval. In that case Rajya Sabha can withhold that bill for 6 months. During these 6 months it can have any kind of discussion on the bill and suggest changes and send it back to Lok Sabha for reconsideration. But it is left to the discretion of Lok Sabha to accept those changes or not. If Rajya Sabha delays its approval for more than 6 months, then it is deemed as approved by Rajya Sabha too, then it will be sent to President for the final approval. If Rajya Sabha rejects the bill or the period of 6 months elapses without any action by Rajya Sabha, or the Lok Sabha doesnot accept the recommendations made by the members of the Rajya Sabha, it results in a deadlock. This is resolved by a joint session of both Houses, presided over by the Speaker of the Lok Sabha and decided by a simple majority. The will of the Lok Sabha normally prevails in these matters, as its strength is more than double that of the Rajya Sabha.

The bill approved by both the houses of the parliament cannot become law unless the President approves it. When it comes for the approval, the President might approve it or may send it back for reconsideration. He can even reject a bill by exercising his veto power. But till now it has never been used so effectively.

Any Law made by Legislature must be within the framework of the constitution. If not the Supreme Court may declare such Laws as '*Ultra Vires*'.

#### **2.4.b. CONTROL OVER THE EXECUTIVES:**

The Lok Sabha exercises complete or direct control over the executive. Lok Sabha exercises this power through different means like asking questions, discussions, etc. The members of Lok Sabha can obtain necessary information from the government from time to time. The concerned ministers are required to provide satisfactory answers and explanations for the questions posed to them by the members. The government is under obligations to provide the demanded information. The cabinet is responsible to the Lok Sabha. If the cabinet fails to fulfill its responsibilities in a satisfactory manner, then Lok Sabha can move the '**no confidence motion**' and will dissolve the government. So the government will remain in power as long as they enjoy the confidence of Lok Sabha.

**2.4.c. CONTROL OVER FINANCE:** The Lok Sabha has an absolute control over the finance and the income and expenditure of the nation. Hence Lok Sabha is called as the "Purse of the Nation".

Financial bills can be introduced only in Lok Sabha. It is Lok Sabha, which decides from which sources, and how much money should be raised. It not only provides money for the maintenance of the government but also checks how the allotted money has been spent.

Only this house has the powers to give consent to the annual budget. Every year in the month of February, the finance minister presents the budget in the Lok Sabha. After the detailed discussions on budget, the house can either agree or reject. Usually, the house gives its consent to the budget with or without amendments. If Lok Sabha rejects the

budget, the government has to resign because without money no government could be run.

Once the financial bill is approved in Lok Sabha, it will be sent to Rajya Sabha for the approval. Rajya Sabha may delay its approval only for 14 days in case of Budget.

#### **2.4.d. REDRESSAL OF PUBLIC GRIEVANCES:**

Lok Sabha comprises of ministers who are directly elected by the people. Hence these ministers represents their people. The responsibility of bringing the problems, faced by the people, to the notice of the government is the main job of a minister. 'Question hour' in the session provides an opportunity for this. The ministers can raise the questions and may obtain answers for it. The government has committed the dereliction of duty, the members are allowed to ask questions and to criticize the government, and they can check that the government works in the interest of the people.

#### **2.4.e. ELECTORAL FUNCTIONS:**

The elected members of Lok Sabha take part in the election of the President and the Vice President of India.

#### **2.4.f. OTHER FUNCTIONS:**

- i) Impeachment of the President
- ii) Proclamation of emergency.
- iii) Approval of ordinances issued by the President.
- iv) Motions of no confidence against the government can be introduced and passed only in the Lok Sabha. If passed by a majority vote, the Prime Minister and the Council of Ministers resign collectively. The Rajya Sabha has no power over such a motion, and hence no real power over the executive. However, the Prime Minister may threaten the dissolution of the Lok Sabha and recommend this to the President, forcing an untimely general election. The President normally accepts this recommendation unless otherwise convinced that the Lok Sabha might recommend a new Prime Minister by a majority vote. Thus, both the executive and the legislature in India have checks and balances over each other.
- v) Equal Powers with the Rajya Sabha in initiating and passing a motion for the impeachment of the judges of the Supreme Court and the state High Courts (by a majority of the membership of the House and at least two-third majority of the members present and voting).
- vi) Equal Powers with the Rajya Sabha in initiating and passing a resolution declaring war or national emergency (by two-thirds majority) or constitutional emergency (by simple majority) in a state.

### **2.5 Speaker**

Speaker is the presiding officer of Lok Sabha (he will chair the sessions) and he enjoys a



status equal to the Chief Justice of India. He is the most powerful man in Lok Sabha. It is a office of great dignity. G. V. Mavlankar was the first speaker of the first Lok Sabha.

### **2.5.a. Election:**

The members of Lok Sabha among themselves select/elect a person as Speaker. He may be a member/ non-member of the house. He will loose all his party relationship soon he is elected as Speaker. One Deputy Speaker will be there in the house to take care of the sessions in the absence of Speaker. Mrs. Meira Kumari is the present speaker and Mr. Kariya Munda is the present deputy speaker of the House.

### **2.5.b. Qualification:**

There is no formal qualification for the office of the speaker. Any sitting member of the Lok Sabha can be elected as the Speaker by the House. The qualifications essential for membership of the Lok Sabha are also essential qualifications for the office of the Speaker. However only an experienced and popular member is always elected to this position.

### **2.5.c. Removal:**

- (a) By voluntarily submitting resignation to Deputy Speaker.
- (b) By passing a simple resolution in Lok Sabha supported by 2/3<sup>rd</sup> majority ( in that case 14 days prior notice will be given to the Speaker and removed from the office)

### **2.5.d. Term:**

The term of the Speaker is little more than that of Lok Sabha. On the dissolution of Lok Sabha, the Speaker continues his office until the new Lok Sabha is constituted and a new Speaker is elected.

In the absence of Speaker, Deputy Speaker will preside over the proceedings of the house and in the absence of both Speaker and Deputy Speaker; any other senior member of Lok Sabha will preside over the proceedings of the house.

The salary and allowance of Speaker and Deputy Speaker are determined by the parliament and they will be paid from 'Consolidated Fund of India'.

## **2.6. Powers and Functions of Lok Sabha**

- 1. He presides over the meetings of the house:-** All the sessions of Lok Sabha have to be carried out under the chairmanship of the Speaker. In the absence of the Speaker, Deputy Speaker will preside over the proceedings of the house. Without Speaker or Deputy Speaker presiding the sessions, no proceedings of the house could be carried out.
- 2. To maintain discipline in the Lok Sabha:-** Speaker must ensure discipline and decorum of the house. He must ensure that no member of Lok Sabha uses obscene or slang language. If any member disobeys the order of speaker, that

member may be asked to leave the house or the speaker may dismiss them or if it is inevitable the speaker may direct the Marshalls to physically remove that particular member.

3. **To fix the agenda of the House:-** It is the responsibility of the Speaker to fix the agenda of the house, the subject on which discussions to be held. While fixing the agenda, the speaker will consult the other committees like Business Advisory Committee, Rules and Procedures committee and Financial Committee
4. **Permission to members to ask questions:-** Speaker will decide, which member will speak first and it is the speaker who permits a member to ask questions. While one member is asking question, no other member should intervene. There will be Question Hour (11 – 12° clock) and Zero hour (between 12 – 1°clock) provided for this purposes. The members can make use of this time to ask questions and there by bring out the problems faced by the people before the house to find a solution to them.
5. **Power to adjourn the house:-** The speaker may adjourn the house provided (a) No Quorum – if less than minimum number of members to be present to carry out the proceedings, i.e., less than 10%. And (b) on the grounds of disorderly behavior of the members – if the house becomes completely uncontrollable.
6. **Decision about a money bill:-** It is the speaker who will decide which bill is a money bill and which is not. Once the speaker identifies a bill as Money bill- it should be presented only in the Lok Sabha.
7. **To exercise a Casting Vote:-** In case of tie between political parties over a particular issue, Speaker can exercise a Casting Vote. But generally speaker will not vote because he is not a member of the house.
8. **He has to protect the privileges of the members of the house:-** Speaker must ensure that all the members irrespective of their party (Whether they are from ruling party or opposition party), and whether they are elected or selected, should get a fair chance to express their opinion and moreover Speaker must be impartial while discharging his duties. Everyone should be given equal opportunity to ask questions and to find answers.
9. **Selecting the Chairman for different committees:-** Speaker should select the chairman for various committees. For the convenience of administration, various committees have been nominated like Business Advisory Committee, Rules and Procedures committee, Financial Committee etc. Speaker will elect or select the chairman for these committees.
10. **Administrative Functions:-** The speaker has a final control over the Lok Sabha Secretariat. He appoints the employees of the Secretariat, determines the service rules for them and supervises their work. Speaker may make any rules and regulations with regard to the functioning of these secretariat, also their working hours, their roles and responsibilities will be fixed up by the speaker.

## 2.7 Rajya Sabha (Council of States)

Rajya Sabha is the upper house of the Indian Parliament. It is also known as “The council of States”.

The Constituent Assembly, which first met on 9<sup>th</sup> December 1946, also acted as the Central Legislature till 1950, when it was converted as ‘Provisional Parliament’. During this period, the Central Legislature which was known as Constituent Assembly (Legislative) and later Provisional Parliament was unicameral till the first elections were held in 1952.

Extensive debate took place in the Constituent Assembly regarding the utility or otherwise of a Second Chamber in Independent India and ultimately, it was decided to have a bicameral legislature for independent India mainly because a federal system was considered to be the most feasible form of Government for such a vast country with immense diversities. A single directly elected House, in fact, was considered inadequate to meet the challenges before free India. A second chamber known as the ‘Council of States’, therefore, was created with altogether different composition and method of election from that of the directly elected House of the People. It was conceived as another Chamber, with smaller membership than the Lok Sabha (House of the People). It was meant to be the federal chamber *i.e.*, a House elected by the elected members of Assemblies of the States and two Union Territories in which States were not given equal representation.

### 2.7.a. COMPOSITION:

The constituent assembly fixes the maximum strength of Rajya Sabha as 250. Out of this 12 members will be nominated by the President. These nominated members must have special talents in the field of art, cinema, literature, social science, education and science etc. and the remaining 238 members will be elected by the elected members of State Legislative Assembly working in the 28 states of India. The number of members elected by each state legislative assembly differs from state to state. It will be determined in proportions to the population of the state. (Karnataka Vidhana Sabha elects 12 members and Uttar Pradesh elects 31 members to Rajya Sabha). Four members from Union Territories {3 from Delhi and 1 from Pondicherry. Other Union Territories are not represented in Rajya Sabha}.

The present strength of Rajya Sabha, however, is 245, out of which 233 are representatives of the States and Union territories of Delhi and Pondicherry and 12 are nominated by the President.

### 2.7.b. QUALIFICATION:

- I) He must be a citizen of India
- II) Must have attained the age of 30 years
- III) Should not hold office of profit under state or central government
- IV) Must possess all other qualifications fixed by the parliament from time to time

V) Must be recognized as a voter.

No member can be a member of both the houses simultaneously. If any member is absent for the proceedings of the house for 6 months he will be removed from Rajya Sabha.

### **2.7.c. Disqualifications**

Article 102 of the Constitution lays down that a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament –

1. If he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;
2. If he is of unsound mind and stands so declared by a competent court;
3. If he is an undischarged insolvent;
4. If he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;
5. If he is so disqualified by or under any law made by Parliament.
- 6.

### **2.7.d. Term:**

Rajya Sabha cannot be dissolved by the President like Lok Sabha. Hence Rajya Sabha is known as the 'permanent house'. Its members are elected for a term of 6 years. A special mechanism has been devised according to which 1/3<sup>rd</sup> members of the house retire once in two years. And elections will be held only for the vacant seats.

Any retired member of the house is eligible to be reelected without any restrictions.

### **2.7.e. Process for Election/Nomination**

#### **2.7.e.(i) Electoral College:**

The representatives of the States and of the Union Territories in the Rajya Sabha are elected by the method of indirect election. The representatives of each State and two Union territories are elected by the elected members of the Legislative Assembly of that State and by the members of the Electoral College for that Union Territory, as the case may be, in accordance with the system of proportional representation by means of the single transferable vote. The Electoral College for the National Capital Territory of Delhi consists of the elected members of the Legislative Assembly of Delhi, and that for Pondicherry consists of the elected members of the Pondicherry Legislative Assembly.

#### **2.7.e.(ii) Biennial/Bye-election**

The election held to fill a vacancy arising otherwise than by retirement of a member on the expiration of his term of office is called 'Bye-election'. A member elected in a bye-election remains member for the remaining term of the member who had resigned or died or disqualified to be the member of the House under the Tenth Schedule.

**2.7.f. Quorum:**

10% or 1/10<sup>th</sup> of the total members must be present. It will be checked at beginning of the meeting.

**2.7.g. Salaries and Allowances:**

- A member of Rajya Sabha gets a salary of Rs.50,000/- per month
- Constituency and office allowances Rs. 20,000. Now both those tax-free allowances have been raised to Rs. 25,000 a month.
- Air fare- 32 times from their state capital to New Delhi.
- Contingency fund-Rs.10,000/- per month
- Travelling- Rs.13/- per kilometer (by road)
- Railway- unlimited travel in 1<sup>st</sup> class air-condition compartment
- Telephone-1,00,000 free calls per annum (two landlines – one in their home constituency and another in New Delhi)

Rajya Sabha Members will also get all the other privileges which are enjoyed by the Lok Sabha Members.

**2.7.h. Meetings:**

Rajya Sabha should meet atleast twice a year. The time gap between one meeting and the other meeting should not be more than 6 months. However the President can call emergency meetings during any time. And in case of any kind of deadlock between Lok Sabha and Rajya Sabha with regard to a particular bill, the President will summon for a joint session. At present Rajya Sabha meets three times in a year along with Lok Sabha sessions.

**2.7.i. Chairman and Deputy Chairman:**

Vice-President of India (Mohd., Hameed Ansari) will be ex-officio chairman of Rajya Sabha. Members of Rajya Sabha among themselves select one person as deputy chairman. Rehman Khan is the present deputy chairman.

There is also a Panel of Vice-Chairman in Rajya Sabha, the members of which are nominated by the Chairman, Rajya Sabha. In the absence of the Chairman and Deputy Chairman, a member from the Panel of Vice-Chairman presides over the proceedings of the House.

**2.8. Functions and Powers:****2.8.a. Legislative Functions**

In theory Rajya Sabha enjoys as much powers as Lok Sabha, with respect to making of laws. If a bill has to become law it has to be accepted by both the houses, without the consent of Rajya Sabha no bill can become law. If any dispute arises between Rajya and Lok Sabha, then the President will summon for a joint session of both the houses. But since Lok Sabha has twice the members of Rajya Sabha the destiny of Lok Sabha decides the bill. Only three joint session have been held. The last one was for the passage of the anti-terror law POTA.

Rajya Sabha has right to suggest changes to the bill originating from the Lok Sabha. Rajya Sabha can withhold its consent for a maximum period of 6 months. But in case of financial bill it cannot delay its approval for more than 14 days.

Rajya Sabha passes a resolution by a majority of not less than two-thirds of members present and voting saying that it is "necessary or expedient in the national interest" that Parliament should make a law on a matter enumerated in the State List, Parliament becomes empowered to make a law on the subject specified in the resolution, for the whole or any part of the territory of India. Such a resolution remains in force for a maximum period of one year but this period can be extended by one year at a time by passing a similar resolution further.

**2.8.b Financial Function**

Rajya Sabha has very little control on financial matters. The money bill can be introduced only in Lok Sabha. After this money bill is passed in Lok Sabha, it is sent to Rajya Sabha for its approval. Rajya Sabha can hold discussions and suggest changes on these bills. But the ultimate decision of accepting or rejecting these changes is left to the discretion of Lok Sabha.

Rajya Sabha can withhold a financial bill maximum for 14 days, even after this if Rajya Sabha fails to give its consent then it will be deemed to have accepted by Rajya Sabha.

**2.8.c. Executive Function:** Rajya Sabha can hold discussions regarding the policies of the government and has the right to demand and obtain explanations and clarifications from the Cabinet. Rajya Sabha has no direct control over the executive. They can't remove the executive through 'No Confidence Motion'.

**2.8.d. Judicial Powers:** Rajya Sabha has certain judicial powers. It can conduct investigation on the impeachment moves made against the President and Vice President and the judges of Supreme Court and High Court, etc.

**2.8.e. Other Powers:** The members of Rajya Sabha take part in the elections of President and Vice-President.

If Rajya Sabha passes a resolution by a majority of not less than two-thirds of the members present and voting declaring that it is necessary or expedient in the national interest to create one or more All India Services common to the Union and the States, Parliament becomes empowered to create by law such services.

If 'President's rule' has been imposed in any state, then the bills concerning to that particular state can be introduced in Rajya Sabha and Rajya Sabha is empowered to make any laws on the subjects mentioned in the state list and for declaring emergency, the consent of Rajya Sabha is also needed.

## 2.9 Utility of Rajya Sabha

Eventhough Rajya Sabha is a weak house in comparison with Lok Sabha, its place in the constitutional system continues to be important as a revising and helping house of the Union Parliament as well as an institution acting as a link between the union and the states.

The President of India appoints 12 members to Rajya Sabha who are experts in various fields. The services of able and experienced persons are very useful.

Even when Lok Sabha stands dissolved, Rajya Sabha continues to be in existence. It acts as a revising chamber, it plays equal role with Lok Sabha in the process of amendment of the constitution and the election of the President and Vice-President and also exercises some special powers under articles 249 and 312.

Now Rajya Sabha has started giving Prime ministers to the country – Deve Gowda, I.K. Gujral and Dr. Manmohan Singh got elected to Rajya Sabha. Hence, even a Rajya Sabha member can become a Prime Minister.

## 2.10 State Legislature

Every state has a legislature. Constitution leaves to each state the decision to have a unicameral or bi-cameral legislature. Out of 28 states, 6 states has bi-cameralism legislative system, where legislature comprise of two houses. Where

Upper House	State Legislative Council/Vidhana Parishad
Lower House	State Legislative Assembly/Vidhana Sabha

Those six states are: Andhra Pradesh, Bihar, Jammu and Kashmir, Karnataka, Maharashtra and Uttar Pradesh.

In the remaining 22 states, legislature comprises of only one house – i.e., State Legislative Assembly/Vidhana Sabha. Along with it State Legislative system also includes Governor. The power to establish or to abolish the Upper House (Legislative council) belongs to the Union Parliament.

### 2.10. (i) State Legislative Assembly/Vidhana Sabha

#### 2.10.a Composition:-

Legislative assembly represents the people of the state. The size of State Legislative

Assembly/ Vidhana Sabha differs from state to state. The size is normally determined on the basis of the area and the population of the state. But the number of members cannot be less than 60 and it cannot be more than 500. The number of representatives varies between 60 to 500 from state to state. For example:- the number of representatives of Legislative Assembly is 403 in Uttar Pradesh and 224 in Karnataka.

But there are few states which have very less population. In that case the total membership can be even less than 60. For example: in Sikkim it is 32, Mizoram it is 40, Goa it is 40.

These members will be directly elected by the people. In these elections certain principles will be followed. They are: -

- Universal Adult Franchise.
- Secret Ballot.
- Single Member Constituencies.
- One man, one vote.

Along with these elected members the Governor of the state is empowered to nominate one or two persons to Legislative Assembly belonging to Anglo Indian Community. No person can be a member of two houses at the same time.

#### **2.10. b Qualification:**

Whichever qualifications that are prescribed for the membership of Lok Sabha hold good here also. Some of them are:

- He must be a citizen of India, but mayn't be from the same state.
- He must have attained the age of 25 years.
- He should not hold any office of profit either under the central govt. or under state govt.
- Must be recognized as a voter in any one of the constituencies.

#### **2.10. c Term:**

The usual term of Legislative Assembly is 5 years. During national emergencies it may be extended for one more year. The Governor of the state is empowered to dissolve the Legislative Assembly before the completion of its term on the recommendations of Chief-Minister.

#### **2.10.d Quorum:**

10 % of the total membership. It will be checked at the beginning of the session.



### 2.10.e **Presiding Officer:-**

All the members of Legislative Assembly among themselves elect one person as the Speaker and another person as Deputy Speaker. The Speaker will preside over all the proceedings of the house. In his absence the Deputy Speaker will preside over the proceedings.

### 2.11 **Powers and Functions of Vidhana Sabha or Legislative Assembly**

1. **Legislative Functions or Law Making Functions:** Vidhana Sabha has the power to make any law on the subjects mentioned in the state list. This can also make law on subjects mentioned in the concurrent list, but it shouldn't be in conflict with any law enacted by the union parliament. If it does then the law enacted by the state legislative assembly will be ruled out.

Generally bill will be presented in Vidhana Sabha and once it is accepted with 2/3<sup>rd</sup> majority, it will be sent to Vidhana Parishad or Legislative council for its approval. In this case Vidhana Parishad or Legislative council can delay its approval only for 3 months. During this time Vidhana Parishad or Legislative council may hold any discussions on the bill and may suggest any changes to the bill and may send it to Vidhana Sabha for reconsideration. But whether to accept those changes or to reject them is left to the discretion of Vidhana Sabha. When Vidhana Sabha re-submits the bill to Vidhana Parishad or Legislative council for the 2<sup>nd</sup> time, with changes or without changes, Vidhana Parishad or Legislative council can delay its approval only for 1 month this time. After that, even if Vidhana Parishad or Legislative council rejects it, it will be deemed as accepted and will be sent to the Governor for the final approval.

When it comes to the governor for the approval- Governor may sign on his own or he may reserve it for President's signature. Some of the limitations exercised by the Governor are;-

- The governor has the power to reserve some bills passed by the Legislative Assembly to get the acceptance of the President. For ex:- Acquisition of property by the state government or imposing tax on a essential commodity....etc.,
  - Prior permission of the President is required for introducing a few bills. For ex:- imposing restrictions on freedom of trade and commerce.
  - Parliament can make any law on matters mentioned in the state list if Rajya Sabha desires.
  - When emergency is declared in any state, then Legislative assembly cannot make any laws.
2. **Control over Finances:** Like Lok Sabha, Legislative Assembly has the complete control over the financial matters of the state. State financial bill can be introduced only in the Legislative Assembly. After the presentation and discussion of the money bill, the Legislative Assembly must approve this. If Legislative Assembly

rejects it the government has to resign, because without money no government could be run. Once it is accepted in Legislative assembly, the financial bill will be sent to Vidhana Parishad or Legislative Council for its approval. Vidhana Parishad or Legislative council may delay its approval only for 14 days. After that it will be assumed as accepted.

The Government cannot use even a single rupee from the state treasury without the permission of Legislative Assembly. Hence it is known as 'Custodian of State Money'.

3. **Control over the Executives:** - Legislative Assembly enjoys control over the executives by asking questions and through adjournment motions etc. Whenever any member in the legislative assembly has raised a query, it is obligatory on the part of Chief Minister and his Council to answer them. If the Cabinet fails to answer – then Legislative Assembly may issue 'No Confidence Motion' and may dissolve the government. Hence Government remains in power as long it enjoys the confidence of Legislative Assembly.
4. **Electoral Functions:**
  - Members of Vidhana Sabha participate in the election of the President.
  - Members of Vidhana Sabha participate in the election of Rajya Sabha Members.
  - They elect 1/3 members of Vidhana Parishad.
  - Legislative assembly members elect some members of the 'Senate' in the universities situated in the state.
5. **Other Functions:** Vidhana Sabha along with the above mentioned functions performs several other functions also. They are: -
  - ✎ Legislative Assembly functions as a 'Ventilator of Grievances' of the state. The problems faced by the people will be presented in the house, through their representatives and finds solutions.
  - ✎ Legislative Assembly considers the reports and suggestions made by the State Public Service Commission, State Auditor General etc..

Hence, whatever functions Lok Sabha performs at the central level, will be performed by the Legislative Assembly at the state level.

## 2.12 Vidhana Parishad/State Legislative Council

Vidhana Parishad or Legislative council is the upper house of the State Legislature and resembles Rajya Sabha in the parliament. Out of 28 only six states have Legislative Council. Those six states are: Andhra Pradesh, Bihar, Jammu and Kashmir, Karnataka, Maharashtra and Uttar Pradesh.

### 2.12.a. Composition:

The number of members of Vidhana Parishad shouldn't be less than 40 and it should not be more than 1/3<sup>rd</sup> of the total membership of the State Legislative Assembly. The members are partly elected and are partly selected. The composition is as follows:

- 1/3<sup>rd</sup> members will be elected by the members of Vidhana Sabha
- 1/3<sup>rd</sup> members will be elected by the local bodies such as municipalities, district boards etc.
- 1/12<sup>th</sup> of the members will be elected by the Graduates Constituencies.
- 1/12<sup>th</sup> of the members will be elected by the Teachers Constituencies.
- 1/6<sup>th</sup> of the members are nominated by the Governor.

### 2.12.b. Strengths of State Legislative Councils

States	Total Membership
Bihar	75
Jammu and Kashmir	36
Karnataka	75
Uttar Pradesh	100
Maharashtra	78
Andhra Pradesh	90

### 2.12.c. Eligibility:

- I) He must be a citizen of India
- II) Must have attained the age of 30 years
- III) Should not hold office of profit under state or central government
- IV) Must be recognized as a voter.

Any member who is absent for the sessions of Vidhana Parishad for more than 60 days without prior permission will lose his membership.

### 2.12.d. Term:

Vidhana Parishad can't be dissolved by the Governor like Legislative Assembly. Hence Vidhana Parishad is known as the 'permanent house'. Its members are elected for a term of 6 years. A special mechanism has been devised, by which 1/3<sup>rd</sup> members of the house retire once in two years. And elections will be held only for vacant seats.

## 2.13. Powers and Functions:

**1. Legislative Functions:** Theoretically speaking Vidhana Parishad enjoys equal amount of power along with Legislative Assembly. Any bill, other than the financial bill, may be presented in Vidhana Parishad. But generally all bills will be presented in Vidhana Sabha and then it will be sent to Vidhana Parishad for its approval. In the first case Vidhana Parishad may delay its approval for 3 months and at the second time, Vidhana Parishad may delay its approval for 1 month. After this even if Vidhana

Parishad rejects the bill, it will be deemed as accepted.

**2. Financial Powers:** In terms of Finance, Vidhana Parishad enjoys very little power. Financial bill may be presented only in Vidhana Sabha. The only power that Vidhana Parishad enjoys with regard to financial bill is – it may delay its approval for 14 days.

**3. Administrative Powers:** Vidhana Parishad may ask questions, pass resolutions and may get the answers from the executive. Even then this regard also Vidhana Parishad enjoys very little powers.

#### **4. 2.14. Lawmaking procedure in India**

The legislative procedure in India is similar to the lawmaking procedure in Britain, with the proposed law or bill passing through two houses of the Indian legislature.

##### **Difference between a bill and an act**

Legislative proposals are brought before either houses of the Parliament of India in the form of a bill. A bill is the draft of a legislative proposal, which, when passed by both houses of Parliament and assented to by the President, becomes an Act of Parliament. Bills may be introduced in the Parliament by ministers or private members. The former is called government bills and the latter, private members' bills. Bills may also be classified as public bills and private bills. A public bill is one referring to a matter applying to the public in general, whereas a private bill relates to a particular person or corporation or institution. The Orphanages and Charitable Homes Bill or the Muslim Wakfs Bills are examples of private bills.

##### **Procedure relating to an ordinary bill**

There are three stages through which a bill has to pass in one house of the Parliament.

##### **First reading - introduction stage**

A minister, or member-in-charge of the bill seeks the leave of the house to introduce a bill. If the bill is an important one, the minister may make a brief speech, stating its main features. After the bill has been introduced, the first reading is deemed to be over. Therefore, in the first stage, only the principles and provisions of the bills are discussed.

##### **Second reading - discussion stage**

This stage concerns the consideration of the bill and its provisions and is further divided into three stages.

##### **First stage**

On a fixed date general principles of the bill will be taken up for discussion. At this stage, three options are open to the house. The bill may be straightaway be taken into consideration or it may be referred to any of the Standing Committees or it may be circulated for the purpose of eliciting general opinion thereon

##### **Second stage, that is, discussion on the report**

The next stage involves of a clause-by-clause consideration of the bill as reported by the committee. When all the clauses have been put to vote and disposed of, the second reading of the bill is over.

Changes or amendments to the bill can be made only in this stage. Amendments become a part of a bill if they are accepted by a majority of the members present and voting.

### **Third reading - voting stage**

The next stage is the third reading. The debate on the third reading of a bill is of a restricted character. It is confined only to arguments either in support of the bill or for its rejection, without referring to its details. After the bill is passed, it is sent to the other house

### **Bill in the other house**

After a bill, other than a money bill, is transmitted to the Rajya Sabha, it goes through all the stages in that house as that in the first house. But if the bill passed by one house is amended by the other house, it goes back to the originating house. If the originating house does not agree with the amendments, it shall be that the two houses have disagreed.

### **Joint-session of both houses**

In case of a deadlock between the two houses or in a case where more than six months lapse in the other house, the President may summon a joint session of the two houses which is presided over by the Speaker of the Lok Sabha and the deadlock is resolved by simple majority. Until now, only three bills: the Dowry Prohibition Act (1961), the Banking Service Commission Repeal Bill (1978) and the Prevention of Terrorist Activities Act (2002) have been passed at joint sessions.

### **President's assent**

When a bill has been passed, it is sent to the President for his assent. The President can assent or withhold his assent to a bill or he can return a bill, other than a money bill, with his recommendations. If the President gives his assent, the bill becomes an Act from the date of his assent. If he withholds his assent, the bill is dropped, which is known as pocket **veto**.

The pocket veto is not written in the constitution and has been exercised only once by President Zail Singh: in 1986, over the postal act where the government wanted to open postal letters without warrant. If he returns it for reconsideration, the Parliament must do so, but if it is passed again and returned to him, he must give his assent to it. In the case of a Constitutional Amendment Bill, the President is bound to give his assent.

## **2.15. Procedure for Passing the Budget by the Union Parliament**

Budget is an annual financial statement which projects estimates of incomes and expenditures for the coming financial year. Before the beginning of each financial year, the annual budget has to be got passed from the Parliament, because with the prior approval of the parliament, no money can be drawn from the treasury and no money can be spent by the government. The financial year starts from 1<sup>st</sup> April and ends on 31<sup>st</sup> March of next year. The annual budget has to be passed before 1<sup>st</sup> April every year. Theoretically, it is the responsibility of the President to get the budget presented before

the Parliament. This actually is the responsibility of the Union council of the Ministers which prepares the budget, places it before the Parliament and gets it passed from it. Thereafter, the Council of Ministers make its expenditure and collects its revenue in accordance with the budgetary provisions.

There are two types of budgets. They are:

**(a) Railway Budget:** In this budget the total income and expenditure concerning railway is included and this budget is presented by the Railway Minister in the Parliament. It is presented some days before the presentation of the General Budget.

**(b) General Budget:** The total income and expenditure concerning all other departments, except the railway department, are included in the General Budget. This budget is presented by the Finance Minister in the Parliament i.e., Lok Sabha in the first instance. The procedure of passing the Railway Budget as well the General budget is almost similar.

### **Preparation of the Budget:**

Railway budget is prepared by the Railway Minister and the General budget is prepared by the Finance Minister. In both cases, the Cabinet decides the overall policy options and decisions. The estimates of the expenditures to be made, and income to be earned by various governmental departments reach the Finance Minister about 4 to 6 months before the preparation of the Budget. On the basis of these estimates and the policy decisions of the cabinet, the Finance Minister estimates the income and expenditure for the coming year. After this the Finance Minister takes decisions regarding the collection of revenue by different means, and formulates tax proposals. In this way the finance minister prepares a scheme for levying new taxes and for renewing the old ones. Hence, the budget is virtually prepared by the Finance Minister and presented before the Parliament.

### **Stages:**

(a) **Introduction of the Budget and the Budget Speech:** Finance Minister actually presents the budget before the parliament, with the prior permission of President of India. It is presented in the last week of February. The budget is presented by the finance minister on a fixed date and at the fixed time. While presenting the budget, the Finance Minister makes the budget speech, which review the highlights of the budget and the fiscal policies and plans of the government.

(b) **Budget Reactions:** Printed copies of the budget are distributed among the members for enabling them to go through the details of the budget proposals and prepare for budgetary debates in the Parliament.

(c) **General Discussion:** After three or four days of the introduction of the budget, a general discussion on the salient features of the budget takes place during which the Finance Minister defends the fiscal policies of the government.

(d) **Considerations by the Standing Committees:** The Standing committees, nominated would examine the budget proposals in respect of their respective subjects and give

their reports/suggestions. These reports of the committees form the basis for discussion of the budget by the Lok Sabha.

(e) **Voting on Demand for Grants:** At this stage, demands relating to the expenditure for the coming year to be made by various governmental departments are subjected to a discussion. The Parliament can accept, reject or reduce any demand but cannot increase it. The demands for grants for each department are taken up individually, in the first instance. However, the demands of key departments are discussed individually, with the prior approval of the President of India. The speaker fixes the time limit for discussions and puts the demand to vote after each debate. If any of the demands is rejected or reduced by the Lok Sabha, it will be taken as a defeat of the Council of Ministers and it has to resign. The exercise involves the test of the majority of the government.

(f) **Introduction and Passing of the Appropriation Bill:** After the Lok Sabha has discussed all the demands for grants, the Appropriation Bill is prepared by grouping together the demands passed by the Lok Sabha and the expenditure charged on the Consolidated Fund of India. This bill is presented in the Lok Sabha and it has to pass through all the stages before getting it passed from the House. After it is passed in Lok Sabha, it will be sent to Rajya Sabha, where Rajya Sabha can pass it and return it to Lok Sabha within 14 days, after which it is considered to have been passed by both the House of the Parliament and is sent to the President for his signature.

With the signature of the President of India, the bill becomes a Statute. The President of India does not enjoy the power to return the Finance Bill to the Parliament for reconsideration and re-enactment. The passing of the finance bill virtually completes the process of passing the budget.

## 2.16 Committee System of the Parliament

The work done by the Parliament in modern times is not only varied in nature, but considerable in volume. The time at its disposal is limited. It cannot, therefore, give close consideration to all the legislative and other matters that come up before it. A good deal of its business is, therefore, transacted by what are called the Parliamentary Committees.

The Union Parliament carries out its functions with the help of several committees. It has a well organized committee system. Several committees play an important role in the smooth functioning of the parliament and these are an integral part of the legislative system. Several scholars go the extent of referring to the committees as Mini Legislatures.

The committees of the Union Parliament can be classified into the following five categories:

1. **General Committees:** In this category are included these committees which deal with the conduct of the business of the House. These include: (1) Rules Committee, (2) Business Advisory Committee, (3) Committee on Privileges, (4)

Committee on absence of Members from the sittings of the House, (5) Committee on Government Assurances, (6) Committee on Petitions, and (7) General purpose committees.

2. **Legislative Committees:** In this category are included such committees as are involved in the law-making process. These include: (1) Committee on Private Members' Bills and Resolutions, (2) Committee on Sub-ordinate Legislation, (3) Select Committee, and (4) Special Committees constituted for reporting over a particular public bill.
3. **Financial Committees:** In this category are included those committees which deal with financial matters. These include: (1) Estimates Committee, (2) Public Accounts Committee, (3) Committee on Public Undertakings.
4. **Joint Committees:** In this category, those committees are included which are organized jointly by the two Houses of Parliament for undertaking a common activity or for handling a work which concerns both the Houses. These include: (1) Joint Committee on Salaries and Allowances of the Members of Parliament, (2) Joint Committee on Offices and Profit.
5. **Miscellaneous Committees:** Besides the above four categories of Committees, there are certain other committees of Parliament. For example (1) The House Committee, and (2) The Library Committee.

### 2.17. Committees of the Lok Sabha

Before discussing the organization of various committees, let us take the case of the Committees of the Lok Sabha.

1. **Nominations by the Speaker:** The Committees of the Lok Sabha are organized by the Speaker from amongst the members of the House. While appointing the members to the various committees, the Speaker ensures that the members from all the political parties get due representation in them. The Speaker himself is the Chairman of some of the committees. The rule is that the Speaker is the ex-officio chairman of each such committee of which he is a member. The chairman of other committees is appointed by the Speaker from amongst the members of the committees. If the Deputy Speaker is a member of any committee, he is made its Chairman. The appointment of the members to the joint committees is done respectively by the Chairman of the two Houses.
2. **Election on the basis of resolution passed by the House:** The financial committees are elected by the House. The election of the members of the financial committees is held on the basis of the single transferable vote system of proportional representation system.
3. **Size of the Committees:** There is no fixed rule regarding the number of members of each committee. As such the size of all the committees is not the same. Generally, the membership of a committee is kept between 15 to 30. Most of the committees have 15 members. The membership of select committees is between 20 to 30. Estimates



Committee consists of 3 members and the membership of the Public Accounts Committee is 22.

- 4. Working of the Committees:** Each Committee of the Parliament undertakes its assigned task. Some of these works only during the sessions of the Parliament while others keep on working even when the Parliament is not in session. A Committee can hold its meetings at any time. Mostly, the decision is made by a consensus or by the Chairman of the Committee. Usually the meetings of the committees are held within the premises of the Parliament but with the prior permission of the Speaker these can also be held outside the Parliament House.

The quorum for the meetings of the committee is  $\frac{1}{3}$ <sup>rd</sup> of the total members. The decision in the Committees is mostly by simple majority. In case of a tie the chairman of the committee can exercise his casting vote. Committees have the right to scrutinize the records of the government and to get the required information from the government departments. The committees can also take the help of the experts in formulating their reports. The experts can, however, simply advise. They do not enjoy the right to vote in the committees. The committees can further appoint their sub-committees for having a detailed study about a particular subject of special importance or interest.

The committees have to complete their work and present their reports to the House on the fixed date. The Speaker fixes the time within which the committees have to submit their reports. The committees have to prepare and submit the reports on all matters referred to them.

## 2.18. FUNCTIONS OF VARIOUS COMMITTEES OF THE LOK SABHA

### 2.18.a. General Committee

General committees are those committees which deal with the business of the House.

**1. Rules Committee:** The Rules Committee consists of 15 members including the Speaker who is the *ex-officio* Chairman of the Committee. The members are nominated by the Speaker. The Committee considers matters of procedure and conduct of business in the House and recommends any amendments or additions to the Rules of Procedure and Conduct of Business in Lok Sabha that are considered necessary. The suggestions made by the committee are put before the House and these get implemented when approved by the House.

**2. Business Advisory Committee:** The Business Advisory Committee of Lok Sabha consists of 15 members including the Speaker who is the *ex-officio* Chairman. The members are nominated by the Speaker. Almost all sections of the House are represented on the Committee as per the respective strength of parties in the House. The function of the Committee is to recommend the time that should be allotted for the discussion of such Government legislative and other business as the Speaker, in consultation with the Leader of the House, may direct to be referred to the Committee. The Committee, on its own initiative, may also recommend to the Government to bring forward particular

subjects for discussion in the House and recommend allocation of time for such discussions. The decisions reached by the Committee are always unanimous in character and representative of the collective view of the House. The Committee generally meets at the beginning of each Session and thereafter as and when necessary.

**3. Committee on Privileges:** The members of the Parliament enjoy certain special privileges. This Committee consists of 15 members nominated by the Speaker. The function is to examine every question involving breach of privilege of the House or of the members of any Committee thereof referred to it by the House or by the Speaker. It determines with reference to the facts of each case whether a breach of privilege is involved and makes suitable recommendations in its report.

**4. Committee on Absence of Members from the Sittings of the House:** The Committee consists of 15 members who hold office for one year. The members are nominated by the Speaker. This Committee considers all applications from members for leave of absence from the sittings of the House and examines every case where a member has been absent for a period of 60 days or more, without permission, from the sittings of the House. In its report it makes recommendations with respect to each case as to whether the absence should be condoned or leave applied granted or whether the circumstances of the case justify that the House should declare the seat of the member vacant.

**5. Committee on Government Assurances:** This Committee consists of 15 members nominated by the Speaker. A Minister is not nominated to this Committee. While replying to questions in the House or during discussions on Bills, Resolutions, Motions etc., Ministers at times give assurances or undertakings either to consider a matter or to take action or to furnish the House further information later. The functions of this Committee are to scrutinize the assurances, promises, undertakings etc. given by Ministers from time to time and to report to Lok Sabha on the extent to which such assurances etc. have been implemented and to see whether such implementation has taken place within the minimum time necessary for the purpose.

**6. Committee on Petitions:** The Committee consists of 15 members nominated by the Speaker. A Minister is not nominated to this Committee. The function of the Committee is to consider and report on petitions presented to the House. Besides, it also considers representations from individuals and associations, etc. on subjects which are not covered by the rules relating to petitions and gives directions for their disposal.

**7. General Purpose committee:** This committee is in existence since 1954. It consists of 20 members. The Speaker, the Deputy Speaker and the members on the panel of chairmen, the leaders of the various recognized political parties in the house are its members. The other members are appointed by the Speaker. This committee does not deal with any particular subject.

### 2.18.b. Legislative Committees

**1. Select and Joint Committees:** When a Bill comes up before a House for general discussion, it is open to that House to refer it to a Select Committee of the House or a Joint

Committee of the two Houses. A motion has to be moved and adopted to this effect in the House in which the Bill comes up for consideration. In case the motion adopted is for reference of the Bill to a Joint Committee, the decision is conveyed to the other House requesting them to nominate members of the other House to serve on the Committee. The Select or Joint Committee considers the Bill clause by clause just as the two Houses do. Amendments can be moved to various clauses by members of the Committee. The Committee can also take evidence of associations, public bodies or experts who are interested in the Bill. After the Bill has thus been considered the Committee submits its report to the House. Members who do not agree with the majority report may append their minutes of dissent to the report.

**2. Committee on Private Members' Bills and Resolutions:** This Committee consists of 15 members and the Deputy Speaker is its Chairman when nominated as a member of the Committee. The Committee is nominated by the Speaker. The functions of the Committee are to allot time to Private Members' Bills and Resolutions, to examine Private Members' Bills seeking to amend the Constitution before their introduction in Lok Sabha, to examine all Private Members' Bills after they are introduced and before they are taken up for consideration in the House and to classify them according to their nature, urgency and importance into two categories namely, category A and category B and also to examine such Private Members' Bills where the legislative competence of the House is challenged. The Committee, thus, performs the same function in relation to Private Members' Bills and Resolutions as the Business Advisory Committee does in regard to Government Business. The Committee holds office for a term not exceeding one year.

**3. Committee on Subordinate Legislation:** The Committee consists of 15 members nominated by the Speaker. A Minister is not nominated to this Committee. The Committee scrutinizes and reports to the House whether the powers to make regulations, rules, sub-rules, by-laws etc. conferred by the Constitution or delegated by Parliament are being properly exercised by the executive within the scope of such delegation.

### 2.18.c Financial Committees

**1. Committee on Estimates:** This Committee consists of 30 members who are elected by the Lok Sabha every year from amongst its members. A Minister is not eligible for election to this Committee. The term of the Committee is one year. The main function of the Committee on Estimates is to report what economies, improvements in organisation, efficiency, or administrative reform, consistent with the policy underlying the estimates may be effected and to suggest alternative policies in order to bring about efficiency and economy in administration. From time to time the Committee selects such of the estimates pertaining to a Ministry or a group of Ministries or the statutory and other Government bodies as may seem fit to the Committee. The Committee also examines matters of special interest which may arise or come to light in the course of its work or which are specially referred to it by the House or the Speaker.

**2. Committee on Public Undertakings:** The Committee on Public Undertakings consists of 15 members elected by the Lok Sabha and 7 members of Rajya Sabha are associated with it. A Minister is not eligible for election to this Committee. The term of the Committee is one year.

The functions of the Committee on Public Undertakings are—(a) to examine the reports and accounts of Public Undertakings; (b) to examine the reports, if any, of the Comptroller and Auditor General on the Public Undertakings; (c) to examine in the context of the autonomy and efficiency of the Public Undertakings whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices; and (d) such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the Public Undertakings as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time. The Committee does not, however, examine matters of major Government policy and matters of day-to-day administration of the Undertakings.

**3. Committee on Public Accounts:** This Committee consists of 15 members elected by the Lok Sabha and 7 members of the Rajya Sabha are associated with it. A Minister is not eligible for election to this Committee. The term of the Committee is one year.

The main duty of the Committee is to ascertain whether the money granted by Parliament has been spent by Government “within the scope of the Demand”. The Appropriation Accounts of the Government of India and the Audit Reports presented by the Comptroller and Auditor General mainly form the basis for the examination of the Committee. Cases involving losses, nugatory expenditure and financial irregularities come in for severe criticism by the Committee. The Committee is not concerned with questions of policy. It is concerned only with the execution of the policy laid down by Parliament and its results.

#### **2.18.d. Joint Committees**

**1. Joint Committee on Offices of Profit:** This Committee consists of 15 members. Ten members are elected from Lok Sabha and five from Rajya Sabha. The Committee is constituted for the duration of each Lok Sabha.

The main functions of the Committee are to examine the composition and character of the Committees appointed by the Central and State Governments and to recommend what offices should disqualify and what offices should not disqualify a person for being chosen as, and for being, a member of either House of Parliament under article 102 of the Constitution.

**2. Committee on the Welfare of Scheduled Castes and Scheduled Tribes:** The Committee on the Welfare of Scheduled Castes and Scheduled Tribes consists of 20 members elected by the Lok Sabha and 10 members of Rajya Sabha are associated with it. The term of the Committee is one year. A Minister is not eligible for election to this Committee. The main functions of the Committee are to consider all matters concerning the

welfare of the Scheduled Castes and Scheduled Tribes, falling within the purview of the Union Government and the Union Territories, to consider the reports submitted by the National Commission for Scheduled Castes and Scheduled Tribes and to examine the measures taken by the Union Government to secure due representation of the Scheduled Castes and Scheduled Tribes in services and posts under its control.

**3. Railway Convention Committee:** The Railway Convention Committee is an *ad-hoc* Committee. It consists of 18 members. Out of these, 12 members are from Lok Sabha nominated by the Speaker and 6 members are from Rajya Sabha nominated by the Chairman. By convention the Minister of Finance and the Minister of Railways are members of the Committee. Besides this, Ministers of State in the Ministry of Finance and Ministry of Railways respectively are also its members.

The main function of the Committee is to review the Rate of Dividend payable by the Railways undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance and make recommendations thereon. The Railway Convention Committee, 1949 was the first Committee after independence. This Committee and subsequent Committees confined themselves to determining the rate of dividend payable by Railways to General Revenues. Since 1971 the Railway Convention Committees have been taking up subjects for examination and report which have a bearing on the working of Railways.

**4. Committee on Empowerment of Women:** This Committee came into being on 29th April, 1997, as a consequence of identical Resolutions adopted by both the Houses of Parliament on the occasion of International Womens' Day on 8th March, 1996. The Committee consists of 30 members, 20 nominated by the Speaker from amongst the members of Lok Sabha and 10 nominated by the Chairman, Rajya Sabha from amongst the members of the Rajya Sabha. The term of the Committee is of one year. The Committee have been primarily mandated with the task of reviewing and monitoring the measures taken by the Union Government in the direction of securing for women equality, status and dignity in all matters. The Committee would also suggest necessary correctives for improving the status/condition of women in respect of matters within the purview of the Union Government. Besides, another important function of the Committee is to examine the measures taken by the Union Government for comprehensive education and adequate representation of women in Legislative bodies/services and other fields. The Committee would also consider the report of the National Commission for Women. The Committee may also examine such other matters as may seem fit to them or are specifically referred to them by the Lok Sabha or the Speaker and the Rajya Sabha or the Chairman, Rajya Sabha.

**5. Departmentally Related Standing Committees:** A full-fledged system of 17 Departmentally Related Standing Committees came into being in April, 1993. These Committees cover under their jurisdiction all the Ministries/ Departments of the Government of India. These Committees are as under :

1. Committee on Commerce

2. Committee on Home Affairs
3. Committee on Human Resource Development
4. Committee on Industry
5. Committee on Science & Technology, Environment & Forests
6. Committee on Transport, Culture and Tourism
7. Committee on Agriculture
8. Committee on Information Technology
9. Committee on Defence
10. Committee on Energy
11. Committee on External Affairs
12. Committee on Finance
13. Committee on Food, Civil Supplies and Public Distribution
14. Committee on Labour and Welfare
15. Committee on Petroleum & Chemicals
16. Committee on Railways
17. Committee on Urban and Rural Development

### 2.19 Summary:

Indian Parliament follows Bicameral legislature. It consists of two houses namely: Lok Sabha (Lower House of the Indian Parliament) and Rajya Sabha (The Upper House of the Indian Parliament). Along with these two houses, Indian Parliament also includes the 'President'. Lok Sabha is known as House of People. Rajya Sabha is known as Council of State. 'Speaker' is the presiding officer of Lok Sabha. Out of 28 states, 6 states follow a bicameral legislative system, in which, the lower house is called as Legislative Assembly and the upper house is known as Legislative Council. In order to carry out the day to day activities of the country, various parliamentary committees have been set up.

**2.20. Self assessment Questions:**

1. \_\_\_\_\_ is the lower of Union Parliament.
2. What is the Quorum of Lok Sabha to carry out the proceedings?
3. The first hour of every sitting of Lok Sabha is called as \_\_\_\_\_.
4. \_\_\_\_\_ is the presiding officer of Lok Sabha.
5. In case of an ordinary bill, Rajya Sabha can delay its approval for a maximum of \_\_\_\_\_ months.
6. In case of Money bill, Rajya Sabha may delay its approval for maximum of \_\_\_\_\_ days.
7. President can select \_\_\_\_\_ members to Rajya Sabha.
8. The term of Rajya Sabha members is \_\_\_\_\_ years.
9. \_\_\_\_\_ will be the chairman of Rajya Sabha.
10. What is bi-cameralism legislature?
11. How many states have the Upper House or Legislative Council in their Legislature?
12. The drafted format of Law is \_\_\_\_\_.
13. \_\_\_\_\_ is the ex-officio Chairman of Business Advisory Committee of Lok Sabha.
14. Committee on Empowerment of Women was formulated on \_\_\_\_\_.
15. \_\_\_\_\_ Committee ensures, whether money granted by the Parliament has been spent for the purpose or not?

**2.21. Terminal Questions**

**Answer the following questions in a word or sentence each. Each question carries 1 marks.**

1. What is the present strength of Lok Sabha?
2. Explain the tenure of Lok Sabha.
3. In what way is the Money Bill different from Ordinary Bill. Explain.
4. Define quorum?
5. Which are the sessions of Lok Sabha?
6. Write the composition of Rajya Sabha.
7. Which is the upper house of state legislature?
8. What is a bill?
9. Who can exercise 'veto' power?
10. What is the maximum duration, that Rajya Sabha may delay its approval for a money bill?

**Answer the following in a paragraph each. Each question carries 5 marks**

1. What are the qualifications required to become the member of Rajya Sabha?
2. What are the qualifications required to become a member of Lok Sabha?
3. Explain the mode of election and the tenure of the Speaker of Lok Sabha.
4. Explain the role of committees in parliament.
5. What are the qualifications and disqualifications of the members of parliament?
6. What is meant by 'Vote of No-confidence'?
7. Point out the importance of Question-Hour.
8. Write a short note on dissolution of Lok Sabha.
9. Explain the role of the Legislative Council of the State.
10. Explain the law making process in the Indian Constitution.
11. Explain the Powers and functions of the Speaker of Lok Sabha.
12. Write a note on the financial committees of Indian Parliamentary System?
13. Discuss the role of parliament in Indian Democracy.

**Answer the following in detail. Each question carries 14 marks.**

1. Briefly explain the compositions, powers and functions of the Legislative Assembly?
2. Describe the organisation, powers and functions of Lok Sabha?
3. Critically examine the organisation, powers and functions of Rajya Sabha?
4. Describe the role of various committees in the Indian Parliamentary system?
5. Critically examine the procedure of passing the budget by the union parliament?



**2.22. Answers****Answers to 1 mark questions**

1. Refer sub section 2.3.a.
2. Refer sub section 2.3.d.
3. Refer sub section 2.4.c.
4. Refer sub section 2.3.e.
5. Refer sub section 2.3.f.
6. Refer sub section 2.7.a.
7. Refer sub section 2.10.
8. Refer sub section 2.14
9. Refer sub section 2.14
10. Refer sub section 2.8.b.

**Answer to 5 mark questions**

1. Refer sub section 2.7.b.
2. Refer sub section 2.3.c.
3. Refer sub section 2.5.a and 2.5.d.
4. Refer sub section 2.16
5. Refer sub section 2.7.b and 2.7.c.
6. Refer sub section 2.4.b
7. Refer sub section 2.3.i.
8. Refer sub section 2.3.d.
9. Refer sub section 2.13.
10. Refer sub section 2.14
11. Refer sub section 2.6.
12. Refer sub section 2.18.c.
13. Refer sub section 2.4 and 2.8.

**Answers to 14 mark questions**

1. Refer to sub section 2.10 (i) and 2.11
2. Refer to sub section 2.3 and 2.4
3. Refer to sub section 2.7 and 2.8
4. Refer to sub section 2.16 and 2.18
5. Refer to sub section 2.14 and 2.15