

Polity Class 33

9th November, 2023 at 1:00 PM

PRESIDING OFFICER (01:05 PM)

- Refer to the uploaded handout for details.
- Functions and Responsibilities of Presiding Officers (PO):
- Decides upon the disqualification under the anti-defection law.
- Responsible for maintaining the decorum in the House. In case of indiscipline by a member, may even take disciplinary action against the erring member including suspension or expulsion from the House.
- Concerns over the neutrality of the Speaker of Lok Sabha
- Allegations have been raised over the biased attitude of the speaker in acceptance or rejection of motions, especially the ones moved by the opposition.
- The presiding officers have often been biased in making decisions under the anti-defection law.
- It has been alleged that presiding officers have been biased in taking disciplinary actions against the erring members depending on the political party of the individual.
- The presiding officers have been often criticised for helping the ruling party by declaring certain bills as money bills to circumvent the scrutiny of the Rajya Sabha.
- Special powers of the Speaker of Lok Sabha
- He presides over the joint sitting of the Parliament.
- He decides whether a bill is a money bill or not.

FUNCTIONING OF THE PARLIAMENT (01:31 PM)

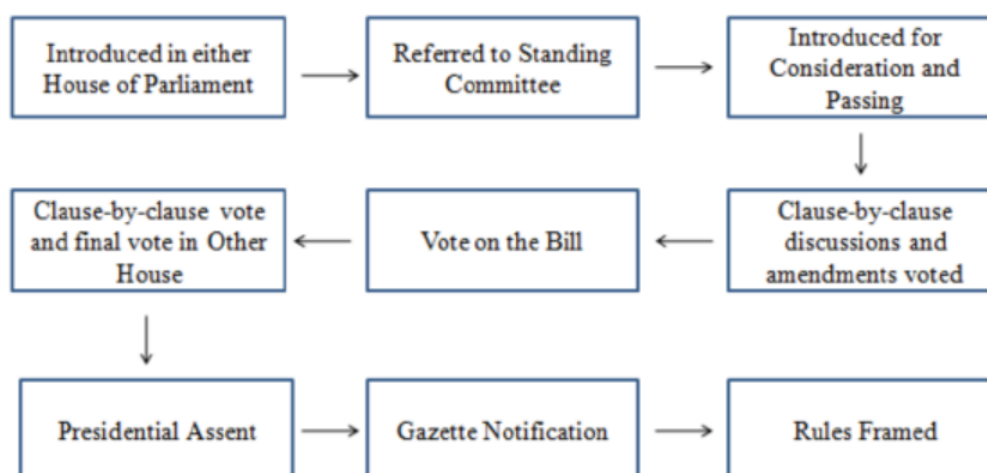
- There needs to be at least 2 sessions of Parliament as per the constitution.
- However, 3 sessions are held:
- Budget session
- Monsoon session
- Winter session
- Day to Day functioning:
- Note- Refer to the uploaded handout for details.
- Question hour
- It is an important tool in the hands of the Parliament to hold the executive accountable for its actions.

- The MPs may post a question related to laws and policies under the control of various ministries.
- (i) Starred Questions – If a Starred Question is asked, this means that the Member who asks the question wants an oral answer from the concerned Minister. The Minister's answer may be followed by other additional questions by Members.
- (ii) Unstarred Questions – An Unstarred Question does not need an oral answer, and the question will get a written answer which will be submitted to the Parliament by the concerned Minister. In this case, no additional questions can be asked.
- (iii) Short Notice Questions – These are questions asked on matters of public importance that need to be addressed urgently, within a shorter time period than ordinary questions. Like a Starred Question, a short-notice question is answered orally and can be followed by additional questions.
- Importance of Question Hour
 - It ensures legislative control over the executive and keeps the ministers on their toes as their answers are widely publicised for public consumption and scrutiny.
 - It is an effective method of ensuring checks and balances on the functioning of the executive.
- Rules regarding Question Hour
 - They have to be precise and not too general.
 - The question should also be related to an area of responsibility of the Government of India.
- Issues related to Question Hour
 - It has been the biggest casualty of parliament disruption in India.
 - A large portion of time allocated to the question hour has been wasted due to a ruckus in the Parliament. For example in 2015, 26% of the time allocated to question hour was utilised for asking the question. In 2020, this number stood at 20%.
- Zero Hour
 - The Zero Hour is usually used to raise matters that are urgent and cannot wait for the notice period required under other procedures.

LEGISLATIVE PROCEDURE IN PARLIAMENT (02:21 PM)

Table 1: Kinds of Bills in Parliament			
Kind of Bills	Subject	Introduction	Passage
Ordinary Bills	Anything under the Union and Concurrent Lists	Introduced in either House	Simple majority in each House
Money Bills	Involving taxation, borrowing, govt funding, payment or withdrawal of money from the Consolidated or Contingency Funds of India	Introduced only in LS	Simple majority in LS RS can recommend changes but LS has the right to reject them RS must return or pass a Money Bill within 14 days or it is deemed passed
Constitutional Amendment Bills	Amends the provisions of the Constitution	Introduced in either House	Simple majority of total membership and two-third majority of the MPs present and voting Some Bills also need to be ratified by half the state legislatures in the country

Figure 2: Steps Leading to the Enactment of a Law



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- Every bill introduced in parliament must go through three stages which are known as three readings of a bill.
- **First Reading-** The member of the house introducing the bill should take the leave of the house.
- **Second Reading**
- In this stage general and detailed scrutiny takes place. Bil can also be referred to a select committee which presents its report to the house.
- The House considers the bill's provisions clause by clause after receiving it from the select committee. Each clause is discussed and voted on individually.

- Members may also propose amendments, which, if accepted, become part of the bill.
- Third Reading
- At this point, the debate is limited to whether the bill should be accepted or rejected as a whole, with no amendments permitted.
- If the bill is accepted by the majority of members present and voting, it is considered passed by the House.
- Now the bill can be sent to the second House for consideration and approval where the same three readings take place.
- Procedure for the passage of a bill
- A bill other than special types of bills can be introduced in either house of the Parliament. Once a bill is approved by one house, it must go through the same procedure in the other house.
- If a bill is passed by both houses in the same form, it is sent to the President for his approval or assent.
- If an ordinary bill is passed by the first house, the second house shall have the following options:
 - 1) Accept the bill and pass it as it is.
 - 2) Reject the bill.
 - 3) Not act on the bill for 6 months.
 - 4) Make amendments to the bill.
- If the amendments made to the bill are not agreed upon by the houses it shall be considered a situation of deadlock.
- The same applies in the case of the second and the third option.
- According to provisions of Article 108, in case of a deadlock, the President may call for a joint sitting of both houses of the Parliament.
- Effect of dissolution of Lok Sabha (LS) on a bill
- A bill introduced in Lok Sabha and pending in Lok Sabha shall lapse upon dissolution of the Lok Sabha.
- A bill introduced in Rajya Sabha and pending in Rajya Sabha would not lapse upon the dissolution of the Lok Sabha.
- A bill introduced in and passed by Lok Sabha, pending the approval of the Rajya Sabha shall lapse upon dissolution of Lok Sabha.
- A bill introduced and passed by the Rajya Sabha and pending approval of the Lok Sabha shall lapse upon the dissolution of the Lok Sabha.

- A bill passed by both houses of the Parliament and pending approval of the President would not lapse upon dissolution of Lok Sabha.

FINANCIAL BILLS (FB) (03:31 PM)

- All the bills that contain any financial matters are referred to as financial bills.
- Financial bills:-
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	Money bills	FB type 1	FB type 2
Constitutional Provision	Article 110	Article 117 (1)	Article 117 (3)
	It relates to only the matter mentioned in Article 110(1)	It relates to the matter mentioned in Article 110(1) and other matters as well	This relates to other matters but also involves the withdrawal of money from the Consolidated Fund of India
Introduction	Can be introduced only in Lok Sabha	Can be introduced only in Lok Sabha	Can be introduced in Lok Sabha or Rajya Sabha
Powers of RS	Rajya Sabha has limited powers and can only delay the bill by a maximum duration of 14 days or recommend changes to the bill that may or may not be accepted by the LS.	Here the powers of the RS are the same as the LS	Here the powers of the RS are the same as the LS
The initial recommendation of the President:	It is required for the introduction	It is required for the introduction	The president's recommendation is required for the consideration of

of this bill in of this bill in the bill in the
Parliament Parliament House before it
is passed by the
House (Both
houses).

- **Issues associated with Money Bill**
- **According to Article 110(3), the decision whether the bill is a money bill or not is supposed to be taken by the Presiding officer of the Lok Sabha.**
- **He needs to certify so at the time of transmitting the bill to the RS. Often the governments have been accused of introducing ordinary bills as money bills to escape the scrutiny of the RS. It usually happens when the govt lacks the requisite majority in the RS.**
- **As per experts such practice violates the Basic structure of the Constitution as it affects the role of the states via the Council of States.**
- **The Constitution has assigned the role of a revisory house to the RS to prevent hasty and politically motivated decisions that get defeated as a result of such intentions of the executive.**
- **Since the neutrality of the speaker is also a matter of debate, the decision to declare a bill as money has also come under suspicion.**
- **Given the situation, it is necessary to evolve an objective and an independent process to arrive at the correct decision.**
- **We can follow the British system where the decision on such matters is taken by a committee consisting of the opposition members as well.**
- **Even though the courts have shown restraints in interfering with such matters. The court in the Aadhar case has held that it does have the power to check whether the Speaker acted in an arbitrary manner or not.**

TOPIC OF THE NEXT CLASS- BUDGETARY PROVISIONS