

Topic: Overview of functions of Parliament

Functions of the Indian Parliament:

1. Legislative functions

- a. This is the primary function of Parliament, involving the formulation and enactment of laws.
- b. Parliament debates and passes bills that become laws.
- c. Both Houses (Lok Sabha and Rajya Sabha) must agree on a bill for it to be enacted.

2. Executive functions

- a. Parliament plays a role in overseeing the executive branch of government.
- b. It holds the executive accountable through questions and debates.
- c. It approves appointments made by the President, such as the Prime Minister and Council of Ministers.

3. Financial functions

- a. Parliament has the power to manage and approve government finances.
- b. The government presents the Budget, which Parliament must debate and pass.
- c. It has the authority to impose taxes and approve government expenditure.

4. Constituent functions

- a. Parliament has the power to amend the Constitution.
- b. It can propose and pass amendments to the Constitution, which may require a special majority.
- c. This function allows Parliament to adapt the Constitution to changing needs.

5. Electoral functions

- a. Parliament plays a role in the election of certain key positions.
- a. It participates in the election of the President and Vice President of India.
- b. Members of Parliament also play a role in the electoral process for the Rajya Sabha.

6. Judicial functions:

- a. Parliament has the power to impeach the President, Vice President, and judges of the Supreme Court.
- b. This involves a formal process where charges of misconduct or violation of the Constitution are laid out.

7. Representation function:

- a. Parliament acts as a platform for MPs to voice the concerns and needs of their constituents. This **advocacy** is crucial for ensuring that government policies address the real-life issues faced by different groups.

- b. By ensuring that various voices are heard, the Parliament fosters **democratic governance and social justice**, making the government more responsive and accountable to its citizens.

8. Debating function

- a. Parliament serves as a forum for discussion and debate on various national issues.
- b. Members can express their views on policies, current events, and legislation.
- c. Debates can influence public opinion and government policy.

Conclusion

The Indian Parliament serves **multiple crucial functions**, including making laws, overseeing the executive, managing finances, amending the Constitution, participating in elections, and fostering debate on important issues. These functions collectively ensure a robust democratic process in the country.



Topic: Types of Majorities

The table below compares the different types of majorities used in the Indian Parliament:

Type of Majority	Definition	Usage
Simple Majority	More than 50% of the members present and voting.	Used for most Ordinary Bills, Money Bills, Financial Bills, motions, and resolutions.
Absolute Majority	More than 50% of the total membership of the house.	Required for certain critical decisions, such as the Council of Minister proving majority in the Lok Sabha. (Confidence Motion)
Effective Majority	More than 50% of the effective strength of the house (excluding vacancies).	Used for specific situations like the removal of the Vice-President and the Lok Sabha Speaker.
Special Majority	Varies, but generally requires a higher threshold than a simple majority.	Used for constitutional amendments and other significant matters.

In Short:

- **Simple Majority:** This is the most common type of majority used for passing ordinary bills and motions. It requires more than half of the members present and voting to be in favour.
- **Absolute Majority:** This requires more than half of the total membership of the house, regardless of how many members are present and voting. It is used for more critical decisions.
- **Effective Majority:** This takes into account the current strength of the house, excluding any vacancies. It is used in specific situations like the removal of the Vice-President and the Lok Sabha Speaker.
- **Special Majority:** This type of majority is required for constitutional amendments and other significant matters. It generally involves a higher threshold than a simple majority.

Topic: Types of Bills Based on Who Presents

1. Government Bill

- A **Government Bill** is a legislative proposal **introduced by a minister**.
- These bills are backed by the government and reflect its policies and priorities.
- Government Bills are more likely to be passed due to the support and resources of the ruling party.

2. Private Member Bill:

- A **Private Member Bill** in India is a legislative proposal introduced by a Member of Parliament (MP) who is not a minister.
- This means any MP **who is not part of the government** can introduce such a bill.
- These bills are a way for non-government MPs to propose new laws or amendments to existing laws.

The table below compares and contrasts Government Bills and Private Member Bills:

Aspect	Government Bill	Private Member Bill
Introduced by	A minister	Any MP who is not a minister
Chance of Approval	Higher, as it has government backing	Lower, as it lacks official government support
Impact of Rejection	Can imply a lack of confidence in the government	No impact on the government's position
Notice Period	Seven days	One month
Drafting	Drafted by the concerned department with legal consultation	Drafted by the MP introducing the bill
Discussion Days	Any working day	Only on Fridays

Aspect	Government Bill	Private Member Bill
Number of Bills per Session	No limit	Limited to three per session

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Topic: Types of Bills base on Content

Ordinary Bill

Article 107

1. **Introduction:** An ordinary bill can be introduced by **any Member** of Parliament (MP) **in either the Lok Sabha** (the lower house) **or the Rajya Sabha** (the upper house).
2. **Prior recommendation not needed:** It does **not** require the prior recommendation of the President.
3. **Discussion and Voting:** After introduction, the bill is discussed and debated in the house where it was introduced. Members can express their views, suggest changes, and debate the provisions. Once the discussion is complete, the bill is put to a vote.
4. **Simple majority:** Ordinary bills required to be passed by simple majority.
5. **Second House:** If the bill passes in the house where it was introduced, it is sent/transmitted to the other house (if it started in the Lok Sabha, it goes to the Rajya Sabha, and vice versa). The second house will also discuss and vote on the bill.
6. **Consideration of Amendments:** If the second house makes any **amendments** to the bill, it is **sent back** to the first house for consideration. Both houses must agree on the final text of the bill.
7. **Presidential assent:** After both houses agree on the final version, the bill is sent to the President for approval. The President can either
 - a. **Give assent**
 - b. **Withhold it, or**
 - c. **Return the bill for reconsideration of the Parliament.**
8. **Becomes law:** Once the President approves it, the ordinary bill becomes law.

Money Bill

Article 110
(Definition)

Article 109
(Procedure)

1. **Prior recommendation of the President:** Money Bills can be introduced in the Lok Sabha **only with the prior approval of the president.**
2. **Introduction:** A Money Bill can **only be introduced in the Lok Sabha** and not in the Rajya Sabha.
3. **Introduction by minister:** A Money Bill Can be Introduced **only by a minister.**
4. **Certification:** The **Speaker of the Lok Sabha certifies** that the bill is a Money Bill. This certification is important because it determines the bill's classification.
5. **Discussion and Voting:** After introduction, the bill is discussed in the Lok Sabha. Members can debate its provisions and suggest changes. Once the discussion is over, the bill is put to a vote.
6. **Rajya Sabha's role:**
 - a. The Rajya Sabha can review the Money Bill but has **limited powers.**

	<ul style="list-style-type: none"> b. Rajya Sabha cannot reject or amend a Money Bill. c. It can only recommend changes. d. The Lok Sabha is not obligated to accept these suggestions. e. It can keep a Money Bill pending maximum 14 days. <p>7. Presidential Assent: After passed by both the Houses, the Money Bill is sent to the President for approval. The President can either give assent but cannot return the bill (if it's not a Money Bill).</p> <p>8. Becomes Law: Once the President approves it, the Money Bill becomes law.</p>
<p>Constitution Amendment Bill</p> <p>Article 368</p>	<ol style="list-style-type: none"> 1. Introduction: A Constitution Amendment Bill can be introduced by any Member of Parliament (MP) in either the Lok Sabha or the Rajya Sabha. 2. Prior recommendation not needed: It does not require the prior recommendation of the President. 3. Discussion and voting: The bill is discussed in the House where it is introduced. After debate, it is put to a vote. 4. Approval: The bill must be approved by both Houses of Parliament by a special majority. 5. Presidential assent: Once both houses approve the amendment, it is sent to the President for assent. The President must give assent for the amendment to become law. 6. Notification: After receiving the President's assent, the amendment is formally notified and becomes part of the Constitution.

Topic: Money Bill in the Indian Parliament

- A **Money Bill** is a type of legislative proposal that deals exclusively with financial matters such as taxation, public expenditure, and government borrowing. The definition and scope of a Money Bill are outlined in **Article 110** of the Indian Constitution.

Constitutional Provision

- **Article 110** of the Indian Constitution defines a Money Bill. According to this article, a bill is considered a Money Bill if it contains only provisions dealing with all or any of the following matters:
 1. Imposition, abolition, remission, alteration, or regulation of any tax.
 2. Regulation of borrowing of money or giving of guarantees by the Government of India.
 3. Custody of the Consolidated Fund or the Contingency Fund of India, payment of moneys into or withdrawal of moneys from any such fund.
 4. Appropriation of moneys out of the Consolidated Fund of India.
 5. Declaring any expenditure to be expenditure charged on the Consolidated Fund of India or increasing the amount of any such expenditure.
 6. Receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State.
 7. Any matter incidental to any of the matters specified above.

Differentiating Between a Money Bill and an Ordinary Bill

Aspect	Money Bill	Ordinary Bill
Introduced by	Only in the Lok Sabha by a minister	Can be introduced in either house by a minister or a private member
Recommendation of President	Required before introduction	Not required
Role of Rajya Sabha	Can only make recommendations, which the Lok Sabha may accept or	Can amend, reject, or pass the bill

Aspect	Money Bill	Ordinary Bill
	reject	
Speaker's Certification	Requires certification by the Speaker of the Lok Sabha	No certification required
Period of Holding	Rajya Sabha can hold it for a maximum of 14 days	Rajya Sabha can hold it for up to 6 months
Joint Sitting	Not applicable	Can be held in case of a deadlock
Scope	Deals exclusively with financial matters as defined in Article 110	Deals with any subject matter other than financial issues

Issues with Money Bill Provisions in the Indian Parliament

1. **Circumventing the Rajya Sabha:** The classification of a bill as a Money Bill allows the government to bypass the Rajya Sabha, undermining the bicameral nature of Parliament. The Rajya Sabha can only recommend changes, which the Lok Sabha can accept or reject.
2. **Violation of Article 110:** There are concerns that certain amendments labeled as Money Bills do not strictly adhere to the provisions of Article 110, which defines what constitutes a Money Bill. Example: Aadhaar Act 2016
3. **Speaker's certification:** The Speaker of the Lok Sabha has the authority to certify a bill as a Money Bill. This raises concerns about the potential misuse of this power.
4. **Limited Debate and scrutiny:** Money Bills are subject to limited debate and scrutiny in the Rajya Sabha, reducing the opportunity for comprehensive legislative oversight.
5. **Legal challenges:** Misclassifying bills as Money Bills can lead to prolonged legal battles, adding uncertainty to the legislative process.
6. **Setting Precedents:** If the misuse of Money Bill provisions is upheld by the judiciary, it could set a precedent for future governments to bypass the Rajya Sabha, affecting the balance of power in Parliament.

7. **Specific Cases of Misuse:** Notable instances like the Aadhaar Act, 2016, and the Finance Act, 2017, have been criticized for being passed as Money Bills despite containing provisions that arguably do not fit the definition.

Way forward to prevent misuse of Money Bill provisions

1. **Clearer definition:** Amend Article 110 to provide a clearer and more precise definition of what constitutes a Money Bill, reducing ambiguity.
2. **Independent oversight:** Establish an independent body to oversee the classification of bills and ensure that the Money Bill route is not misused.
3. **Judicial review:** Allow for judicial review of the Speaker's decision to certify a bill as a Money Bill to ensure adherence to constitutional provisions.
4. **Strengthening Rajya Sabha's role:** Enhance the role of the Rajya Sabha in the legislative process by allowing it more power to scrutinize and amend Money Bills.
5. **Legislative reforms:** Introduce legislative reforms to ensure that only bills strictly meeting the criteria of Article 110 are classified as Money Bills.
6. **Regular reviews:** Conduct regular reviews of the use of Money Bill provisions and report findings to Parliament to ensure accountability and transparency.
7. **Public awareness:** Increase public awareness and transparency regarding the legislative process and the implications of classifying bills as Money Bills.

Key Opinions of the Supreme Court

1. **Aadhaar case 2016:** The Supreme Court of India has raised concerns about the **misuse of the Money Bill provision**, particularly in classifying bills as Money Bills to **bypass the Rajya Sabha**, which undermines **bicameralism**. In the 2016 Aadhaar case, the Court upheld the Act, but Justice D.Y. Chandrachud dissented, labeling it an "**abuse of the constitutional process.**"
2. **Importance of Bicameralism:** The Supreme Court has emphasized the importance of **bicameralism** in ensuring comprehensive legislative scrutiny. The Rajya Sabha plays a **critical role** in representing the states and providing a **check** on hasty legislation by the Lok Sabha.
3. **Judicial Review:** The Court has acknowledged the need for judicial review of the Speaker's certification of a bill as a Money Bill. This is crucial to ensure that the classification is not misused to bypass the Rajya Sabha.

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