

## **UNIT-2**

### **Chapter-1**

#### **Lok Sabha: Functions and Position of the Lok Sabha!**

The House of the People is popularly known as the Lok Sabha. It is the lower and powerful house of the Union Parliament. It represents the people of India. It is directly elected by all the people. It is fully democratic, representative and national House.

#### **I. Composition:**

The present membership of the Lok Sabha is 545, out of these 523 are elected by the people of all Indian States and 20 by the people of the Union Territories. The President nominates two members of the Anglo-Indian Community to the Lok Sabha. The maximum membership of the Lok Sabha stands fixed at 552 till the year 2010. Odisha has 21 seats in Lok Sabha, out of which some seats stand reserved for SCs and STs.

#### **II. Method of Election of the Members of Lok Sabha:**

**The members of the Lok Sabha are elected on the basis of the following principles:**

##### **(a) Universal Adult Franchise:**

Every citizen who has attained the minimum age of 18 years has the right to vote in the elections to the Lok Sabha. However, it is essential that his name should stand included in the voters list of his constituency.

##### **(b) Reservation of Seats for SCs and STs:**

Some constituencies are reserved for Scheduled Castes and Scheduled Tribes. These are called Reserved Constituencies. From each reserved

constituency only candidates belonging to SCs or STs, as the case may be, can contest elections. However, all the voters of each such constituency exercise their right to vote for electing one candidate belonging SC or ST as their representative. Presently 131 seats stand reserved (84 for SCs and 47 for STs).

**(c) Single Member Territorial Constituencies:**

The whole country is divided into as many territorial constituencies as is the number of the members of the Lok Sabha to be elected. From each constituency one MP is elected.

**(d) Secret Ballot:**

The members of the Lok Sabha are elected by secret ballot and no one knows his voting decision. Now EVMs are being used in recording votes.

**(e) Direct Election and Simple Majority Vote Victory system:**

All the members of the Lok Sabha are directly elected by the people. Any voter can cast his vote to elect any candidate of his choice from his constituency. A candidate securing the largest number of votes from amongst all the contestants from a constituency gets elected as the representative of the people of his constituency in the Lok Sabha.

**III. Qualifications for Membership of the Lok Sabha:**

(1) He must be a citizen of India.

(2) He must not be less than 25 years of age.

(3) He must not hold any office of profit in the Government.

(4) He should not have an unsound mind or be a bankrupt.

(5) He should not be a declared offender of a grave crime by any court.

(6) He should possess all such qualifications prescribed by the Parliament.

#### **IV. Tenure:**

The normal term of the Lok Sabha is five years. This term can be extended for one year during an emergency. But fresh elections to the Lok Sabha must be held within six months of the end of emergency. Further, the President can dissolve the Lok Sabha at any time when the Prime Minister may advise him to do so or when no party may be in a position to form a government. In this case also a new Lok Sabha has to be essentially elected within six months.

#### **V. Sessions:**

The President can call the session of Parliament at any time but the gap between two meetings of the Parliament cannot be of more than six months. It means in one year, a minimum of two sessions of the Lok Sabha are essential.

#### **VI. Quorum:**

For a meeting of the Lok Sabha the presence of at least 1/10th of its total members is essential. If 1/10th of the members are not present in a meeting of the Lok Sabha, the Speaker of the House can adjourn the meeting for lack of quorum.

#### **VII. Presiding Officers of Lok Sabha: Speaker and Deputy Speaker:**

The Speaker is the chairman and presiding officer of the Lok Sabha. In its very first meeting, every new Lok Sabha elects one of its members as the Speaker and another one as the Deputy Speaker. The Speaker presides over the meetings of the Lok Sabha, conducts its proceedings and maintains discipline and decorum in the House. His authority is supreme in the House.

He acts as a neutral chairman in the House. In his absence these functions are performed by the Deputy Speaker. When both the Speaker and Deputy Speaker are not present in the House, one member from the panel of chairmen (List of some veteran and experienced MPs of the House) presides over the meeting.

### **VIII. Privileges of Members:**

Lok Sabha MPs enjoy several privileges. They enjoy unrestricted freedom to express their views in the House. No action can be taken against them for anything said by them in the House. They cannot be detained for any civil offence during and 40 days before and after the session of the Lok Sabha. Their arrest in criminal cases can be made only after the Speaker has been informed of it.

### **Powers and Functions of the Lok Sabha:**

#### **1. Legislative Powers:**

An ordinary bill can become law only after it has been passed by both the Houses of Parliament. It can be introduced either in the Lok Sabha or the Rajya Sabha. When a bill is introduced and passed by the Lok Sabha, it is sent to the Rajya Sabha. After it has secured the approval of Rajya Sabha, it goes to the President for his signature.

After this it becomes a law. Although ordinary bills can be introduced in either of the two houses of Parliament, almost 90% of the bills are actually introduced in the Lok Sabha. In case the Rajya Sabha rejects a bill passed by the Lok Sabha and returns it with or without some amendments, the Lok Sabha reconsiders the bill.

If the Lok Sabha re-passes it and the Rajya Sabha is still not prepared to pass it, a deadlock occurs. If this deadlock remains unresolved for six months, the President summons a joint sitting of the two Houses. The decision of the joint sitting is accepted by both the Houses.

## **2. Executive Powers:**

For all its work, the Council of Ministers is collectively responsible before the Lok Sabha. The leader of the majority in the Lok Sabha becomes the Prime Minister. Most of the ministers are from the Lok Sabha. The ministers remain in office so long as they enjoy the confidence of majority in the Lok Sabha.

The Lok Sabha can remove the ministry from office by passing a vote of no- confidence against it. Thus, the life and death of the Ministry depends upon the Lok Sabha. The Lok Sabha maintains a continuous control over the Council of Ministers.

MPs can ask questions from ministers about their policies and activities of administration. They can criticise their policies. They can move and adopt several types of resolutions and motions (adjournment motion, call attention motion, censure motion and no-confidence motion) and can reject any bill of the government.

### **If the Lok Sabha:**

(i) Rejects any policy or decision of the Cabinet,

(ii) Or disapproves the budget or a bill of the government, or

(iii) Passes a vote of no- confidence against the Prime Minister, it is. Taken to be a vote of no-confidence against the entire Council of Ministers and it resigns en masse.

### **3. Financial Powers:**

The Lok Sabha has vast financial powers. A money bill can be introduced only in the Lok Sabha. After having been passed by it, the money bill goes to the Rajya Sabha. Such a bill can be delayed by the Rajya Sabha for a maximum period of 14 days.

If the Rajya Sabha fails to pass a money bill and 14 days elapse from the date of the submission of the bill to it, the money bill is deemed to have been passed by both the houses of Parliament. It is sent to the President for his signature.

In case of any dispute as to whether a particular bill is a money bill or not, the Speaker of the Lok Sabha gives the decision. His decision is final and it cannot be challenged in any court or even in the Rajya Sabha or the Lok Sabha. Thus, we can say that the Lok Sabha has the final control over the finances of state. No tax can be levied or collected or changed or abolished without the approval of the Lok Sabha. The fiscal policies of the government cannot be implemented without the consent of the Lok Sabha.

### **4. Judicial Powers:**

The Lok Sabha also performs some judicial functions. The impeachment proceedings can be taken up against the President either in the Lok Sabha or the Rajya Sabha. The President can be removed

from office only when an impeachment resolution is adopted by each of the two Houses with a 2/3 majority of its members.

The Lok Sabha also investigates the charges prepared by the Rajya Sabha against the Vice-President of India. The Lok Sabha and the Rajya Sabha can together pass a resolution for the removal of any judge of the Supreme Court or of a State High Court.

Both the Houses can jointly pass a special address and present it to the President for the removal of some high officers of the state like the Attorney General, the Chief Election Commissioner and the Comptroller and Auditor General of India. Lok Sabha can also take action against any member or any citizen who is held to be guilty of committing contempt of the House.

### **5. Electoral Functions:**

The Lok Sabha also performs some electoral functions. The elected members of the Lok Sabha take part in the election of the President. Members of the Lok Sabha and the Rajya Sabha together elect the Vice-President of India. The members of the Lok Sabha also elect a Speaker and a Deputy Speaker from amongst themselves.

### **6. Some Other Powers of Lok Sabha:**

**The Lok Sabha and the Rajya Sabha jointly perform the following functions:**

- (a) Approval of the ordinances issued by the President
- (b) Change of the boundaries of the states. State, creation of new states and change in the name of any state.

- (c) Changes in the jurisdiction of the Supreme Court and the High Courts.
- (d) Changes the qualifications of the members of the Parliament and State Legislatures.
- (e) Revising the salary and allowances of the members of Parliament,
- (f) The setting up of Joint Public Service Commission for two or more states.
- (g) Passing of a resolution for abolishing or creating the upper chamber of a state legislature,
- (h) Approval of a Declaration of Emergency.

### **Position of the Lok Sabha:**

After studying the powers and functions of the Lok Sabha, we can say that the Lok Sabha is a very powerful House. The Council of Ministers is responsible to the Lok Sabha and not to the Rajya Sabha. It remains in office so long as it enjoys the confidence of majority in the Lok Sabha.

The Lok Sabha has full control over the finances of the State. It dominates ordinary law-making bills as nearly 90% of the bills are introduced in it. The joint sitting method of resolving the deadlocks between the two Houses tends to favour the Lok Sabha. It also controls the executive.

The leader of majority in the Lok Sabha becomes the Prime Minister. Lok Sabha can cause the dismissal of the Council of Ministers by passing a vote of no-confidence or by rejecting a policy or law of the



government. Hence, the Lok Sabha is a very powerful house of the Union Parliament.