Central Legislative System



A deliberative body of persons, usually elective, who are empowered to make, change, or repeal the laws of a country or state; the branch of government having the power to make laws, as distinguished from the executive and judicial branches of government

Names of Legislature:

In India Parliament is known as **Sansad**.

Diet in Japan

Congress in US

Parliament in UK

Knesset in Israel.

LEGISLATURE

Uni-Cameral (One Chamber/ House)

- If the Parliament (National Assembly) has only one chamber, it is known as Uni-Cameral Legislature.
- Examples: Greece, Finland, Denmark, Sweden, Sri Lanka & etc.

Bi -Cameral (Two chambers / Houses)

- If the Parliament (National Assembly) has two chamber, it is known as Bi-Cameral Legislature.
- Examples: India, U.K., U.S.A.
 Afghanistan, Pakistan, etc.

Articles 79 to 122 in Part V of the Constitution deal with the organization, composition, duration, officers, procedures, privileges, powers and so on of the Parliament.

Nature of Legislature

India Quasi federal (Parliament)

Bicameral Legislature

- 'Bi' means two, 'cameral' means chamber or house. Bicameral legislature means two chambers or two houses.
- Lower house is called the First House and the Upper house is called the Second House. America, Britain and India are the classic examples of bicameral legislature.

Meaning of legislature (Parliament)

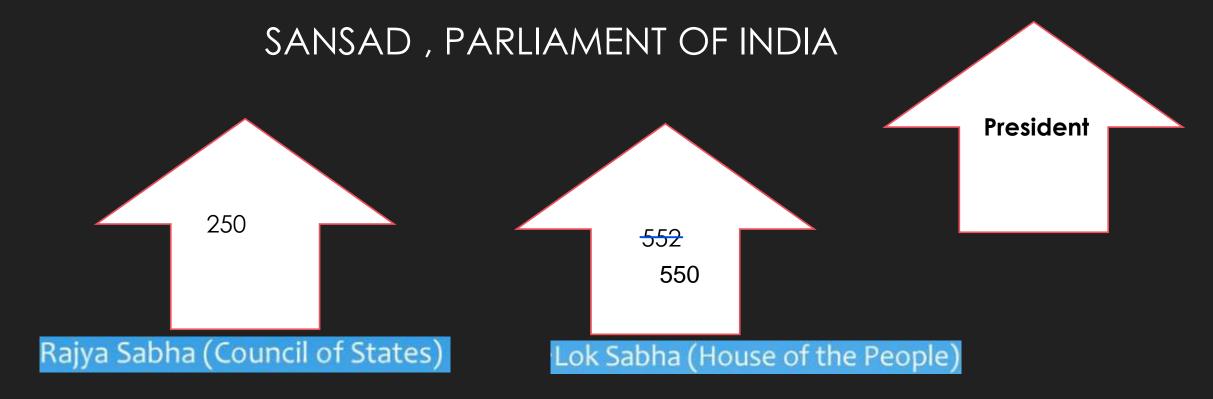
'Parliament' -- is a word derived from the French expression **parlement** which means 'speaking', and Latin word '**parliamentum**' which means 'talking. It has come to mean 'meeting for discussion'.

Also known as 'Westminster' model of government

Or talking Shop where we can discuss national and international issues.

Articles 79 to 122 in Part V of the Constitution deal with the organization, composition, duration, officers, procedures, privileges, powers and so on of the Parliament.

Constitutional Provisions related to Parliament : Part V, Chapter II				
Article 79	Constitution of Parliament			
Article 80	Composition of the Council of States/Rajya Sabha			
Article 81	Composition of the House of People/Lok Sabha			
Article 83	Duration of Houses of Parliament			
Article 84	Qualification for membership of Parliament			
Article 85	Sessions, Prorogation and Dissolution			
Article 89	Chairman and Deputy Chairman of Council of States			
Article 93	Speaker and Deputy Speaker of the House of People			
Article 102	Disqualification for membership			
Article 105	Powers and Privileges of the Houses of Parliament			
Article 108	Joint Sitting of the House			
Article 110	Definition of Money Bills			
Article 111	Assent to Bills			
Article 112	Annual Financial Statement			
Article 114	Appropriation Bills			
Article 116	Votes on account			
Article 117	Finance Bills			
Article 120	Language used in Parliament			
Article 122	Courts not to inquire into Parliamentary proceedings			
Article 123	Ordinance making Power of President			



- IS NOT SUBJECT TO DISSOLUTION, CONTINUING CHAMBER PERMANENT HOUSE
- AFTER END OF EVERY 2 YEARS 1/3RD MEMBERS WILL COMPUSORILY BE RETIRED (<u>Retired members are subject to reelection</u>)
- EACH MEMBER HAS 6 YEARS OF TERM
- VACANT SEATS WILL BE FILLED BY THE RESPECTIVE STATE LEGISLATIVE ASSEMBLY BY FRESH ELECTIONS
- INDIRECT ELECTION (FIRST R.S BY LOTTERY SYSTEM)
- NO POWER OF MONEY
- ensures federal balance

- HOUSE OF THE PEOPLE SHOWS DEMOCRACY NON PERMANENT CHAMBER
- FAIR AND REGULAR ELECTION DIRECT ELECTION (UNIVERSAL ADULT FRANCHISE)
- It continues for 5 years (Note: It can be dissolved earlier by passing noconfidence motion)
- REAL POWER OF MONEY
- Represents the will of the people

TYPES OF BILL

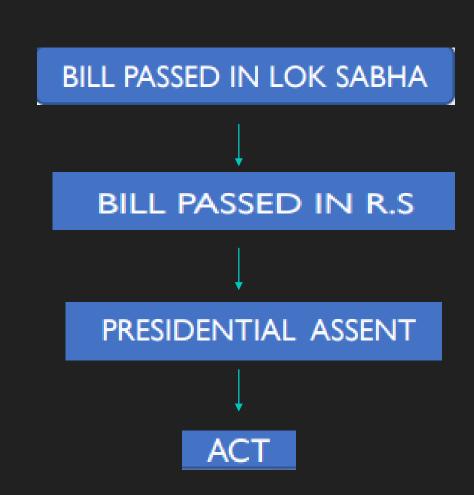
ORDINARY BILL

MONEY BILL

FINANCE BILL

CONSTITUIONAL
AMENDMENT BILL

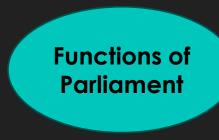
- 1. LEGISLATIVE FUNCTIONS
- 2. EXECUTIVE FUNCTIONS
- 3. FINANCIAL FUNCTIONS
- 4. OTHER FUNCTIONS



To call for information

To be a forum for the expression of grievances

To form the Government



To be a forum for debate

To monitor expenditure of public funds

To represent the Electorate

To hold the government accountable for its actions

To Legislate

Comparison between Lok Sabha and Rajya Sabha							
Difference	Lok Sabha	Rajya Sabha					
What it is called?	House of People	Council of States					
What is the meaning of the name?	House of People, where people who are qualified to vote can elect their representative by way of direct elections	Council of States, where the representatives are indirectly elected by the elected representative of the Assemblies of States and Union Territories					
S	Members are directly elected by the people from the territorial constituencies in the states Election Principle used – Universal Adult Franchise Eligibility to Vote: Any Indian Citizen of/above 18 years of age Note: Voting age was reduced from 21 to 8 years by the 61st Constitutional Amendment Act, 1988 It continues for 5 years Note: It can be dissolved earlier by passing no-confidence motion	Members are elected by the elected members of state legislative assemblies Election Principle used – Proportional Representation by means of Single Transferable Vote Allotment of Seats – On the basis of population Note: Number of representatives varies from state to state It is a permanent body.					
Who heads the house?	Speaker	Vice President of India as the Chairman of the house					

84th Amendment Act of 2001, the constituency boundaries were frozen until the first census afte2026 or at least after 2031. The 1971Census served as the foundation for the seat allocation of the present Lok Sabha. 9 Nov 2023

→ prescribed in <mark>Article 326.</mark>

	Lok Sabha	Rajya Sabha
For UTs	Parliament is empowered to choose the members from the UTs in any manner it desires Election Principle used – Direct Election Note: Union Territories (Direct Election to the House of the People) Act, 1965, has been enacted by which the members of Lok Sabha from the union territories are chosen by direct election.	Members are indirectly elected by members of an electoral college specially constituted for the purpose Election Principle used – Proportional Representation by means of Single Transferable Vote
		Note : Out of eight UTs, Delhi, Jammu & Kashmir, and Puducherry have
		representation in Rajya Sabha

61st Constitutional Amendement Act, 1989 reduce the age of voting 21 to 18

Comparison between Lok Sabha and Rajya Sabha							
What is the minimum age to become a member?	25 years		30 years				
What is the strength of the house?	552 members 250 members Article 81 provides composition of the house of the people						
	Maximum Strength - 552	530 represent the States	Maximum Strength – 250	238 elected indirectly and are representatives of States and Union Territories			
		20 are the representatives of Union Territories		12 are nominated by the President			
		2 are nominated by the President from Anglo- Indian Community	Current strength – 245	233 represent states and Unio Territories			
	Current Strength – 545	530 represent States		-			
		13 represent Union Territories		12 are nominated by Presiden			
		2 are nominated by the President from Anglo-Indian Community		-			

Article 84 provides for the **qualification** to become a member of Parliament

- one must have the nationality of India
- doesn't holds any office of profit
- must have completed 30 years of age (RS)/ 25 years of age (LS)
- must possess such other qualifications as may be prescribed by any law made by Parliament.

Reservations for SC/ST

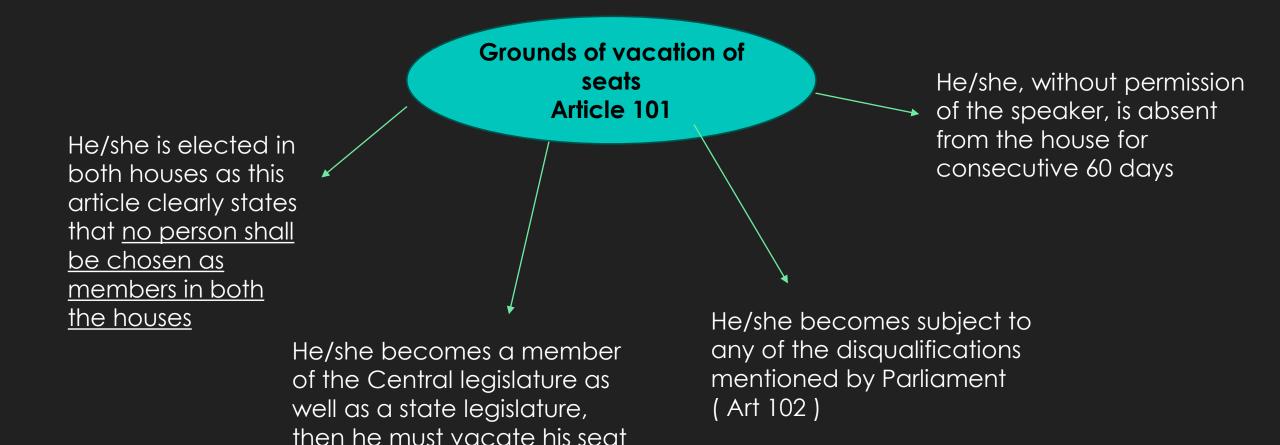
He must be a member of a scheduled caste or scheduled tribe in any state or union territory, if he wants to contest a seat reserved for them. However, a member of scheduled castes or scheduled tribes can also contest a seat not reserved for them.

Art 102 lays the grounds on Disqualification.

- If he/she holds any office of profit under the Government of India or any of the states;
- If he/she is declared of unsound mind by a Court;
- If he/she is an undischarged insolvent;
- If he/she is not a citizen of India anymore;
- If he/she is disqualified by virtue of any law passed by the parliament of India.

Grounds of <u>Defection</u> under <mark>52nd Amendment Act</mark> 1985 (**Schedule – 10**)

104th Constitutional Amendment Act, 2020 the reservation of SC/STs is extended for further 10 years but the reservation of Anglo Indians in Lok Sabha has been abolished.



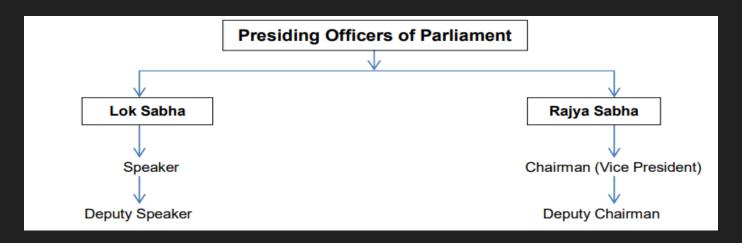
After a seat is vacated in either of legislative houses, polls are conducted to fill the vacancy.

in the house.

Comparison between Lok Sabha and Rajya Sabha

What are the functions of the house?

All bills originate in Lok Sabha mostly and after passing through Rajya Sabha, they are returned for Lok Sabha approval. It plays a major role in legislation. Rajya Sabha has special powers to protect the states' rights against the Union.



PRESIDING OFFICER: CHAIRMAN

Article 64

- 1. EX OFFICIO CHIARMAN: VICE PRESIDENT
- 2. NOT THE MEMBER OF R.S BECAUSE IT MUST NOT BE BIASED
- 3. REPRESENTS FEDERALISM: THAT IS BASIC STRUCTURE DOCTRINE

DEPUTY CHAIRMAN:

- 1. MEMBER OF THE R.S.
- 2. ELECTED AMONGST THE MEMBER OF R.S.
- 3. WILL BE FUNCTION AS ACTING CHAIRMAN IN THE ABSENCE OF CHAIRMAN

Speaker is the Presiding officer of Lok Sabha. He presides over the meetings of the House of people, maintains the order of the house and the interprets the rules of procedure for the proceedings of house.

Joint Session

SPEAKER WILL BE PRESIDING OFFICER —

IN HIS ABSENCE,
DEPUTY SPEAKER

IF BOTH SPEAKER AND DEPUTY SPEAKER
IS ABSENT, DEPUTY CHAIRMAN WILL
HANDLE THE PRESIDING OFFICE OF JOINT
SESSION

NOT THE CHAIRMAN WHY?

SPEAKER

Speaker and Deputy Speaker are elected by the house from it's members by a simple majority of members

present and voting

He can be removed by a resolution of the

House by absolute majority.

He should be given a 14 day notice before

such a resolution.

Resolution must have 50 members support in order to be introduced

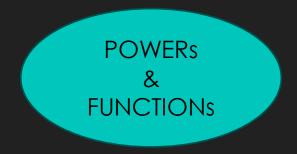


usually from ruling party.

Since the 11th Lok Sabha there has been a consensus that Speaker comes from the ruling alliance and post of Deputy Speaker goes to the main opposition party.

NFW LS **PRO TEM SPEAKER** FIRST MEETING **ELECTION** OF **SPEAKER** The date of election of the Speaker is fixed by the President

He maintains order and decorum in the House



He adjourns the House or suspends the meeting in absence of a quorum

He appoints the chairman of all the parliamentary committees of the Lok Sabha and supervises their functioning

He himself is the **chairman** of

- the Business Advisory Committee
- the Rules Committee
- the General Purpose Committee.

final interpreter

- (a) the Constitution of India,
- (b) the Rules of Procedure and Conduct of Business of Lok Sabha,
- (c) the parliamentary precedents, within the House

He does not vote in the first instance. But he can exercise a casting vote in the case of a tie

SPECIAL POWERS OF LOKSABHA SPEAKER

- 1. MONEY BILL decision
- 2. HEAD OF JOINT SITTING
- 3. HE IS THE FIANL AUTHORITY TO DECIDE WHETHER A PARTICULAR ACTION MAY BE CONSIDERED AS DEFECTION UNDER THE 10TH SCHEDULE

Chairman of Rajya Sabha

- Vice-President of India is the ex-officio Chairman of Council of States (Article 64)
- He presides over Rajya Sabha as it's Chairman and remains in office as long as he functions as Vice-President of India.
- He is **REMOVED** from office only as Vice-President of India.

if Rajya Sabha passes a resolution by an absolute majority

and

Lok Sabha approves the resolution by a simple majority