

# PARLIAMENT AND STATE LEGISLATURE PART 1



- Part V: Parliament (Art 79-122)
- Part VI: The State Legislature (Art 168-177)

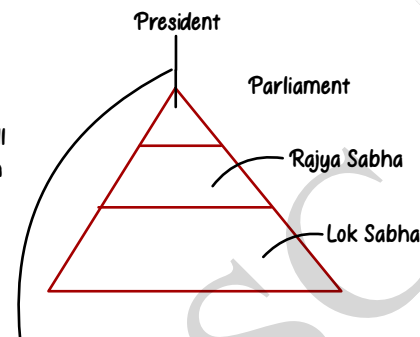
### Art 79: Constitution of Parliament

#### Lok Sabha

- Lower House
- First Chamber
- House of the People (Directly elected by people)
- Min age to become a member: 25 yrs

#### Rajya Sabha

- Upper House
- Second Chamber
- Council of States (Representative of States)
- Min age to become a member: 30 yrs (also known as "House of Elders")



The President is integral part, as no bill can become a law without his consent or assent

#### First Sitting

- Lok Sabha: 13 May 1952 → Constituted on: 17 April 1952
- Rajya Sabha: 13 May 1952

★ In 1954, the Hindi names — Lok and Rajya Sabha were adopted

• Parliamentary form of Government: Borrowed from UK (Britain) → Westminster Model

### Art 80: Composition of Council of States — RS

It is a federal feature (Representation of States)

Max: 250 members

238

- Elected by people
- Voting in RS

12

- Nominated by President in the field of
  - Li: Literature
  - S: Science
  - A: Arts
  - S: Social Science

At present: 245 seats (As of 2023)

- 5 vacant for POK, Akshai Chin, etc
- 233: Elected by legislature of States and UT using STV through open ballots
- 12: Nominated by President

• PT Usha: Recently nominated

Known as "Paygoli Express"

On what grounds?

- Social Service

## Representation

- Indirect
- Proportional — In RS
- STV → Single Transferable Vote

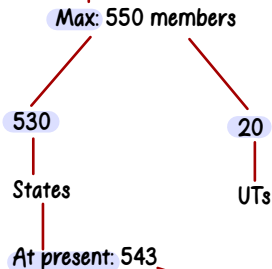
RS election is in Open Ballot

### In Rajya Sabha: Unequal representation

- UP: 31
- Sikkim/Meghalaya/Arunachal/Goa: 1

- Election of RS members: Taken from South Africa
- Nomination of RS members: Taken from Ireland

### Art 81: Composition of House of the People — LS



- 2 Anglo Indians nominated by President — This was removed later through 104 CA

### Elections and Representations

- 28 states: Parity among Inter and Intra-states
- Direct election

### Art 82: Readjustment after each Census

#### Delimitation Commission

- Division of Constituencies on the basis of population
- After every Census — 10 yrs

In India, such Delimitation Commission have been constituted Four times, in 1952 under the Delimitation Commission Act, 1952, in 1963 under the Delimitation Commission Act 1962, in 1973 under the Delimitation Commission Act, 1972 and in 2002 under the Delimitation Commission Act, 2002

- First: 1952
- 42nd CA, 1976 → Till 2000, seats were fixed on the basis of population

- 84th CA (2001): Extended till 2026 (No Delimitation Commission) — Froze the constituency boundaries till 2026
- Division of seats — According to 2001 Census
- 87th CA (2003): Delimitation according to 2001 Census

• The word "Delimitation" literally means the act or process of fixing limits or boundaries of territorial constituencies

Do you know that Lok Sabha has Green Carpet & Rajya Sabha has Red Carpet? But Why?

Green Colour represents India is an Agriculture land and the people here are elected from grass root level.

Red Colour represents royalty and also tells about the sacrifice done by the freedom fighters and the blood they shed to gain independence for India.



#### Themes of new Parliament buildings

- Lok Sabha: Peacock
- Rajya Sabha: Lotus

Previous Census 2011 (No Census yet, delayed due to COVID)

## Delimitation Commission in Jammu & Kashmir on basis of 2011 Census

- Accordance to Part V of J & K Act, 2019 (34 of 2019)
- Setup on 6th March, 2020 — Headed by Justice Ranjana Prakash Desai

### Art 83: Duration of Houses of the Parliament

- RS: No duration — not written in Constitution
- RS members duration: 6 yrs — 1/3rd members retire after every 2 yrs
- LS: As a house — 5 yrs unless dissolved
- LS members duration: Co-terminous with the LS as a house
- Duration can be extended only in case of national emergency for one year at a time (when cease: within 6 months fresh elections)

### Art 84: Qualification of members of the Parliament

- Is a Citizen of India
- Any other qualification which Parliament may determine
- Age
  - RS: 30 yrs
  - LS: 25 yrs

### Art 85: Sessions of Parliament, prorogation and dissolution → On advice of COMs

- 3 sessions (summoned by President)
  - Budget: Feb-Towards the end of April
  - Monsoon: July-August
  - Winter: December
- The maximum gap (recess) between two sessions cannot exceed 6 months

#### 3 types of Questions

- Starred: Oral question-answer (Supplementary)
- Unstarred: Written
- Short notice: 10 days prior notice

### Prorogation: It ends a session

### Dissolution: It ends the live session of Lok Sabha (Act of dissolving)

House dissolved by the President on no-confidence motion

### Adjournment: By Presiding Officer of the house; it ends a sitting/meeting

#### Pre-lunch

- At 11 AM: Meeting starts (1st day)
- 11 AM-12 PM → Question hour (1st hour of every meeting)
- 12-1 PM → Zero hour (to decide the agenda of the day)
- Lunch



Adjournment Sine die: by Presiding Officer

- It ends the meeting without providing a date
- It happens just before the prorogation

In LS: Speaker

In RS: Vice President/Chairman

At present

• LS speaker: Om Birla

• RS speaker: Jagdeep Dhankar

• Art 86: Right of President to address and send messages to the House

• Art 87: Special address by the President

Motion of Thanks

At the commencement of first session after each general election (LS)

First session of each fiscal year

Financial year: 1st April-31st March

1. The President may address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members
2. The President may send messages to either House of Parliament, whether with respect to a Bill then pending in Parliament or otherwise

} Collectively addressed  
by the President

• RS: Continuing chamber

• Policies need to be passed from both the Houses separately

• Session adjourned, prorogue: LS + RS

Dissolved: LS

• Summoning power: President

• Adjournment power: Presiding Officer

• Art 88: Rights of Ministers and Attorney General of respective Houses

• Right to speak in LS/RS, but no right to vote

• Can only vote in the House they belong to

Not a member of either House, but  
right to speak in LS/RS

## Officers in Parliament

• Art 89: Chairman and Deputy Chairman of the Council of States

- ① Vice President (Ex Officio Chairman of the Council of States)  
Not the member of either House of the Parliament
- ② Deputy Chairman — Elected by the House  
Acting chairman — in absence of chairman

He is a member of RS

• Art 90: Vacation and resignation of, and removal from, the office of DC

- If he is not a member of RS
- Resignation by writing to chairman (Vice President) of RS
- Removal by a majority of all then members of RS — Effective Majority  
→ In LS: Removal by Simple Majority

• Art 91: Power/duty of DC

• When Chairman and DC is absent?

• The chairman appoints 10 members as a panel of Vice chairperson

One member from here, presides the House

• When seats are vacant

When Office of Chairman is vacant and or Vice President is acting as President, the duties of office of Chairman shall be performed by the Deputy Chairman

If Deputy Chairman is also absent then, the President can choose any member to discharge duties of RS

• Panel of RS Vice Chairperson: P. T. Usha (first woman to be appointed)

• Art 92: chairman and DC not to preside while in a resolution for his removal is under consideration

Act as

Any member of the house when Chairman is presiding in the house

② Right to vote

• Voting at first instance (majority votes counted)

• Casting vote (equality of votes) → Presiding Officer is given casting vote

The Chairman or Deputy Chairman has the right to participate in proceedings and speak during the consideration of removal resolution, but can only vote in first instance and not in case of a tie

## Art 93: Speaker and Deputy Speaker of House of the People

1st speaker of LS: Ganesh Mavalankar

Both chosen by the House within themselves

Speaker is from ruling party

Deputy Speaker is from opposition party

LS can choose two members of the House as speaker and deputy speaker if the office of Speaker or Deputy Speaker is vacant

Conventions (not written in the Constitution)

## Art 94: Vacation and resignation of, and removal from, the offices of Speaker + Deputy Speaker

### Provisions

Not a member of the House (shall vacate if cease to be a member)

Chosen

Do not subscribe to any oath

Resignation: Speaker  $\rightleftharpoons$  Deputy Speaker

Removal: Effective Majority  $\rightarrow$  Passed by the majority of then members of the House

Speaker shall not vacate his office until immediately before the first of the meeting

Speaker cannot leave, even if Lok Sabha is dissolved  $\rightarrow$  Can leave after the new one

New Speaker

## Art 95: Powers to perform duties

Absent in RS: Speaker nominates  $\rightarrow$  Panel of Vice Chairpersons

### Speaker and Deputy Speaker

Absent: Speaker appoints not more than 10 persons as Panel of Chairpersons and among them, one will preside (LS)

Vacate: President chooses one to preside

- Election date of Speaker: Fixed by President
- Election date of Deputy Speaker: Fixed by Speaker
- 1st Deputy Speaker: M A Ayyangar
- Since 2019, the LS does not have a Deputy Speaker

## Art 96: Speaker and Deputy Speaker not to preside while in resolution for his removal

Voting at first instance

Any member of the House when speaker is presiding in the House

## Art 97: Salary and Allowances of Chairman and Deputy Chairman and the Speaker and Deputy Speaker $\rightarrow$ Decided by Parliament

## Art 98: Secretariat of Parliament

IAS Officer

LS Speaker and RS Chairman

President appoints Secretariat on advice of Speaker of the House

Art 99: Oath or Affirmations

By the President or some person appointed on behalf by the President

Appoints Protem Speaker (Temporary Speaker)

He is the senior most  
(provides oath to newly  
appointed members)