

# Parliament of India

## Rajyasabha

- **Upper House**, represents the states and union territories of the Indian Union
- **Strength**- 229 members represent the states, 4 members represent the UTs and 12 are nominated by the President
- **Presiding Officer**- Vice-President
- **Tenure of members**- 6 years
- **Quorum**- No sitting in the house can take place unless one tenth of the total members of the House are present.
- **Qualification of members**- Citizen of India, minimum 30 years of age
- **Privileges and Immunities of the members**- Freedom of expression in the House, he can not be tried in any court of law for any speech made by him on the floor of the House. Beside this immunity, he cannot also be arrested in any criminal case 40 days before the beginning of session and 40 days after the last sitting of House.

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## Rajyasabha

- **Special Powers-** As the sole representative of the States, the Rajya Sabha enjoys two exclusive powers which are of considerable importance.
- First, under Article 249, the Rajya Sabha has power to pass a resolution by a majority of not less than two-thirds of members present and voting, declaring that it is 'necessary or expedient in the national interest'. The matter in such resolution should belong to the State List. The law passed on the matter in the resolution shall be valid for one year.
- The second, Article 312 also provides special power to the Rajya Sabha to pass a resolution on another matter, i.e. to create one or more All India Services. Like the resolution to be passed under Article 249, under Article 312 also, the resolution should be passed by two-third of members present and voting in the House.

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## Loksabha

- **Lower House**, represents the people of India
- **Strength-** 545 (530 from states, 13 from UT, 2 nominated from Anglo-Indian community)
- **Tenure-** 5 years
- **Elections-** Universal Adult Franchise, First Past the Post System
- **Presiding Officer-** Speaker
- **Quorum-** one tenth members of the total strength
- **Special Powers-** Money Bills, No-Confidence Motion

# Parliament of India

## Powers and Functions

- Legislative Powers
- Control over the Finance
- Control over Executive-
- **Question Hour-** the first hour of every parliamentary sitting is slotted for this. During this time, the members ask questions and the ministers usually give answers. The questions are of three kinds, namely, starred, unstarred and short notice.
  1. A starred question (distinguished by an asterisk) requires an oral answer and hence supplementary questions can follow.
  2. An unstarred question, on the other hand, requires a written answer and hence, supplementary questions cannot follow.
  3. A short notice question is one that is asked by giving a notice of less than ten days. It is answered orally.



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## Powers and Functions

- **No-Confidence Motion-** Article 75 of the Constitution says that the council of ministers shall be collectively responsible to the Lok Sabha. It means that the ministry stays in office so long as it enjoys confidence of the majority of the members of the Lok Sabha.
- **Privilege Motion-** It is concerned with the breach of parliamentary privileges by a minister. It is moved by a member when he feels that a minister has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts. Its purpose is to censure the concerned minister.
- **Calling Attention Motion-** It is introduced in the Parliament by a member to call the attention of a minister to a matter of urgent public importance, and to seek an authoritative statement from him on that matter.
- **Adjournment Motion-** When there is an urgent matter of public importance then a member may propose that the business of the house be adjourned for discussing that matter.

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## Procedure to Pass Ordinary Bill

- An Ordinary Bill is introduced in either house of the Parliament. It must be passed by both the Houses by a simple majority of voting. There are five stages through which a bill has to go through before it finally becomes an act:

**First Reading** – A minister or a member introduces the bill in either house of the Parliament. The title and objective of the bill is read by the minister.

- After the introduction, the bill is published in the Gazette of India
- In this stage there is no discussion on the bill

**Second Reading**– This is the Stage of General Discussion. Four actions can be taken on the bill:

- It may take the bill into consideration immediately or on some other fixed date
- It may proceed the bill to a select committee of the House
- It may proceed the bill to a joint committee of the two Houses
- It may spread the bill to elicit public opinion

**Third Reading** –Here one of the two actions take place:

- Acceptance of the Bill (If the majority of members accept the bill, the bill is regarded as passed by the House)
- Rejection of the Bill

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## Procedure to Pass Ordinary Bill

**Bill in the Second House** – The first three stages are again repeated here i.e.:

- First Reading
- Second Reading
- Third Reading

The second house can take one of the following actions:

- It may pass the bill by the first house without any changes.
- It may pass the bill after making amendments and return it back to the first House for reconsideration.
- It may reject the bill altogether.
- It may not take any action and therefore keep the bill pending as it is.

**Assent of the President** – President can take one of the three actions :

- May give his assent to the bill where the bill becomes an act and is placed on statute book.
- May withhold his assent to the bill where the bill ends and does not become an act.
- May return the bill for reconsideration where the houses can/cannot make amendments and send it back to the President after which he has to give assent.

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## Procedure to Pass Money Bill

A Bill is said to be a Money Bill if it contains particular Acts related to taxes, borrowing of money by the government, expenditure from or receipt to the Consolidated Fund of India. A Money Bill is only introduced in Lok Sabha, on the recommendation of the President.

- Money Bills passed by Lok Sabha are sent to the Rajya Sabha. The Rajya Sabha do not have power to amend money.
- A money bill should be returned to the Lok Sabha by the Rajya Sabha within 14 days of commencement of procedure , or else the bill is regarded to have passed both houses as it was originally passed by the Lok Sabha.
- It is then presented to the President, who gives his assent and it then becomes a law



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## Procedure to Pass Constitutional Amendment Bill

Bills seeking to amend the Constitution are of three types:—

- (1) Bills that are passed by Parliament by simple majority;
- (2) Bills that have to be passed by Parliament by the special majority
- (3) Bills that have to be passed by Parliament by the special majority and the ratification of at least half of the state legislatures.