

12

THE PARLIAMENT OF INDIA

12.1 INTRODUCTION

You have learnt that India, being a parliamentary democracy, has a nominal, or constitutional, executive and a real executive. At the Centre, the President is the head of state and all powers are given to him by the Constitution, but they are exercised in his name by the Council of Ministers.

The legislature of the Indian Union, popularly known as the parliament as a bicameral body as it consists of two houses. They are Lok Sabha and Rajya Sabha. The President of India is an integral part of the Parliament, though he is not a member of any of the Houses. The Council of Ministers, with the Prime Minister at its head, is responsible to the Lok Sabha, as they owe their origin from the Lok Sabha. In this lesson you will read about the composition of two Houses of the Parliament, their functions and their relations with each other. You will also learn how the Lok Sabha exercises control over the Council of Ministers, and how the laws are enacted by the two Houses with the assent of the President. You will read how financial control is exercised by the the Lok Sabha and how certain functions are exclusively performed by Rajya Sabha. In the next Lesson (no. 13), you will learn about the Legislatures in the States of India.

12.2 OBJECTIVES

After carefully going through this lesson you will be able to :

- recall that Union Legislature in India is known as the Parliament, and that it consists of the President, Lok Sabha and Rajya Sabha;
- describe the composition of the two Houses of the Parliament;
- explain bases and methods of election of popularly elected Lok Sabha and indirectly constituted Rajya Sabha;
- list various legislative and non-legislative functions of the Parliament, and describe the procedure of law making; and
- compare the relative strength of the two Houses and establish that Lok Sabha is more powerful than the other House.

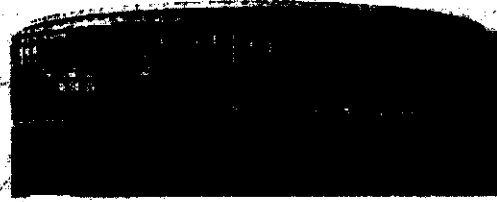


Fig. 12.1 The Parliament House

12.3 COMPOSITION OF THE PARLIAMENT

Parliament of India is a bicameral legislature, i.e., it consists of two houses. The two Houses of the Parliament are Lok Sabha (House of the People) and Rajya Sabha (Council of States). The President is not a member of any of the two Houses, but he is an integral part of the Parliament. Thus, the Parliament is made up of (a) the President of India, (b) the Lok Sabha, and the Rajya Sabha. You have read about the powers and role of the President in lesson No. 10. You have seen that every bill passed by the Parliament requires the assent of the President. Then only it becomes a law. In this lesson you will study in detail about two Houses of the Parliament.

(i) Membership and Election of the Lok Sabha

The House of people (Lok Sabha) is the lower House, but it is far more powerful than the upper House, Rajya Sabha. The Lok Sabha is popular chamber which means it is directly elected by the people of India. Initially, the total membership of Lok Sabha was fixed at 500; but later, the number of its members was increased more than once. Its maximum permissible strength at present is 550 members. This will remain frozen till 2026 A.D. Out of 550 members of Lok Sabha, not more than 530 can be elected representatives of people of states of Indian Union, and not more than 20 represent the Union Territories. National Capital Territory of Delhi sends its representatives as part of the second category. In actual practice 542 members constitute the Lok Sabha, though the maximum number is said to be 550.

In case the President is satisfied that the Anglo-Indian community is not adequately represented on the basis of elections, he may nominate not more than 2 persons belonging to that community. This temporary provision was initially made for 10 years, but has been extended repeatedly.

Members of the Lok Sabha are directly elected by the people on the basis of universal adult franchise. You will study in detail about adult franchise and the procedure of election in lesson No. 17. In short, it means that all citizens of India, men and women, who are 18 years of age and above, are eligible to vote in the parliamentary election. No distinction is made on the basis of religion, caste, colour, sex or place of birth etc. Every voter is entitled to one vote, which he or she exercises freely in favour of any one of the candidates.

Some of the seats in the Lok Sabha are reserved for persons belonging to Scheduled Caste and Scheduled Tribes. It means that the constituencies reserved for Scheduled Castes or

Tribes are represented only by persons belonging to SC to ST. That implies that only persons belonging to Scheduled Castes/Tribes can be the candidates to contest election from a reserved constituency. But, all the eligible voters in the constituency vote whether they belong to Scheduled Castes/Tribes or not. In other words, reservation means that candidates belonging only to SC/ST can contest and become members, but India has a joint electorate and there is no segregation of electorate on the basis of religion, caste or tribe. This reservation of seats was also provided for 10 years initially, but has been extended repeatedly. The idea of reservation is to help the weaker sections of the society to become equal with the rest of the society.

Certain qualifications are laid down for the membership of the Lok Sabha. Thus, a candidate should be a citizen of India and not less than 25 years of age, he or she should be a registered voter in any one of the constituencies in the country. In India, it is not necessary for the candidates to belong to the constituency that they seek to represent. There is no distinction on the basis of caste, creed, sex, place of birth etc. there are no property qualifications either for voters or the candidates. However, certain categories of people cannot become members of Lok Sabha. For example, persons of unsound mind, and those holding office of profit under Union or State Government (Government servants) are not eligible to contest. Government servants can indeed vote, but they cannot become legislators so long as they are in government service. The persons declared to be insolvent also cannot become members of Parliament.

Each state and Union Territory is entitled to elect such number of members of Lok Sabha as is determined by law on the basis of population. Thus, more populous states send more members to Lok Sabha and smaller states elect lesser number of members. Uttar Pradesh being the largest state in the Indian Union sends 85 members to Lok Sabha. The smaller states like Sikkim and Mizoram elect only one member each. The National Capital Territory of Delhi has 7 representatives in Lok Sabha. The following table shows the numbers from different states and Union Territories elected to Lok Sabha.

Tenure

The normal tenure of the Lok Sabha is five years unless dissolved earlier by the President on the recommendation of the Prime Minister. During emergency, tenure of Lok Sabha may be extended by law of parliament for a period not exceeding six months after the proclamation has ceased to operate. On several occasions the Lok Sabha was dissolved earlier. The House elected in 1977 was dissolved in 1979; Lok Sabha elected in 1989 was dissolved in 1991, and the one elected in 1996 was dissolved in 1997. The 12th Lok Sabha was elected in 1998. The election of 14th Lok Sabha took place in 2004.

The Constitution provides that the House shall meet at least twice a year and that the interval between two sessions shall not be more than six months. The President decides the time and the place of meeting. All the sessions of the Parliament so far have been held in New Delhi.

INTEXT QUESTIONS : 12.1

1. What is the maximum permissible membership of Lok Sabha?

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2. Which state sends maximum number of members to Lok Sabha?

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Table 12.1 Number of Members of Lok Sabha : 2004

Name of the State	Number of Members
Andhra Pradesh	42
Arunachal Pradesh	2
Assam	14
Bihar	40
Chhatisgarh	11
Gujarat	26
Goa	2
Haryana	10
Himachl Pradesh	4
Jharkhand	14
Jammu & Kashmir	6
Karnataka	28
Kerala	20
Maharashtra	48
Madhya Pradesh	29
Manipur	2
Mizoram	1
Meghalaya	2
Nagaland	1
Orissa	21
Punjab	13
Rajasthan	25
Sikkim	1
Tamil Nadu	39
Tripura	2
Uttar Pradesh	80
Uttaranchal	5
West Bengal	42
Union Territories	
Andaman & Nicobar Islands	1
Chandigarh	1
Dadra and Nagar Haveli	1
Delhi (National Captial Territory)	7
Lakshyadweep	1
Pondicherry	1
Daman & Diu	1
Nominated Anglo Indians	2

3. What is meant by a Popular House?

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4. How many Anglo-Indian members can be nominated by the President?

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5. For which section of the society seats are reserved in the Lok Sabha ?

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12.4 SPEAKER OF THE LOK SABHA

The Constitution provides that Speaker will be presiding officer of Lok Sabha. He is elected by the House from amongst its own members. He will vacate his office if he ceases to be a member of the House. He may resign at any time. He may be removed when a resolution is passed against him by majority of members of Lok Sabha. However, fourteen days notice for moving such a resolution is required. The tenure of the Speaker is little more than the tenure of Lok Sabha. On the dissolution of the House, the Speaker continues in office until the new Lok Sabha is constituted and new Speaker is elected. The Constitution also provides for a Deputy Speaker who performs the duties of the Speaker when he is absent or has resigned or has vacated his office due to any reason. To facilitate the work of the House from time to time, the Speaker nominates from among the members of Lok Sabha a panel of not more than six chairmen to preside over the House when the Speaker and the Deputy Speaker are absent and unable to preside over the House. When the Chairman sits in the Speaker's chair, he has all the powers of the Speaker.

The Speaker neither participates in the discussion nor does he vote. He has only casting vote which he exercises in case of a tie.

Tie : Equal number of votes cast in favour and against.

(i) Functions of the Speaker

The Speaker conducts the business of the House. He decides who shall speak first on the floor of the House. He admits notices of questions, motions, resolutions, bills, amendments etc. In consultation with the leader of the House, the Speaker decides the time to be allotted for different kinds of business. He certificates the money bills.

The Speaker works under the Rules of Procedure of the House. He maintains decorum in the House. He is to see that the members use Parliamentary language and behave properly with other members. If a member does not obey the Speaker, he may be asked to quit the House or may be asked not to attend to that particular session. If he finds it difficult to maintain decorum in the House, he adjourns the House or suspends its sitting for sometime. If a member refuses to go out of the House, Speaker may ask the Marshal to physically remove him. Sometimes Marshall has to lift a member bodily to take him out of the House. Speaker protects the privileges of the members and interests of the opposition. He does not allow the members to deviate from the main issue. There are constant appeals to him for his rulings on the points of procedure. His ruling is final. The Speaker appoints Chairmen of all the Committees. The Speaker and the Deputy Speaker are ex-officio Chairmen of some of

the Committees. The Speaker is the link between the President and the House. The Speaker signs all the bills before they are sent to Rajya Sabha, or to the President for his assent.

The Speaker's power to admit resolutions and motions makes his position exalted. To defy him means disrespect to the House itself. Very often he turns down opposition members' request to admit motions of adjournment etc. His word is final. None can challenge his ruling. In a highly significant ruling, Speaker P.A. Sangma admitted a resolution, moved by Deputy Leader of BJP, seeking to remove the Governor of Uttar Pradesh in March 1997. In his ruling, the Speaker harshly spoke about the lack of collective responsibility in the Deve Gowda Government. The Speaker's ruling was uncomfortable to the ruling coalition, but it could not be challenged.

From his functions it is clear that the Speaker occupies an important position in the Indian political system. He is considered custodian of the dignity of the House and an impartial interpreter of the rules of procedure of the House. Though he is elected on the party basis yet he is to remain impartial in the House. In Britain the Speaker breaks affiliation with his political party. He takes exile from politics. In the beginning such healthy tradition was accepted in India also but could not be developed fully. In 1967, Sanjiva Reddy, the Speaker, resigned from Congress party. But in 1969 when he was declared Congress candidate for Presidentship he again entered politics. Mr. G.S. Dhillon the Speaker, left the membership of Congress but in 1971 he won the election with the help of Congress. In 1975 he became a member of Cabinet. Speaker Balram Jhakar was a Congressman and later became a minister in Narasimha Rao Cabinet. As far as possible the Speaker should be free from favouritism. G.V. Mavalankar had said, "the Speaker must continue to be a member of his party but he should not take part in the affairs of the party particularly in regard to matters which are likely to come before the House for discussion and decision. We have also considered it proper that he should not take sides in public controversies in respect of matters likely to come before the House. In short he should not identify himself with any propaganda or express any opinions which are likely to create an impression that the Speaker is partisan". The job of the Speaker is very delicate and its success depends on the personality of the Speaker.

12.5 FUNCTIONS OF THE LOK SABHA

Lok Sabha (House of the People) performs the following functions :

1. Legislative Functions

The main function of the Parliament (President, Lok Sabha and Rajya Sabha) is to enact laws for social and material welfare of the citizens. It can make laws on all subjects given in the Union and Concurrent Lists. Under certain circumstances it can enact laws on a subjects given in the State List as well. A non-money bill may originate in either House of the Parliament. It must be passed by both the Houses. In case of disagreement between the two Houses, the President may summon a joint sitting. Here the bill must pass with a majority of total members of both Houses present and voting. Generally, wishes of the Lok Sabha prevail in such cases.

There is a mistaken notion that Ordinances issued by the President are approved by the Parliament. Ordinances are only placed on the tables of two Houses. They cease to be effective six weeks after the beginning of next session of Parliament, unless disapproved earlier. Thus, Parliament may disapprove an Ordinance, or take no action. It does not approve the ordinances. Fresh bills are introduced and passed to replace the ordinances. These bills become laws, if passed.

2. Financial Functions

It is said that One who holds the purse, holds the power. This is true with regard to Lok Sabha. The constitution provides that a money bill can only originate in the Lok Sabha and cannot be introduced in Rajya Sabha. When it is passed by Lok Sabha, it is sent to Rajya Sabha for its recommendations. Rajya Sabha has to return the bill with, or without, recommendations within fourteen days. The Lok Sabha may, or may not, accept the recommendations of Rajya Sabha. The bill is deemed to have been passed by both the Houses of the Parliament in its original form whether Lok Sabha accepts the recommendation of the Rajya Sabha or not, thus, Rajya Sabha can, only delay a money bill for a maximum period of fourteen days.

3. Control over the Executive

In a parliamentary system the executive is a part of the legislature. The executive which runs the administration has to enjoy the confidence of the legislature, especially the lower House which represents the people. The lower House controls the administration by making the executive responsible to it. If executive fails to have confidence of the House, it has to resign. The Constitution empowers Lok Sabha to exercise day to day scrutiny over the activities of the government. The Ministers are constantly conscious of the fact that they will be called to account in the Parliament for the work assigned to them.

In addition to vote of no-confidence, Lok Sabha may maintain its control by other methods also. Firstly, when the members of the Parliament seek information during the Question-Hour they may ask questions and supplementary questions to seek complete information on any issue before the nation or on progress made by the government. Information may also be obtained by the House regarding the administration by appointing Parliamentary Committees. Secondly, Lok Sabha provides sufficient opportunity to discuss any matter before the House. Here proposals are put forward by government and opposition benches. They are discussed and criticised. When a bill is passed it may take altogether different shape. The opposition gets best opportunity to criticise the government policy as a whole when the House discusses the Address of the President to Parliament. Thirdly, the House gets an opportunity to control the ministers when Budget is under discussion. Demands for supplementary grants also give an opportunity for criticism.

The ministers who are incharge of different departments of the Government must work upto the expectations of the members of Parliament. Any member of Lok Sabha may move a resolution expressing lack of confidence in the Council of Ministers. The members get sufficient opportunity to judge the strength of the ruling party. As long as the ruling party has comfortable majority there is no fear of defeat. However, if the ruling party has thin majority it may be put in danger. An important occasion for the criticism of executive is debate on a motion of adjournment. A member may move the adjournment motion for discussion on any important issue. If the speaker admits, a full debate is allowed on the issue. Another motion, 'calling attention' may also be moved in the House. This is to deal with any important issue of urgent nature. Through these motions government may be easily censured and grievances of the people be redressed. The half an hour discussion on matters arising out of questions also affords opportunities to express the opinion of the members. All this does not allow the government to become authoritarian. These controls are effective only when the opposition is responsive, even if its strength is not large and ruling party understands the value of democracy.

4. Functions relating to the Constitution

Lok Sabha along with Rajya Sabha may amend the provisions of the Constitution. An

amending bill may be introduced in either House of the Parliament and has to pass according to the method laid down in Article 368. In case of deadlock between the two Houses there is no provision of a joint sitting of both the Houses.

5. Functions relating to Elections

The Constitution gives certain functions to the Parliament to elect certain officials. Lok Sabha along with Rajya Sabha and Legislative Assemblies of the States elects the President. Lok Sabha along with Rajya Sabha elects Vice President of India.

6. Miscellaneous Functions

Lok Sabha along with Rajya Sabha may move a resolution to remove judges of the Supreme Court and High Courts on the ground of misbehaviour or misconduct. Such a resolution must be passed by 2/3rd majority in both the Houses. The President may be impeached by both the Houses. Lok Sabha approves the resolution of removal of Vice President passed by Rajya Sabha. Both Houses consider the resolution of removal of the Chief Election Commissioner and Comptroller and Auditor-General. The approval of Lok Sabha and Rajya Sabha is required to continue with the emergency proclaimed by the President. Rules and regulations framed by various departments under the power of delegated legislation are approved by both Houses of the Parliament. Union Public Service Commission, Scheduled Tribes and Scheduled Castes Commission, Comptroller and Auditor-General and Finance Commission submit their reports which are discussed in the House. Lok Sabha as well as Rajya Sabha discuss the reports of the Commissions constituted by the Government on any important issue.

INTEXT QUESTIONS 12.2

1. Who elects the Speaker of Lok Sabha ?

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2. What is the Panel of Chairmen ?

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3. What is the tenure of the Speaker ?

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4. What is the Question Hour ?

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5. Who are elected by the two Houses of Parliament ?

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6. Where does a money bill originate ?

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12.6 RAJYA SABHA : MEMBERSHIP AND ELECTION

Rajya Sabha is the upper House or second chamber. The Constituent Assembly was unanimous about the necessity of the upper House to safeguard the rights and privileges of the States. There was, however, divergence of opinion with respect to composition and functions of the upper House. The Constituent Assembly decided that it should have a membership of 250 and that its members should be elected by the lower Houses of the Legislatures of States, except for 12 members who are nominated by the President. The nominated members are of special talent in the field of art, literature, science, education or social service. Other 238 members are elected indirectly by the elected members of the Legislative Assemblies of the States. The method of election is proportional representation through the single transferable vote. The Parliament decides the method of representation from the Union Territories. Delhi is not a State, yet its Assembly elects three members of the Rajya Sabha. The American Constitution follows the principle of equality of states in representation to the upper House. This pattern of equal representation was considered undemocratic by the members of our Constituent Assembly. In America two members are elected from every state for Senate irrespective of its size and population. In India, the representation is given in proportion to population in every state. At present Uttar Pradesh has the largest number of members 34 and Sikkim the lowest i.e. one.

(a) Qualifications

The Constitution has determined certain qualifications for the membership of Rajya Sabha. In order to become a member of the Rajya Sabha, a person should be (a) a citizen of India (b) not less than 30 years of age and (c) possess such other qualifications as are determined by the Parliament from time to time. Thus, in accordance with the Representation of the people's Act, a citizen should not be of unsound mind, not an insolvent and should not be holding any office of profit under the Union Government or any State Government. In order to be able to be elected to the Rajya Sabha a person should be a voter in one of the constituencies of the State which he seeks to represent.

A person who is a member of the Lok Sabha or a State Legislature, cannot be member of the Rajya Sabha at the same time. If a person is convicted of a criminal offence he is not qualified to be member of any House of the Parliament. A member of the Parliament who remains absent from the sittings of the House concerned for a period of six months, without permission of the House, ceases to be member of the Parliament.

Tenure

Rajya Sabha, like the American Senate, is a permanent House. It is never dissolved. Its members are elected for a term of six years. One - third of its members retire after every two years. However, they are eligible to be re-elected without any restriction. This provides continuity to one of the Houses of Parliament, though its members keep on changing .

12.7 CHAIRMAN OF THE RAJYA SABHA

The Vice - President is the ex-officio Chairman of the Rajya Sabha. There is a Deputy Chairman also. Deputy Chairman is elected from amongst the members of the Rajya Sabha. The Deputy Chairperson presides over the House when the Chairman is absent or he is acting as the President of India. In the absence of the Chairman and the Deputy Chairman the House may elect any other member under the rules of procedure of the House, to preside over the House.

The Chairman is not a member of the Rajya Sabha. Therefore, he cannot vote except in case of a tie. He cannot vote when a resolution of his own removal is voted. He enjoys an

exalted position and performs the functions of recognition of members on the floor of the House, decides points of order, allows introduction of bills, discussions, seeks votes and announces results of voting.

The Chairman may be removed by a resolution of the Rajya Sabha agreed by the Lok Sabha. It is to be noted that when the resolution for his removal is under consideration, he cannot preside over the meetings of the Houses and as said above he cannot vote although he has the right to speak in the House. The Deputy Chairman is subject to removal by resolution of the House supported by an absolute majority of total membership. He is also not allowed to preside while the resolution for his removal is under consideration. The salaries and allowances of the Chairman and Deputy Chairman are decided by the Parliament and are charged on the Consolidated Fund of India

12.8 FUNCTIONS OF THE RAJYA SABHA

The functions of Rajya Sabha may be discussed under the following heads.

1. Legislative Functions

The process of legislation is the business of parliament as a whole which means the President, Lok Sabha and Rajya Sabha. All bills, other than money bills may originate in the Rajya Sabha but they cannot become laws until accepted by the Lok Sabha. It means both have equal legislative power on ordinary legislation. In case of disagreement, the President is empowered to summon a joint sitting of both the Houses. At the joint sitting the deadlocks are resolved by discussions and are decided by a majority of members of both the Houses, present and voting. If the upper House does not pass an ordinary bill within six months, then also a joint sitting may be summoned. The bills are generally passed according to the wishes of Lok Sabha because the membership of Lok Sabha is nearly double the strength of Rajya Sabha. The Rajya Sabha, at the most, can delay the passage of the bill for six months which is passed by Lok Sabha. It cannot reject a bill for ever. In 1961 a joint sitting was summoned to decide dispute on dowry prohibition bill. In 1987 a joint sitting was held to decide a deadlock on formation of Banking Service Commission. The Lok Sabha Speaker presides over the joint sittings of both Houses.

2. Financial Functions

Rajya Sabha has very little control on financial matters. The Speaker of Lok Sabha decides whether a bill is a money bill or not. A money bill is introduced only in the Lok Sabha and not in Rajya Sabha. After a money bill is passed by the Lok Sabha, it is sent to the Rajya Sabha for its consideration within a period of 14 days. Rajya Sabha has to return the bill with or without recommendations within 14 days. Otherwise, the bill is deemed to have been passed. Lok Sabha is not bound to accept recommendations made by Rajya Sabha. In 1978 some recommendations were made by Rajya Sabha on finance bill but these were rejected by Lok Sabha. Demands for grants are not submitted to Rajya Sabha. This makes Lok Sabha much stronger than the upper House.

3. Administrative Functions

The ministers are appointed from both the Houses. They are allowed to attend both the Houses. They must satisfy both Houses. Rajya Sabha may seek any information from the ministers during question hour. The minister may be criticised during debate in the House. The policy of the government is really under review when laws are formed and Rajya Sabha is equal participant in the framing of laws. In order to defend the policy of the Government the Minister has to be present in Rajya Sabha even if he does not belong to the House. He does not have the right to vote. However, a vote of no-confidence cannot be passed against

the Government in the Rajya Sabha. Only Lok Sabha can remove the ministers.

4. Constituent Functions

The Rajya Sabha along with the Lok Sabha exercises constituent functions. An amendment bill may be originated in either House of the Parliament and has to be passed by the methods, explained in Article 368. The Constitution does not prescribe any procedure to settle the deadlock between two Houses on any amending bill.

5. Miscellaneous Functions

Firstly, Rajya Sabha, along with Lok Sabha and Legislative Assemblies, participates in the election of the President, and alongwith Lok Sabha elects the Vice-President. Secondly, the Rajya Sabha enjoys equal powers with Lok Sabha in the process of impeachment of the President, and removal of judges of the Supreme Court and High Courts, Chief Election Commissioner and the Comptroller and Auditor-General. Thirdly Rajya Sabha along with Lok Sabha considers the reports of UPSC, the Comptroller and Auditor-General, Scheduled Castes and Scheduled Tribes Commissioner and the Finance Commission . Fourthly, Rajya Sabha along with Lok Sabha approves the poclamations of emergency issued by the President. The extension of emergency is also subject to its approval. Fifthly the Rajya Sabha may declare, by a resolution, passed by 2/3rd majority of its members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List. The Parliament will then have legal right to legislate on the State List subject concerned for one year. Sixthly, the Rajya Sabha is entitled to create one or more All-India Services with the approval of 2/3rd majority of its members present and voting.

From the above discussion it is clear that as compared to Lok Sabha, Rajya Sabha is a weak House. The Constitution does not give much powers to Rajya Sabha. In case of deadlock on an ordinary bill, the bill is passed in accordance with wishes of Lok Sabha because of its composition and strength. Rajya Sabha may retain a money bill for only 14 days. Rajya Sabha has no control over administration. It cannot force the ministers to resign. The Rajya Sabha does not even serve the purpose of a federal second chamber. There is no equality of representation as in the American Senate. It works on the whims of the political party in power. So it is a secondary chamber.

INTEXT QUESTIONS 12.3

1. Who presides over the meetings of the Rajya Sabha?

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2. How long can the Rajya Sabha retain a money bill ?

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3. How many are nominated members of Rajya Sabha ?

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4. What is the tenure of member of Rajya Sabha ?

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5. Mention one special power of Rajya Sabha ?

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12.9 QUORUM AND EMOLUMENTS OF MEMBERS OF PARLIAMENT

Quorum

The quorum in both Houses is ten percent of the total membership of the House. Thus, if at any given time even ten percent of the members are not present in the House, and if they do not turn up even after the quorum bell is rung, the Speaker or the Chairman adjourns the House for the day.

Emoluments of Members

According to the Act of 14th Sept., 2001 members of the Lok Sabha and Rajya Sabha draw a monthly salary of Rs. 12000/- each and constituency allowance of Rs.10,000/- and office expenses of Rs.14000/- per month. Every member is paid daily allowance @ Rs. 500/- per day if he is present in Delhi and signs the register. This allowance is payable during session of the House and meetings of the committees of the Parliament. This allowance is also paid for 3 days before and 3 days after the session or meeting. Every member can travel free by rail (I Class), and gets 32 free air journeys in a year. He is entitled to two free telephones and Rs. 300 per month for water and electricity bill. Members are entitled to a pension of Rs. 3,000/- per month provided they have been members for five year. They get additional pension of Rs. 600 per month for every extra year of membership.

In addition to that 32 free air travels from any where to any where in India, if member travels by air to attend Parliament of committee meeting, he can draw a travelling allowance equal to one and one fourth of air fare. If he goes by rail for these purposes, he gets allowance @ one first class AC and one second class AC rail fare, irrespective of class by which he travelled. Member's spouse gets free first class AC train travel both ways to and from Delhi for every session of Parliament. Members are allowed free 50,000/- local telephone calls a year on each of the two telephone. One phone is given in Delhi and one in the constituency. Besides, free 50,000 calls are given for using internate connection.

12.10 RELATIONSHIP BETWEEN LOK SABHA AND RAJYA SABHA

Though Lok Sabha and Rajya Sabha have equal legislative authority, yet the Constitution has recognised the superiority of Lok Sabha over Rajya Sabha in certain respects. Firstly, Lok Sabha alone has control over the Council of Ministers. Though ministers may belong to either House, they are allowed to attend both the Houses, they may be censured by both the Houses but a vote of no-confidence can only be passed by Lok Sabha and not by the Rajya Sabha.

Rajya Sabha has very little control on financial matters. A money bill may only be introduced in Lok Sabha and not in Rajya Sabha. It is a fundamental principle of every democratic system that people should exercise control on exchequer. People must be taken into confidence regarding revenues and expenditure. It is only possible in Lok Sabha which is a directly elected House. But it is compulsory under the Constitution to refer a Money Bill to Rajya Sabha. The upper House has to return the bill in fourteen days with or without

recommendations. Thus in financial matters, Rajya Sabha has only advisory powers and can do nothing beyond it.

Rajya Sabha has equal powers, on ordinary and amending legislation, with Lok Sabha. A bill can be introduced in either House. Rajya Sabha may amend or reject a bill that is passed by Lok Sabha. If Lok Sabha does not agree, a joint sitting is convened by the President, and it is presided over by the Speaker of Lok Sabha. The deadlock is resolved by simple majority. Lok Sabha has its way because of better numerical strength. A bill passed in the joint sitting goes directly to the President.

Though from above discussion we feel that Rajya Sabha is a weak House yet there are two provisions which confer on Rajya Sabha powers in its own right. There is no need for Rajya Sabha to seek the approval of Lok Sabha. They are :

1. According to Article 249, if Rajya Sabha has declared by a resolution supported by not less than two-thirds of members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List and specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of India with respect to that matter while the resolution remains in force. This resolution does not remain in force for more than a year.
2. By Article 312, Rajya Sabha is given power to decide by a resolution supported by two-thirds majority to set up new All India Services. Such resolution is initiated only in Rajya Sabha and not in Lok Sabha. The All India Services so formed are common to both Union and States.

Thus, Constitution gives equal powers to Rajya Sabha and Lok Sabha in legislative matters. It is given certain exclusive powers also. Comparatively it is a small House consisting of elders where better discussion is possible. Moreover, it is a permanent House. It keeps the public opinion alive even when Lok Sabha is dissolved. We cannot deny that Rajya Sabha has shown its worth. It is becoming beneficial and influential body with the passage of time though its powers are limited.

You have read in section 12.5 about the functions of Lok Sabha' in 12.8 you learnt of the functions of Rajya Sabha and in the present section you have studied about the relationship between the two Houses of Parliament. This should enable you to decide what are the powers and functions of the Parliament as a collective body and what are the exclusive powers of the Lok Sabha and Rajya Sabha. To sum up, the powers of the Parliament include making of laws, exercise control over the Council of Ministers, approval of budget proposals and control over financial business; participation in the election of the President and the Vice-President, amendments of the Constitution by special majority; removal of the President, through impeachment; removal of the Vice-President. Judges of the Supreme Court and the High Courts and Chief Election Commissioner of India through passage of resolutions by special procedures; and approval of the proclamations of emergency issued by the President.

The exclusive functions of Lok Sabha are removal of the Prime Minister and his Council of Ministers through vote of no-confidence; and effective control over the Central Government's financial business. The Rajya Sabha, as noted above, can temporarily ask the Parliament to make laws on a subject included in the State list; and to create new All India Services. Besides, a resolution to remove the Vice President can be initiated only in the Rajya Sabha and then it is sent for the consent of lower House.

12.11 LEGISLATIVE PROCEDURE IN THE PARLIAMENT

The Parliament may make laws on all subjects given in the Union and Concurrent Lists. Under certain circumstances it can legislate even on subjects enumerated in the States List. It is to be noted that Indian Parliament is not sovereign like British Parliament. Its powers are limited. There is judicial control on the activities of the Parliament. Any action of Parliament which violates the spirit of the Constitution can be declared void by the judiciary. Therefore, Indian Parliament works within the limitations imposed by the Constitution.

A proposal is given shape of a bill which may either be a money or non-money bill. Money bill deals with money or financial matters such as imposition of taxes, alterations of taxes or removal of taxes, public debts, expenditure etc. A non-money bill deals with general welfare of the community. A money bill can originate in Lok Sabha only and non-money bill in either House. An ordinary legislation may be introduced either by a Minister or by a private members. In the former case it is known as a Government Bill and in the latter case it is known as a Private Member's Bill. Government Bills and Private Members' Bills undergo identical procedure. Every bill has to pass through following stages.

1. First Reading
2. Second Reading
3. Committee Stage
4. Report Stage
5. Third Reading

1. First Reading

This stage covers introduction of the bill and its publication in the Gazette of India. A request for introduction alongwith the statement of objects and reasons is sent to the presiding officer. If a private member desires to introduce a bill, he must give notice of his intention to the presiding officer. Every bill introduced in the House has to be published in the Gazette. On the appointed date, the minister or member in-charge of the bill moves the motion for leave to introduce the bill and read out the title. At this stage generally no debate takes place and the presiding officer puts the question of introduction to vote. The House grants leave by voice vote. Sometimes there is opposition to the introduction of the bill. In this case the presiding officer may ask the member-in-charge to make brief explanatory statement in favour of the bill. The Speaker may permit a full discussion if the motion is opposed on the ground that the bill initiates legislation outside the legislative competence of the House. After leave to introduce the bill has been granted by the House, it is formally introduced. First reading is completed.

2. Second Reading

Second reading is divided into two parts. They are (i) general discussion on the merits of the bill as a whole; and (ii) clause by clause discussion and passage of all the clauses; with or without amendments. After the general discussion is complete there are four alternatives open for minister-in-charge of the bill. The bill may be taken into consideration by the House; it may be referred to a select committee of the House; it may be referred to a joint committee of both the Houses; or it may be circulated for the purpose of eliciting public opinion. Immediate consideration is very rare unless the bill happens to be of an urgent nature or the bill is a non-controversial proposal. In the case of joint select committee, the concurrence of other House is also taken.

At the commencement of second reading, the bill is put to House for general discussion of main principles of the bill. The member-in-charge now elaborates whatever he expects from the

proposal made by him. The criticism come from the opposition benches. At this stage there is no clause by clause discussion. No one is allowed to propose amendments at this stage. Amendments may be proposed not to the bill but to the motion for consideration about the four options mentioned above. After the general discussion on the main motion, it is put to vote. The House may vote in favour of any of the options and bill is sent for the same.

3. Committee Stage

A Committee consist of members of the House proposed by the minister-in-charge. The minister or member in charge of the bill ascertains from the members in anticipation that they will not refuse becoming members of the committee. The Speaker appoints the Chairman from amongst the members of the committees. Where Deputy Speaker is one of the members of the Committee, he automatically becomes its Chairman. Joint-committee consist of two-third members from Lok Sabha and one-third from Rajya Sabha ratio, is 2:1. The quorum of select committee is one third of total membership. A non-member of the committee may attend the meetings but he cannot participate in its proceedings. However, a minister may address the committee with the permission of the Chairman. The decision of the committees are taken by majority vote. The Chairman may exercise a casting vote.

The committee examines the bill thoroughly clause by clause. Its members may move amendments with the permission of Chair. The committee may summon any person or may ask for any document relevant to the bill under discussion. Government may refuse to produce any document or paper in national interest. The committee may hear experts or the representatives of special interests. After hearing these persons and looking into the documents, the committee comes to some conclusion., The committee may propose any amendment but it must be in conformity with the principles of the bill.

4. Report Stage

The report submitted by the committee consists of two parts — the first part contains the points which committee feels must be incorporated in the bill. Also it gives the reasons for proposed amendments or modifications in the bill. The second part gives complete description of the bill, i.e., the shape given by the committee.

The Chairman or member authorised by the committee submits the report on the appointed date. The mover of report makes brief statement. There may be no debate on the report at this stage.

The copies of the report are distributed among the members of the House. Now, the member-in-charge may ask the House for the consideration of bill. The bill is considered clause by clause and amendments to the clauses are moved. Members are required to give notice of amendments one day in advance. The Presiding Officer determines the admissibility of the amendment. Each amendment is put to vote. If accepted by majority of members present and voting, the amendment is carried. Then votes are sought on the other clauses in the same manner. Sometimes to save time, votes are sought on two three or more clauses in a bunch provided the House does not object to it. When all the clauses are accepted by the House, the second reading is over.

5. Third Reading

At this stage minister-in-charge of the bill asks the House to adopt the Bill. The amended bill is considered at this stage. Discussion is allowed at this stage also but rule says that the discussion must be confined to submission of arguments either in support or rejection of the bill. Only verbal amendments may be moved. If accepted by majority of members present and voting the amendment is carried. Then the whole bill is put to vote. If majority of members present and voting accept the bill, it is passed.

The bill is now sent to the other House under the seal and signature of the Presiding Officer. The bill is laid on the table of the other House. Thereafter, any member may give notice that bill be taken into consideration. Now the bill will pass through the same stages and procedure as in the first House. After the bill is passed by the second House it is sent back to the first House. It is then presented to the President for his assent. The President either gives his assent or withholds it or returns to the House for reconsideration. But, if the bill is passed again by both the House by simple majority with or without amendments, the President will have to give his assent. A bill thus, becomes an act or law.

Joint Sitting of both the Houses in case of disagreement

In case the amendments proposed by the second House are not acceptable to the first House or the first House further makes amendments which are not acceptable to the second House, the President may summon a joint sitting of both the Houses. Such a sitting is presided over by the Speaker. Amendments may be moved in Joint sitting. They can be introduced only if accepted by the Speaker. This is done to avoid delay. The bill is deemed to have been passed if approved by majority of members present and voting in the joint sitting. The bill is then sent to the President for his assent.

Private Members' Bill

Bills which are sponsored by private members are accepted by the presiding officer on the days fixed for private members business. According to rules every alternate Friday is available for private members bill; the other Fridays are devoted to private members' resolutions. These bills are scrutinized in the Secretariat of the House and members are helped in finalising their bills.

The procedure of introducing the private members' bill is the same as that of the other bills, excepts that the private members' bill is referred to a Committee on Private Members' Bills. The Committee Chairman is appointed by the Speaker. If the Deputy Speaker happens to be a members of the committee, he automatically becomes its Chairman. The Committee scrutinizes the bill and submits its report within the time limit. The bill passes through the stages as discussed above.

Financial Procedure

In India it is essentially the same as in Britain. In Indian Parliament, like British Parliament, a money bill may be initiated only in the lower House and cannot be introduced in the Rajya Sabha. Similarly like British lower House, our lower House has exclusive right to vote supplies and to sanction the levy of taxes. In both the countries expenditure form public funds is the responsibility of the lower House (Lok Sabha in case of India, House of Commons in case of Britain).

Money Bills

A money bill can only be introduced in Lok Sabha and not in the Rajya Sabha. However, when it is passed in Lok Sabha, it is sent to Rajya Sabha. The Rajya Sabha cannot reject a money bill, but may retain it for the maximum time of 14 days. It has to return the bill with or without its recommendations within 14 days. The Lok Sabha may reject all or any of the recommendations. Thereafter the bill is considered to have been passed by both the Houses. The bill is sent to the President for his assent. The President does not return money bill for re-consideration because his prior approval is sought on such bills.

The bill that deals with the imposition, abolition, alteration of any tax or the regulation of the borrowing of money or giving of any guarantee by the Government of India or amendment of law with respect to any financial obligation undertaken by the Government of India or related to Consolidated Fund or Contingency Fund of India, is called a Money Bill.

The Budget

The Budget is an annual financial statement showing revenue and expenditure of public money. It is presented in the Parliament in two parts: the Railway Budget and the General Budget. Railway Budget deals exclusively with the estimated receipts and expenditure in relation to railway and is presented in the Lok Sabha by the Minister for Railways. The General Budget deals with estimates of all departments of the Government of India excluding Railways. This Budget is presented by Finance Minister in the Lok Sabha. The following procedure is adopted to pass the budget in the Parliament.

1. General Discussion

At this stage only general principles are discussed and there is no detailed department-wise discussion. When the general discussion is over, the members may ask some questions which Finance Minister replies.

2. Voting of Demands

Now the demands of each department are discussed and put to vote. The Speaker, in consultation with the leader of the House, fixes a time limit for particular demands or for the entire expenditure or part of the budget. Each demand contains an estimate of the total grant proposed for each department with a statement giving account of expenditure. Demands for grants are only proposed by the government and cannot be proposed by private members, because the Government needs money. Private members, however, may propose for rejection or reduction of expenditure. Cut motions are of two types economy cut and token cut. The former purpose to effect economy in expenditure and latter is a censure motion against the ruling party. If token cut is accepted by the House the cabinet has to resign. After discussion, demands are voted and accepted.

Censure motion or no-confidence motions are a rare feature. A Censure motion is an expression of lack of confidence in the ruling party. When a censure motion is moved and passed the ministry resolves.

A new system of departmental select committees has been introduced in India since 1993-94. The Lok Sabha sets up committees for all major Ministries and Departments of Union Government. Beginning with the Budget introduced in February 1994, detailed examination of demands of grants of various Ministries is done in the select committees of the Lok Sabha. The Lok Sabha takes about one month's break. All recommendations of committees are then voted by the House.

3. Appropriation Bill

The grants and the expenditure made on the Consolidated Fund of India are incorporated into a bill which is known as Appropriation Bill. This bill is introduced in Lok Sabha along with the budget and when it is passed, the same is sent to Rajya Sabha which must return it within 14 days. Thereafter, the bill is sent to the President for his assent. When he signs the bill it becomes an act.

4. Finance Bill

The taxation proposals of the Government are incorporated into a bill which is known as Finance Bill. The bill is introduced in Lok Sabha soon after the presentation of budget and may be referred to a select committee before the Houses pass the bill. Then it is sent to Rajya Sabha which must return it within 14 days. The decision of the Lok Sabha is final.

5. Vote on Account

Many a time when the voting of grants is pending and the budget is not passed before commencement of new financial year, Lok Sabha may sanction advance grant in respect of the estimated expenditure for a part of the new financial year. This sanction is known as a Vote - on - Account. The money thus sanctioned becomes a part of budget when passed for the year beginning on April.

INTEXT QUESTIONS 12.4

1. Which bill cannot be introduced in the Rajya Sabha ? _____
(Money Bill, Bill to amend the Constitution, Bill to create a new All India Service, Bill to regulate foreign service)
2. Lok Sabha alone can remove the _____. (President, Prime Minister, Chief Justice of Supreme Court, Chief Election Commission of India).
3. Initiative for removal of the Vice - President can be taken by _____
(Lok Sabha, Rajya Sabha, either House of Parliament)
4. A non-money bill may be sent to a committee _____
(After first reading, after general discussion during second reading, after second reading, after third reading).
5. The Finance bill is concerned with _____
(Proposals of expenditure, proposals of taxation, proposal to set up Finance Commission).

12.12 SOVEREIGNTY OF THE PARLIAMENT AND THE THEORY OF BASIC STRUCTURE

The right to amend the Constitution was enjoyed by the Parliament, without any challenge, for about 17 years. During these 17 years several important amendments were made in the Constitution. But in 1967 the Supreme Court in Golak Nath Versus States of Punjab case, held that no amendment could be made in the Constitution that would curtail or abridge the fundamental rights of the people. The decision was based on the interpretation given by the court to Article 13 which provided that no law could be enacted that curtailed or abridged the fundamental rights. The decision in Golak Nath case was severely criticised in the political circles on the ground that it had limited the powers of the Parliament. Almost all sections of the Parliament wanted to restore the unlimited power to amend to the Parliament. The unlimited power to amend the Constitution was restored by the twenty fourth amendment made in 1971. Thus, the Parliamentary sovereignty was once again established.

The Parliamentary supremacy was again challenged only two years later in 1973 in the judgement of Kesavanand Bharti versus Kerala case, Six of the thirteen judges of the full bench of Supreme Court held that the Parliament was sovereign and that it was competent to pass any amendment. But the remaining seven judges did not wholly agree with this view, one of the seven judges Mr. H.R. Khanna advocated the theory of basic Structure. It was held in the majority judgement that while the Parliament did enjoy unlimited power to amend the Constitution it could not change the basic structure of the Constitution. The controversy regarding the amending power of the Parliament assumed new interesting dimensions. Justice Khanna admitted that the Parliament surely enjoyed the power to amend the Constitution,

in accordance with, he argued that the Parliament could not destroy the Constitution through its amending power.

Justice H.R. Khanna was of the opinion that there is no provision in the constitution which allows the Parliament to replace the statute by an entirely new Constitution. It is not necessary that there should be a provision in every Constitution for its own destruction. The ultimate sovereignty belong to the people. If at any time the country feels the necessity of a new Constitution, a fresh Constitution can be enacted by a new Constituent Assembly, not by the Parliament.

This view of the Supreme court is supported, among others by N.A. Palakhiwala, Mr. Kogekar and S.P. Sathe. Mr. Sathe is of the opinion that no political systems as a whole can be destroyed by a constitutional amendment. The purpose of the amendment is to change the system, not to destroy it. The theory of basic structure is built on these arguments.

The critics of the concept of basic structure argue that no such theory was ever thought of by the founding fathers. This is a product of minds of the judges of the Supreme Court. The theory has been described as harmful by Mrs. Indira Gandhi. Most of the critics say that judiciary cannot be given the right to challenge the wishes of the people as expressed by the Parliament. It is argued that there is no provision of basic structure: in Article 368 that describes the procedure of amendment. The critics say that present generation cannot bind the future generations in the name of basic structure of the Constitution. In fact the Court has nowhere really explained what is actually meant by the basic structure, Nehru had once said that if the Constitution was made rigid and permanent the progress of the country itself would come to a halt.

Mrs. Gandhi's Government once again tried to establish the supremacy of the Parliament and to resolve the crisis created by the theory of basic structure. The forty-second amendment enacted in 1976 clearly provided that all future amendments passed in accordance with Article 368 would be final. Their validity would not be challenged in any court of law. Thus, supremacy of the Parliament was again established in respect of the power to amend the Constitution.

The dispute regarding basic structure was not resolved even after the adoption of 42nd amendment of the Constitution. Most of the political leaders are happy that the Parliamentary sovereignty has been restored. But by and large, the jurists feel very strongly, and they argue that the 42nd amendment had curtailed the genuine powers of the courts. It is argued that the theory of checks and balances, as visible in the Constitution, has been destroyed, and that the legislature has been allowed to take arbitrary decisions.

The two amendments made during Janata rule (1977-79) did restore some of the powers of the judiciary earlier curtailed. But, the Parliament did not admit that it would not disturb the basic structure of the Constitution. The question has actually become political, and cannot remain unaffected by political changes taking place in the country.

Although the 42nd amendment had provided that the validity of a constitutional amendment cannot be challenged in any court of law, yet the Supreme Court in the *Minerva Mills* case held, in August 1980, has nullified this by striking down two clauses (4 & 5) as inserted in Article 368 (procedure of Amendment) by the 42nd Amendment Act on the grounds that judicial review is a "basic feature" of the Indian Constitutional system, which can't be taken away even by amending the Constitution.

WHAT YOU HAVE LEARNT

In this lesson you have learnt about India's Central law-making body which is called the Parliament. The President is an integral part of the Parliament. It is a bicameral legislature

consisting of the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). The President is not a member of any House, but all bills passed by the two Houses are submitted to him for his assent. Bills become laws after receiving his assent.

Lok Sabha is directly elected by the people on the basis of universal adult franchise. All men and women of 18 years of age and above can vote. Its maximum permissible membership is 550. At present there are 542 directly elected members. The President nominates two Anglo-Indian members. Different states, elect members on the basis of their population. Largest state U.P. sends 80 members, and the least any state sends is one member. Certain seats are reserved for schedule castes and tribes. There is a proposal to reserve seats for women also. All voters who are at least 25 years of age and who are not government servants can become members of Lok Sabha. Its normal tenure is five years. It is presided over by the Speaker who is elected by members of Lok Sabha from among themselves.

Rajya Sabha is representative of the states. Its maximum membership can be 250. Out of this number, 12 eminent persons are nominated by the President. The remaining 238 are elected indirectly by the members of State Legislative Assemblies (Vidhan Sabhas). Minimum age required for membership of Rajya Sabha is 30. It is a permanent House, but its members are elected for six years and one third of them retire every two years. The number of members from each state varies. Thus, U.P. sends 34 members, Sikkim only one and there are 3 representatives of National Capital Territory of Delhi. Rajya Sabha is presided over by the Vice-President of India.

The Parliament performs several functions. It makes laws on subjects of Union List and concurrent List. In certain circumstances it can temporarily legislate on state list subjects also. Parliament approves budget and sanctions taxes to be collected, and expenditure to be incurred. It exercises control over the Council of Ministers and the Lok Sabha can remove it. The President is elected by an Electoral college of which consists of elected members of both Houses of Parliament and also the State Legislative Assembly. The Vice-President is elected by the Parliament which can also remove him. Impeachment of the President, and removal of judges of the Supreme Court and High Courts as also of the Chief Election Commissioner is within the competence of Parliament. It amends the Constitution by a special majority. Lok Sabha is certainly more powerful than Rajya Sabha as it alone controls the Council of Ministers and the country's finances.

There are two types of bills — money bills and non-money bills. Money bills are introduced in, and passed first by, the Lok Sabha. The Rajya Sabha can only delay their passage by 14 days. Non-money bills can be introduced in any House and both Houses must pass them in identical shape. In case of conflict, a joint sitting of two Houses decides the fate of a bill. There are three readings on every bill in both Houses. Besides, in some cases a bill may be sent to a select Committee after general discussion during second reading. Budget proposals for expenditure i.e., demands for grants are now considered by the subject committees, set up in 1993, before adoption by the Lok Sabha. The President may return a non-money bill for reconsideration only once.

TERMINAL EXERCISES

1. Describe the composition of Lok Sabha and the method of election of its members.
2. Explain the composition of the two Houses of the Parliament.
3. Analyse the functions of Lok Sabha.
4. Describe two exclusive powers of the Lok Sabha and the Rajya Sabha.
5. Analyse the relationship between the two Houses of the Union Parliament.
6. Describe briefly the procedure of law-making in India.

7. Bring out clear distinction between a money bill and a non-money bill. Distinguish briefly between procedure of passage of two types of bills.
 8. Discuss the powers of the Speaker of Lok Sabha.
 9. Examine the concept of sovereignty of Parliament and the theory of basic structure of the constitution.
 10. Write short notes on
 - (a) Qualifications for membership of Rajya Sabha
 - (b) The Budget
 - (c) Second Reading
 - (d) Quorum in the Parliament
-

ANSWERS TO INTEXT QUESTIONS

Answers to 12.1

1. 550
2. Uttar Pradesh
3. Elected directly by people
4. two
5. Schedule Castes/Tribes.

Answers to 12.2

1. Lok Sabha
2. During the term of Lok Sabha and till a new Lok Sabha is elected.
3. First one hour when ministers answer members' questions.
4. The Vice-President
5. Lok Sabha.

Answers to 12.3

1. The Vice-President
2. Fourteen days
3. Twelve
4. Six years
5. Creation of new All India Service.

Answers to 12.4

1. Money Bill
2. Prime Minister
3. Rajya Sabha
4. After general discussion during second reading.
5. Proposals of Taxation.

HINTS FOR TERMINAL EXERCISES

1. Not more than 550 members, directly elected on basis of adult franchise; Number of members based on population; two Anglo-Indians nominated; Election by simple majority system or first-past-the post system. Tenure 5 years. Speaker presides. See section 12.
2. Lok Sabha directly elected, not more than 550 members; Representation on basis of population; Rajya Sabha indirectly elected; not more than 250 members including 12 nominated members. Lok Sabha elected for 5 years, Speaker presides. Rajya Sabha permanent House, Vice-President presides See section 12.
3. Law-making, Control over executive and Union finances, participates in elections of President and Vice-President and amendment of the Constitution; can remove the Council of Ministers.

4. Lok Sabha ensures responsibility of Council of Ministers and controls the budget, Rajya Sabha can create new All India Services and temporarily transfer a State List subject to the Parliament.
5. Equal powers in regard to Legislation, amendment of Constitution, election of President and Vice-President, impeachment of President and removal of judges. Special power of Lok Sabha (See Answer 4 above) make it more powerful. See section 12.10
6. Three readings; money bills originate in Lok Sabha; Assent of the President. See section 12.11
7. See section 12.11
8. See section 12.4
9. See section 12.13
10. (a) See section 12.6
 - (a) See section 12.11
 - (b) See section 12.11
 - (c) See section 12.9