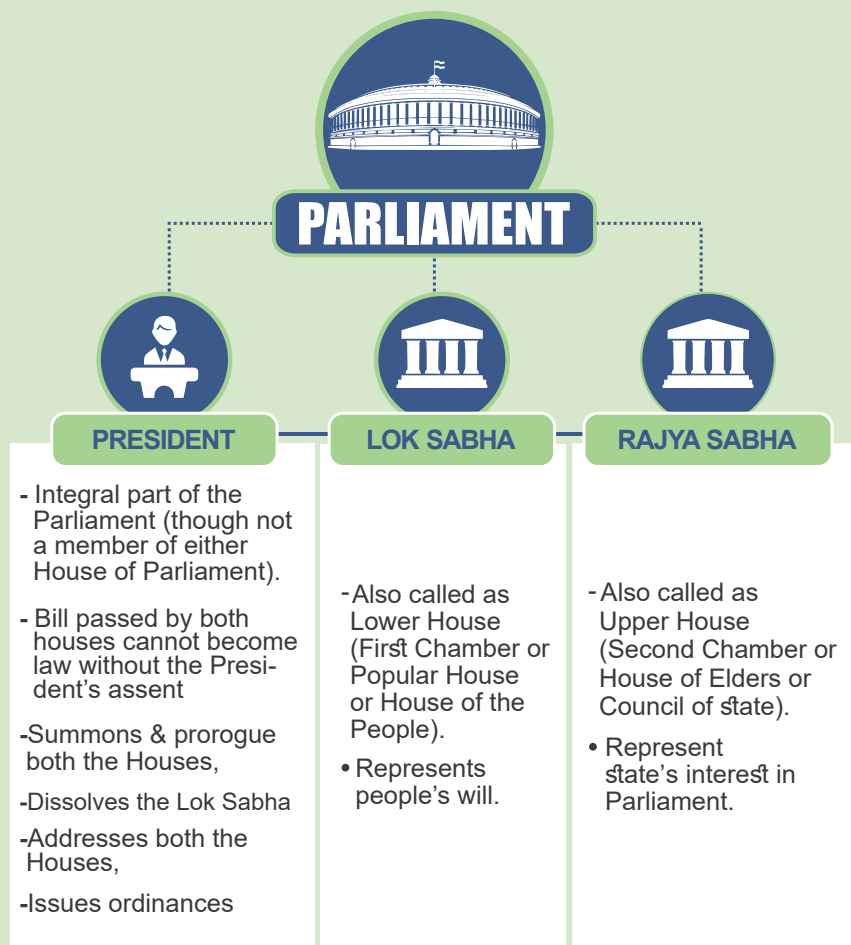


# QUICK REVISION MODULE (UPSC PRELIMS 2024) POLITY

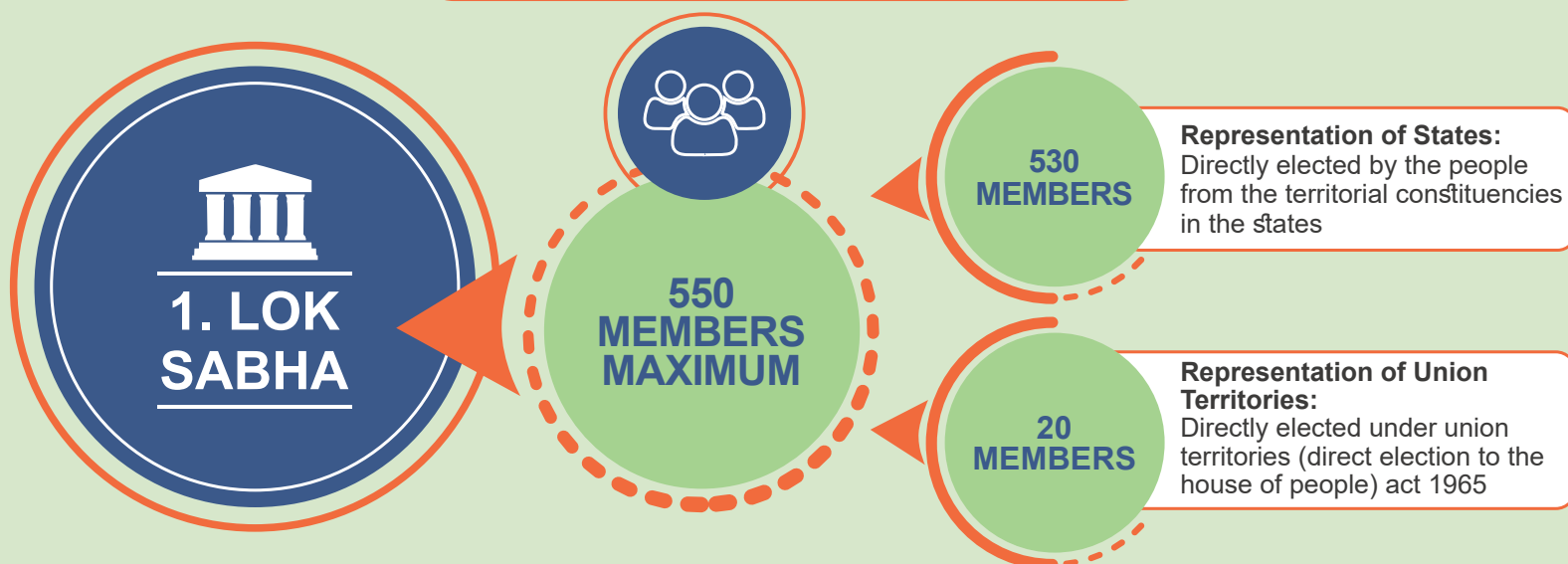


## PARLIAMENT PART 1

## ORGANIZATION OF PARLIAMENT



## COMPOSITION OF TWO HOUSES



**NOTE: 104th CA Act does not extend the provision of nominating Anglo Indians to Lok Sabha and legislative bodies**

## 2. RAJYA SABHA

250  
MEMBERS  
MAXIMUM

238  
MEMBERS

12  
MEMBERS

### Representation of States:

- Elected by the elected members of state legislative assemblies by proportional representation by single transferable vote
- Seats in states according to population

### Representation of Union Territories:

- Indirectly elected by members of an electoral college specially constituted for the purpose.
- Out of the 9 union territories, only three (Delhi, Puducherry and Jammu & Kashmir) have representation in Rajya Sabha.

### Nominated Members:

Nominated by president from people who have special knowledge or practical experience in art, literature, science and social service.

## SYSTEM OF ELECTIONS TO LOK SABHA

### TERRITORIAL CONSTITUENCIES

Constitution ensures that there is uniformity of representation in two respects:

1. Between the different state.

2. Between the different constituencies in the same state

**Note:** This provision does not apply to a state having a population of less than 6 millions.

### READJUSTMENT AFTER EACH CENSUS

After every census, a readjustment is to be made in:

- allocation of seats in the Lok Sabha to the states,
- division of each state into territorial constituencies.

Parliament is empowered to determine the authority (Delimitation Commission) and the manner in which it is to be made.

### RESERVATION OF SEATS FOR SCS AND STS

Constitution provides for the reservation of seats for SCs & STs in the Lok Sabha on the basis of population ratio. Extended by 104th CA Act 2020 till 25th January, 2030 (which was expiring in 2020).

### FIRST-PAST-THE-POST SYSTEM

Constitution has adopted:

- System of territorial representation (First-past-the-post system) for elections to Lok Sabha

## DURATION OF TWO HOUSES

### LOK SABHA

- Non continuing chamber as it dissolve in every five years
- Term of 5 years
- President dissolves Lok Sabha and this cannot be challenged in a court of law.
- Term of the Lok Sabha can be extended during National emergency for 1 year at a time for any length of time.
- Extension cannot continue beyond a period of 6 months after the emergency has ceased to operate.

### RAJYA SABHA

- Continuing chamber as 1/3rd members retire every second year (eligible for re-election and renomination)
- Permanent body and not subject to dissolution
- Term of office of members is not fixed by Constitution and it is left to the Parliament.
- Representation of the People Act (RPA) 1951 provides the term of a member to be 6 years.
- RPA 1951 empowers President to curtail term of members.

# MEMBERSHIP OF PARLIAMENT



## QUALIFICATIONS

- Citizen of India.
- Make and subscribe to an oath or affirmation before the person authorised by the election commission for this purpose.
- Rajya Sabha: Not less than 30 years of age.
- Lok Sabha: Not less than 25 years of age.
- Possess other qualifications prescribed by Parliament.

## ACCORDING TO CONSTITUTION



## DISQUALIFICATIONS

- Holds any office of profit under Union or state.
- Unsound mind and stands so declared by a court.
- Undischarged insolvent.
- Not a citizen of India or voluntarily acquired the citizenship of a foreign state or is under any acknowledgement of allegiance to a foreign state.
- Disqualified under any law made by Parliament.



## QUALIFICATIONS

- Registered as an elector for a parliamentary constituency.
- For Rajya Sabha, member can be an elector from any state.
- Member of a SC or ST in any state or UT, if he wants to contest a seat reserved for them.
- SC or ST can also contest a seat not reserved for them.

## ACCORDING TO RPA 1951



## DISQUALIFICATIONS

- Found guilty of certain election offences.
- Convicted for any offence resulting in imprisonment for 2 or more years. (Not valid for preventive detention law).
- Failed to lodge an account of his election expenses.
- Any interest in government contracts, works or services.
- Be a director or managing agent nor hold an office of profit in a corporation in which the government has at least 25% share.
- Dismissed from government service for corruption or disloyalty to the State.
- Convicted for promoting enmity between different groups or for the offence of bribery.
- Punished for preaching and practising social crimes such as untouchability, dowry and sati.
- Note: President's decision is final on the question on any of the above disqualifications with opinion of the election commission.

## DISQUALIFICATION ON GROUND OF DEFECTION

- **10th Schedule of Constitution**
- Final decision by the Chairman in the case of Rajya Sabha and Speaker in the case of Lok Sabha (and not by the president of India)
- Decision is subject to judicial review (Kihoto Hollohan case 1992).

1

Voluntary gives up the membership of the political party on whose ticket he is elected to the House;

2

Votes or abstains from voting in the House contrary to any direction given by his political party;

3

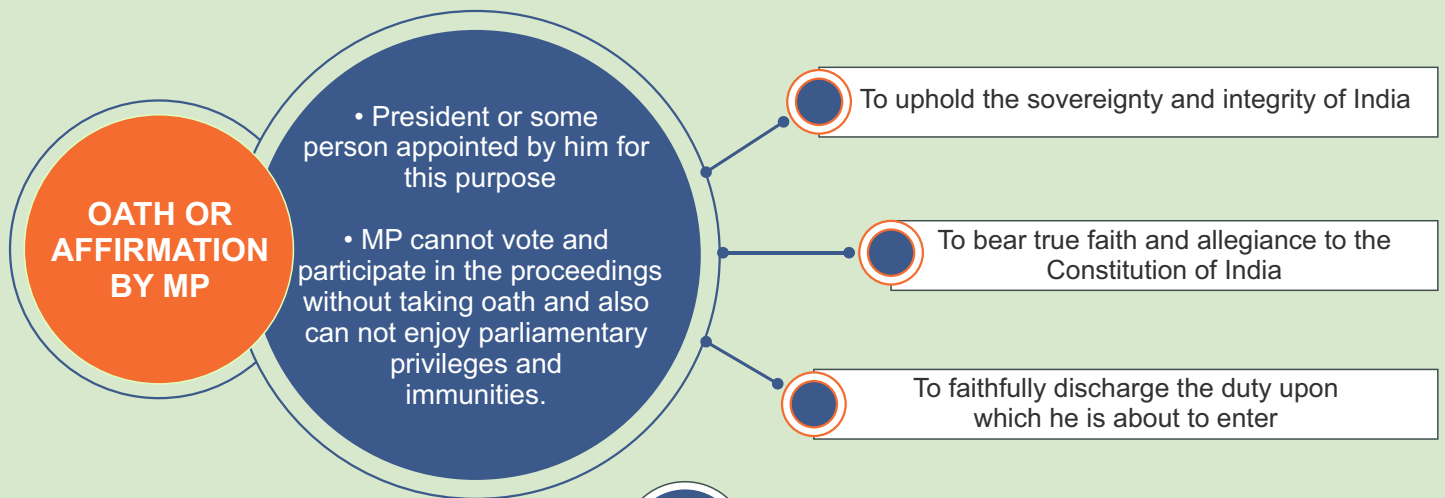
Any independently elected member joins any political party

4

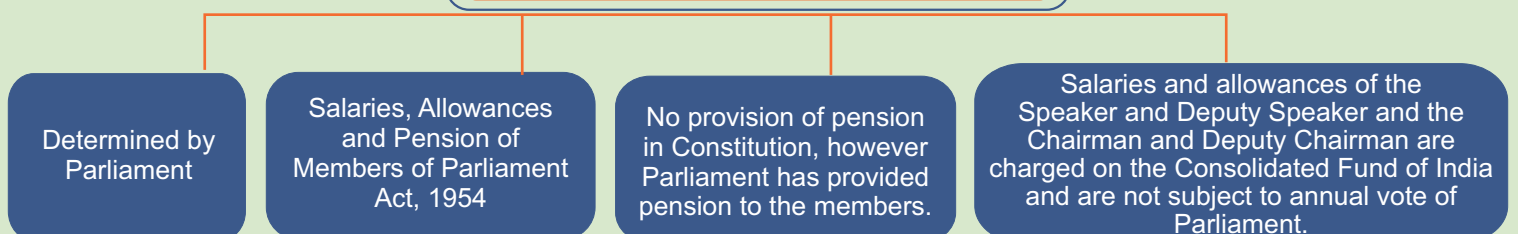
Any nominated member joins any political party after the expiry of six months

# VACATING OF SEATS

<b>1. DOUBLE MEMBERSHIP</b>	<p>According to RPA 1951,</p> <ul style="list-style-type: none"> <li>• If elected to both the Houses, he must intimate within 10 days in desired House. In default, his seat in Rajya Sabha becomes vacant.</li> <li>• If a sitting member of one House and elected to other House, first House seat becomes vacant.</li> <li>• If a person is elected to two seats in a House, he should exercise his option for one. Otherwise, both seats become vacant.</li> <li>• If a person is elected for both Parliament and state legislature, his seat in Parliament becomes vacant if he does not resign his seat in the state legislature within 14 days.</li> </ul>
<b>2. DISQUALIFICATION</b>	<ul style="list-style-type: none"> <li>• As specified in the Constitution.</li> <li>• Disqualification on the grounds of defection (10th Schedule).</li> </ul>
<b>3. RESIGNATION</b>	<ul style="list-style-type: none"> <li>• By writing to Chairman of Rajya Sabha or Speaker of Lok Sabha.</li> <li>• Chairman/ Speaker may not accept the resignation if he is satisfied that it is not voluntary or genuine.</li> </ul>
<b>4. ABSENCE</b>	<ul style="list-style-type: none"> <li>• Member absent from all its meetings for a period of 60 days without house's permission.</li> <li>• 60 days does not include any period during which House is prorogued or adjourned.</li> </ul>
<b>5. OTHER CASES</b>	<p>Members vacate seat if :</p> <ul style="list-style-type: none"> <li>• Election is declared void by the court</li> <li>• Expelled by the House</li> <li>• Becomes President or Vice President or governor</li> </ul> <p>Note: Constitution lays down no procedure to declare the election void. This matter is dealt by RPA 1951 which enables the high court to declare an election void and he can also appeal to the</p>



## SALARIES AND ALLOWANCES



# PRESIDING OFFICERS OF PARLIAMENT



LOK SABHA

## SPEAKER OF LOK SABHA

### ELECTION AND TENURE

- Elected by the Lok Sabha from amongst its members.
- Date of election fixed by President.
- **Vacate his office in three cases:**
  1. ceases to be a member of Lok Sabha;
  2. resigns by writing to the Deputy Speaker;
  3. removed by a resolution passed by a majority of all then members of the Lok Sabha. Such a resolution can be moved only after giving 14 days' advance notice.
- **While removal** is under consideration, speaker cannot preside at the sitting of the House, however can speak and take part in the proceedings of the House and vote in the first instance.
- **On dissolution** of Lok Sabha, Speaker does not vacate his office and continues till the newly-elected Lok Sabha meets.
- Speaker and the Deputy speaker **do not make and subscribe any separate oath or affirmation.**
- Provisions of Speaker and Deputy speaker originated from Government of India Act of 1919 (Montague-Chelmsford Reforms).

### ROLE OF SPEAKER

- Head of the Lok Sabha, and its representative.
- Guardian of powers and privileges of the members, the House and its committees.
- Principal spokesman of the House, and his decision in all Parliamentary matters is final.
- Chairman of the Business Advisory Committee, the Rules Committee and the General Purpose Committee.

### SOURCE OF POWERS

- Constitution of India,
- Rules of Procedure and Conduct of Business of Lok Sabha
- Parliamentary Conventions (residuary powers that are unwritten or unspecified in the Rules).

### POWERS AND FUNCTIONS OF SPEAKER

- Maintains order and decorum in the House.
- Final interpreter of the provisions of Constitution, Rules of Procedure and Conduct of Business of Lok Sabha, and parliamentary precedents, within the House.
- Adjourns the House or suspends the meeting in absence of a quorum.
- Casting vote in the case of a tie.
- Presides over a joint sitting summoned by President
- Allow a 'secret' sitting of the House at the request of Leader of House.
- Decides whether a bill is a money bill or not and this decision is final.
- Decides the questions of disqualification under 10th Schedule. This decision is subject to judicial review
- Acts as the ex-officio chairman of the Indian Parliamentary Group and conference of presiding officers of legislative bodies in the country.
- Appoints the chairman of all the parliamentary committees of the Lok Sabha and supervises their functioning.

### INDEPENDENCE AND IMPARTIALITY

- Provided with a security of tenure.
- Removed only by a resolution passed by the Lok Sabha by a special majority. Motion of removal need support of at least 50 members.
- Salaries and allowances are fixed by Parliament and charged on Consolidated Fund of India.
- His work and conduct cannot be discussed and criticised in the Lok Sabha except on a substantive motion.
- His powers of regulating procedure or conducting business or maintaining order in the House are not subject to the jurisdiction of any Court.
- Placed at **seventh rank, along with the Chief Justice of India.**
- Speaker does not resign from the membership of his party on his election to the exalted office.

## SPEAKER PRO TEM

- Temporary office.
- President appoints a member of the Lok Sabha as the Speaker Pro Tem.
- Usually, the seniormost member.
- President administers oath to Speaker Pro Tem.
- Presides over the first sitting of the newly elected Lok Sabha.
- Administer oath to the new members.
- Enables the House to elect the new Speaker and ceases his office after new speaker elected.

## PANEL OF CHAIRPERSONS OF LOK SABHA

- Nominated under the Rules of Lok Sabha.
- Speaker nominates from amongst the members a panel of not more than 10 chairpersons.
- Any of them can preside over the House in the absence of the Speaker or the Deputy Speaker.
- Holds office until a new panel of chairpersons is nominated.
- House can determine any person as a speaker if no member of panel of chairpersons is present.
- They cannot preside over the House, when the office of the Speaker or the Deputy Speaker is vacant then President appoints any member as a Speaker for the purpose.

## DEPUTY SPEAKER OF LOK SABHA

- Elected by the Lok Sabha itself from amongst its members.
- Date of election fixed by the Speaker.
- Performs the duties of the Speaker's office when it is vacant or absent.
- Presides over the joint sitting, in case the Speaker absent.
- Not subordinate to the Speaker but directly responsible to the House.
- Whenever appointed as a member of a parliamentary committee, he automatically becomes its chairman.
- Since the 11th Lok Sabha, consensus that the Speaker comes from the ruling party and Deputy Speaker goes to the main opposition party.
- Casting vote in the case of a tie
- Vacancy of Deputy speaker in 3 cases:
  - 1. ceases to be a member of Lok Sabha;
  - 2. Resigns by writing to the Speaker;
  - 3. Removed by a resolution passed by a majority of all the then members of the Lok Sabha. Such a resolution can be moved only after giving 14 days' advance notice.



## RAJYA SABHA

### CHAIRMAN OF RAJYA SABHA



- Vice-president of India is the ex-officio Chairman of the Rajya Sabha.
- Presiding officer of the Rajya Sabha.
- Removed from his office only if removed from the office of the Vice-President.
- Chairman is not a member of the House.
- Chairman also cannot vote in the first instance and has a casting vote in case of tie.
- Speaker has two special powers which are not enjoyed by the Chairman:
  1. Speaker decides on money bill and his decision is final.
  2. Speaker presides over a joint sitting.

### DEPUTY CHAIRMAN OF RAJYA SABHA



- Elected by the Rajya Sabha itself from amongst its members.
- Not subordinate to the Chairman but directly responsible to the Rajya Sabha.
- Vacates office in any of three cases:
  1. ceases to be a member of the Rajya Sabha;
  2. resigns by writing to the Chairman;
  3. removed by a resolution passed by a majority of all the then members of the Rajya Sabha. Such a resolution can be moved only after giving 14 days' advance notice.

### PANEL OF VICE-CHAIRPERSONS OF RAJYA SABHA



- Nominated under the Rules of Rajya Sabha.
- Chairman nominates from amongst the members a panel of vice-chairpersons.
- Any one of them can preside over the House in the absence of the Chairman or the Deputy Chairman.

### SECRETARIAT OF PARLIAMENT



- Each House of Parliament has separate secretarial staff of its own.
- Recruitment and service conditions regulated by Parliament.
- Headed by a secretary-general (permanent officer) appointed by the presiding officer of the House.



# LEADER IN PARLIAMENT

## LEADER OF THE OPPOSITION IN BOTH HOUSES

- Provide a constructive criticism of the policies of the government and to provide an alternative government.
- Leader of the largest Opposition party **having not less than 1/10th seats** of the total strength of the House.
- **Not mentioned in the Constitution of India**
- **Mentioned under Parliamentary Statute**
- **Accorded statutory recognition in 1977.**
- Salary, allowances and other facilities equivalent to cabinet minister.
- First time recognised in 1969.
- USA: 'Minority leader'.
- Britain: 'Shadow Cabinet'.

## WHIP

- **Neither mentioned in Constitution nor in the Rules of the House nor in a Parliamentary Statute.**
- Based on the conventions of the parliamentary government.
- Both ruling or Opposition party has its own whip in the Parliament.
- Serve as an assistant floor leader.
- Responsibility of ensuring the attendance of his party members and securing their support.
- Regulates and monitors their behaviour in the Parliament.
- Members are supposed to follow the directives given by the whip. Otherwise, disciplinary action can be taken.

## LEADER OF THE HOUSE (LoH) IN BOTH HOUSES

- Exercises direct influence on the conduct of business.
- **Not mentioned in the Constitution of India**
- **Mentioned under the Rules of Houses.**
- Prime minister, if he is a member of the Lok Sabha.
- Minister who is a member of the Lok Sabha and nominated by the Prime Minister.
- 'Leader of the House' in the Rajya Sabha is a minister who is a member of the Rajya Sabha and nominated by the prime minister.
- Can also nominate a deputy leader of the House.
- USA: 'Majority Leader'

## SESSIONS OF PARLIAMENT



### Summoning

- President summons each House of Parliament to meet.
- Maximum gap between two sessions of Parliament cannot be more than 6 months.
- There are usually 3 sessions in a year
  - o Budget Session (February to May);
  - o Monsoon Session (July to September);
  - o Winter Session (November to December).
- 'Session' of Parliament: period spanning between the first sitting of a House and its prorogation.
- Recess: period spanning between the prorogation of a House and its reassembly in a new session.

### Adjournment

- Suspends the work in a sitting for a specified time, which may be hours, days or weeks.
- Done by presiding officer of the House.

### Adjournment Sine Die

- Terminating a sitting of Parliament for an indefinite period.
- Adjourned without naming a day for reassembly.
- Done by presiding officer of the House.
- Does not affect the bills or any other business pending.

### Prorogation

- Terminates a sitting and session of the House.
- Done by the President.
- Does not affect the bills or any other business pending.
- All pending notices lapse on prorogation and fresh notices have to be given from the next session.

### Dissolution

- Ends the very life of the existing House and a new House is constituted after general elections are held.
- Only the Lok Sabha is subject to dissolution.
- By way of Automatic dissolution (expiry of tenure) or whenever
- President decides to dissolve the House.
- Dissolution is irrevocable
- All business including bills, motions, resolutions, notices, petitions and so on pending before Lok Sabha or its committees lapse

TERMINATION OF SESSION



### QUORUM

Minimum number of members required to be present in the House before it can transact any business. It is **1/10th of the total number of members in each House** including the presiding officer. If no quorum, then presiding officer either adjourn the House or suspend the meeting until there is a quorum.



### LANGUAGE IN PARLIAMENT

- Constitution has **declare Hindi and English to be the languages** for transacting business in the Parliament
- Presiding officer can permit a member to address the House in his mother-tongue.
- Official Languages Act 1963 allowed English to be continued along with Hindi.



### VOTING IN HOUSE

All matters at any sitting of either House or joint sitting of both the Houses decided by a majority of votes of the members present and voting, excluding the presiding officer. Presiding officer of a House casts vote in the case of an equality of votes.



### LAME-DUCK SESSION

- Last session of the existing Lok Sabha, after a new Lok Sabha has been elected.
- **Lame-ducks:** members of the existing Lok Sabha who could not get re-elected to the new Lok Sabha

### RIGHTS OF MINISTERS AND ATTORNEY GENERAL

- In addition to members of a House, every minister and the attorney general of India have the right to speak and take part in the proceedings of either House, any joint sitting of both the Houses and any committee of Parliament of which he is a member, without being entitled to vote.
- A minister can participate in the proceedings of a House, of which he is not a member.



## LAPSING OF BILLS ON DISSOLUTION

### BILL THAT LAPSE

- A bill pending in the Lok Sabha lapses (whether originating in the Lok Sabha or transmitted to it by the Rajya Sabha).
- A bill passed by the Lok Sabha but pending in the Rajya Sabha lapses.

### BILL THAT DOES NOT LAPSE

- A bill not passed by the two Houses and if the president has notified the holding of a joint sitting before the dissolution of Lok Sabha.
- A bill pending in the Rajya Sabha but not passed by the Lok Sabha does not lapse.
- A bill passed by both Houses but pending assent of the president does not lapse.
- A bill passed by both Houses but returned by the president for reconsideration of Houses does not lapse.



# ARTICLES RELATED TO PARLIAMENT



## GENERAL

- A-79.** Constitution of Parliament
- A-80.** Composition of the Council of States
- A-81.** Composition of the House of the People
- A-82.** Readjustment after each census
- A-83.** Duration of Houses of Parliament
- A-84.** Qualification for membership of Parliament
- A-85.** Sessions of Parliament, prorogation and dissolution
- A-86.** Right of President to address and send messages to Houses
- A-87.** Special address by the President
- A-88.** Rights of Ministers and Attorney-General as respects Houses



## OFFICERS OF PARLIAMENT

- A-89.** The Chairman and Deputy Chairman of the Council of States
- A-90.** Vacation and resignation of, and removal from, the office of Deputy Chairman
- A-91.** Power of the Deputy Chairman or other person to perform the duties of the office of, or to act as, Chairman
- A-92.** The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration
- A-93.** The Speaker and Deputy Speaker of the House of the People
- A-94.** Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker
- A-95.** Power of the Deputy Speaker or other person to perform the duties of the office of, or to act as, Speaker
- A-96.** The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration
- A-97.** Salaries and allowances of the Chairman and Deputy Chairman and the Speaker and Deputy Speaker
- A-98.** Secretariat of Parliament



## DISQUALIFICATIONS OF MEMBERS

- A-101.** Vacation of seats
- A-102.** Disqualifications for membership
- A-103.** Decision on questions as to disqualifications of members
- A-104.** Penalty for sitting and voting before making oath or affirmation under Article 99 or when not qualified or when disqualified

# IMPORTANT CONSTITUTIONAL AMENDMENT ACT (CAA)

Froze the allocation of seats till the year 2000 at the 1971 level.

**42nd CAA, 1976**

Froze the allocation of seats till the year 2026 at the 1971 level.

**84th CAA, 2001**

- Extend reservation for SC and ST to Lok Sabha and legislative bodies.
- Not extending the provision of nominating Anglo Indians to Lok Sabha and legislative bodies

**104th CAA, 2020:**

**61st CAA, 1988**

Voting age reduced from 21 to 18 years.

**87th CAA, 2003**

Provided for the delimitation of constituencies on the basis of 2001 census and not 1991 Census.