

## **CHAPTER - V**

### **LEGISLATURE**

Legislature is the important organ of government. Indian legislature is known as parliament. It consist of President, Lok Sabha and Rajya Sabha. From this, Lok Sabha is known as “House of People” or “Lower house of parliament”. Rajya Sabha is known as “House of State” or Upper house of Parliament”. Article 79 of Indian constitution says that Indian Parliament keep bicameral legislature.

#### **LOK SABHA**

- On 17<sup>th</sup> April 1952 Lok Sabh cam to exist.
- Total number of Lok Sabha members are:
- Elected (543) + Nominated (2) = 545
- The number of Kerala Lok Sabha seat = 20
- Lok Sabha election conducted based on constituency.
- Lok Sabha is controlled by Lok Sabha Speaker.
- Lok Sabha Speaker is Sumithra Mahajan.

#### **QUALIFICATION TO BECOME A LOK SABHA MP**

- He should be an Indian citizen.
- He should completed at the age of 25.
- He doesn't carry any job under central or state government.
- The person who is punished for a criminal offence shouldn't elect to the Lok Sabha.
- The person shouldn't be the member of both Lok Sabha and Rajya Sabha.
- They are elected for the period of 5 years.

## **RAJYA SABHA**

- Rajya Sabha is also known as “Council of State” or “Upper house of Parliament”. Rajya Sabha became the part of parliament on 3<sup>rd</sup> April 1952.
- There are 250 members in Rajya Sabha.
- 238 members are elected by the state legislative assembly.
- 12 members are nominated by President (They are from art, literature, sports, science)
- There are 9 seats for Kerala. It determined on the based on population.
- The Rajya Sabha MPs are elected for 6 years.
- The Rajya Sabha MPs are elected through the system of STVs in the proportional representation.
- Rajya Sabha is controlled by the chairman. The chairman is Vice President. The present chairman is Hameed Ansari.

## **QUALIFICATION TO BE A RAJYA SABHA MP**

- He should be an Indian citizen.
- He should complete the age of 30.
- He shouldn't carry any job under central or state government.
- He should have the qualification to be elected to Rajya Sabha.

## **NEED OF PARLIAMENT IN A COUNTRY**

- Parliament is essential for the democratic country.
- Parliament is the basis of representative democracy.
- Parliament have responsibility towards people.

## **BICAMERAL LEGISLATURE**

- The countries with large size and much diverse prefer bicameral legislature.
- It is possible to take every decision with reconsiderable.

- It can give representation to all section of society, the all geographical region of the country.

### **Some States have Bicameral Legislature**

Bihar, Maharashtra, Jammu and Kashmir, Uttar Pradesh, Karnataka, Andhra Pradesh.

### **FUNCTIONS OF PARLIAMENT (DUTIES)**

1. Legislative function
2. Controlling executive
3. Financial function
4. Debating function
5. Constitutional function
6. Electoral function
7. Judicial function
8. Representative function

#### **1. LEGISLATIVE FUNCTION**

- Parliament makes law needed for a country. Money bill and non-money bill is introduced in the parliament.
- While spending money for the development activities the consent of parliament is essential.

#### **2. CONTROLLING EXECUTIVE**

Parliament can control president, vice president, prime minister and council of ministers through different ways. If president and vice president try to violate the constitution, the parliament can remove them through the process of impeachment.

### **3. FINANCIAL FUNCTION**

Budget is passed by the parliament as well as parliament have decided to tax rate. Parliament effect the treasury.

### **4. DEBATING FUNCTION**

All the members are free to speak any matters without fear. It helps to analyse every issues that causes the nation.

### **5. CONSTITUTIONAL FUNCTION**

All constitutional amendment should be approved by the government.

### **6. ELECTORAL FUNCTION**

President, vice president are elected by the parliament.

### **7. JUDICIAL FUNCTION**

Parliament can remove president, vice president, judges of Supreme Court and High Court in the case of violation of constitution.

### **8. REPRESENTATIVE FUNCTION**

Parliament represent the members from different part of country.

### **POWER OF LOK SABHA**

- Subject included in the union list and concurrent list can be controlled by Lok Sabha.
- Lok Sabha have the power to amend the constitution.
- Lok Sabha can introduce money bill and non-money bill.
- Lok Sabha has the power to elect and to remove president and vice president.
- Lok Sabha has the power to remove the judges of Supreme Court and High Court.
- Lok Sabha can control executive by asking question.
- To introduce non-confident motions.
- Lok Sabha appoint different committee and commission.

## **POWER OF RAJYA SABHA**

- Rajya Sabha has the power to elect and remove president and vice president.
- Rajya Sabha has the power to remove the judges of Supreme Court and High Court.
- To amend the constitution.
- Rajya Sabha have the right to implement laws related to state.
- Rajya Sabha can only face the non-money bill but it can recommend changes on money bill.

## **BILL**

Bill means “A MP presented a subject in the parliament”. It is called bill. There are different types of bill.

1. Private bill
2. Government bill
3. Money bill
4. Non-money bill
5. Ordinary bill
6. Constitutional bill

### **1. Private Bill**

The bill presented by a non-minister. It is called private bill.

### **2. Government Bill**

The bill presented by a minister. It is called government bill.

### **3. Money Bill**

Money bill is closely related to money. Money bill is passed by Lok Sabha.

### **4. Non-Money Bill**

Non-money bill is not closely related to money.

### **5. Ordinary Bill**

This bill is closely related to common people.

## **6. Constitutional Bill**

The bill is presented for the amendment of constitution is called constitution bill.

### **DIFFERENT STAGES OF LAW MAKING PROCEDURE IN INDIA**

Law making procedure consist of 5 stages or phases and 3 reading.

1. First stage and first reading
2. Second stage and second reading
3. Third stage (Committee stage)
4. Fourth stage (Report stage)
5. Fifth stage and third reading

#### **1. First Stage and First Reading**

First stage and first reading means the presentation of a subject by a MP.

#### **2. Second Stage and Second Reading**

If there is any disagree in the subject presented the MPs can rediscuss about the same subject.

#### **3. Third Stage (Committee Stage)**

If the problem is not solved even after the re-discussion of a subject by the MPs a committee is formed to study about that subject. It is called committee stage.

#### **4. Fourth Stage (Report Stage)**

The Committee study about that subject and make report.

#### **5. Fifth Stage and Third Reading**

The report is presented in front of the MP.

### **How Does Parliament Control the Executive?**

- **Discussion and analysis** are conducted in the parliament for evaluating the government.

- **Question Hour**

Parliament conference start with question hour. Here the minister have respond to the question raised by the members. Its duration is one hour. The question hour start from 11 am to 12 pm.

- **Zero Hour**

Zero hour start after question hour. The duration is only from 5 minutes to 15 minutes. Here the ministers shouldn't respond to the questioned raised by the member.

- **Adjournment Motion**

The opposition party presented adjournment motion related to public issue.

E.g. Price hike, availability of food grains.

- **Approval or Rectification of Law**

Parliament approve the laws needed for the country. Parliament neglect the laws that negatively affect the country.

- **Financial Control**

Money is essential for all developmental activities. The recognition of parliament is needed for spending of money.

- **Non-Confidence Motion**

If the opposition party finds that the government lost their majority to rule the nation while opposition party presented a resolution in the parliament. It is called non-confidence motion. As a result a election conducted in the house through this election the ruling party prove their majority. Government can continue their power. But the government lost their majority it will effect their power.

### **Other Methods to Control Executive**

- Give more time to discussion
- MPs should give interest in discussion.
- There should be a good coordination between ruling party and opposition.

### **Contribution of Parliamentary Committee**

- To form different types of committee for making laws.
- To analyse the expense of government.
- To investigate about corruption.

### **Types of Committee**

1. Standing committee (permanent committee)
2. Joint parliamentary committee (temporary committee)

### **How Parliament Self-Control**

- Constitution control the parliament
- Speaker control the parliament
- Control the behaviour of members itself
- Anti-defection law control the parliament

### **Anti-defection Law**

The MPs and MLAs participated in a party should not change the party. But they can change the party by resigning their position.

### **The following circumstance considered as defected**

- Parliament passed anti-defection law in 1985. this was brought through the 52<sup>nd</sup> constitutional amendment.
- If a person disobeyed to present in party meeting.
- Resigning party membership.
- Violating party view.
- Working against party view.