

## **Powers of the Union Parliament**

### **1. Legislative Powers :**

**(a) Union and Concurrent Subjects :** The Parliament can make laws on **97 subjects** contained in the Union List, and **47 Subjects** contained in the Concurrent List. On a Subject in the Concurrent List, both the Parliament and a State Legislature may make a law, but the law of the Parliament supersedes the law of the State Legislature. This establishes the superiority of the Parliament over the State Legislatures.



**(b) Residuary Powers** : The Parliament has Residuary Powers also. It can make laws on a subject, which is not mentioned in any one of the three Lists, i.e., the *Union List*, the *State List* and the *Concurrent List*.

**(c) State List** : The Parliament can make laws on 66 subjects in the State List in the following situations :

- (i) During the *Proclamation of Emergency*,
- (ii) When the Rajya Sabha declares by a Resolution passed by 2/3 majority that a State-List-Subject has assumed national importance,
- (iii) When two or more State Legislatures desire that the Parliament should make a law on any subject of the State List.
- (iv) When the state comes in conflict with the discharge of international commitments made by the central government.
- (v) During the breakdown of the constitutional machinery in a state.

**(d) Ordinance** : During the recess of the Parliament, the President may issue an ordinance. But it must be approved by both the Houses of the Parliament, when they reassemble. The ordinance ceases to operate six weeks after the re-assembly of the Parliament. Both the Houses of the Parliament have to approve the Ordinance within that period. If it is not approved, the Ordinance expires.



## 2. Financial Powers :

The Lok Sabha controls the national finance. In this respect it has the following powers :

**(a) The Budget :** It has the power to pass the annual Budget of the Union Government for the financial year. It contains estimates of receipts (Income) and expenditure. The Budget is presented in two parts, namely the Railway Budget and the General Budget.

The estimates on expenditure in the General Budget are shown in two parts, *e.g.* :

(i) Expenditure charged on the Consolidated Fund of India which includes the salaries and allowances of the President, Vice-President, (Chairman of the Rajya Sabha), Speaker, Deputy Speaker, Deputy Chairman, Judges of the Supreme Court, High Courts and Comptroller and Auditor



General of India. This expenditure does not require the annual vote of the Parliament, but it can discuss the estimates.

(c) Estimates required to meet the other expenditure of the Government of India are put up before the Lok Sabha in the form of Demands for Grants. These are thoroughly debated and voted upon by the members. In this respect, the Lok Sabha has the power to impose, abolish or alter any tax or duties etc.

(d) **Supplementary Grants** : If the amount sanctioned under the Demand for Grants in a financial year is found to be insufficient, the Government can make a fresh Demand for Supplementary Grants. It is also thoroughly debated and voted upon in the Lok Sabha. The Lok Sabha can also sanction expenditure on contingencies.

(e) **Vote on Accounts** : Vote on Accounts is a measure to authorise the executive to draw money from the Consolidated Fund of India from April 1, i.e. the beginning of the new financial year till the Budget is finally passed by the Parliament. The Lok Sabha has the power to pass the Vote on Accounts.

(f) **Salaries of the M.Ps and the Ministers** : The M.Ps and the Ministers receive such salaries and allowances as are determined by the Parliament from time to time.

(g) **Permission for taxes** : No tax can be imposed or money spent by the government without the approval of the Parliament.

(h) **Money bill** : A money bill can be introduced in the Lok Sabha only.

**Other Monetary Controls** : During the discussion on the Budget, Cut-motions in the Demands for Grants enable the Parliament to exercise control over finance. Similarly, the Public Accounts Committee of the Parliament ensures that Public money is spent in accordance with parliament's decision. It examines reports of the Comptroller and Auditor General of India.

### 3. Control over Executive :

The Prime Minister and the Council of Ministers are collectively responsible to the Lok Sabha. They remain in office as long as they continue to enjoy the confidence of the Lok Sabha, by simple majority. The Parliament exercises its control over the executive as given below :

(a) **Various Motions** : The Question Hour, Call Attention Motion, Half an Hour Discussion are the devices through which the House seeks information from the Government.

(b) **Adjournment Motion** : With the passing of the Adjournment Motion, the routine business of the House is postponed. The House then discusses Government's acts of omission or commission on a matter of urgent national importance.

(c) **Censure Motion and the No-Confidence Motion** : Censure Motion, expressing disapproval of the policies of the Government may be moved against the Council of Ministers or an individual Minister in the Lok Sabha. Adoption of the Censure Motion against the Government would result in the resignation of the Council of Ministers. But if it is against an individual Minister as the case may be, then only the individual Minister has to resign.

A **No-Confidence Motion** against the Council of Ministers may be moved in the Lok Sabha by a leader of the Opposition supported by at least 50 members. It is taken up for discussion within ten days. If it is passed, the Government has to resign.

### 4. Constitutional Functions :

The Bill to amend the Constitution may be moved in either House. It has to be passed in both the Houses by a simple majority or by a two-third majority as provided under Article 68 of the Constitution.

### 5. Electoral Functions :

- (i) The elected members of both the Houses of the Parliament along with members of the States Legislative Assemblies constitute the Electoral College to elect the President of India.
- (ii) The Vice-President of India is elected by members of both the Houses.
- (iii) The Lok Sabha also elects its speaker and Deputy Speaker.
- (iv) The Rajya Sabha elects its Deputy Chairman.

### 6. Judicial Functions :

- (i) The Parliament exercises the power to impeach the President or to remove a judge of the Supreme Court or High Court according to the procedure laid down for the purpose.



- (d) The Parliament can also punish a person for disturbing its working or for showing disrespect for the House.

## 7. Miscellaneous Powers :

The miscellaneous powers of the Parliament include : (a) to make laws regarding the composition, powers and jurisdiction of the Supreme Court, (b) to establish a common High Court for two or more States (c) to alter the name or boundaries of the State, to establish new states by separating the territories from any State.

## Parliamentary Procedure

The rules and formalities for proper transaction of the business of the House have been termed as 'Parliamentary Procedures'.

## Summoning of the House

The President from time to time summons each House of the Parliament.

## President's Address

Article 87(1) of the Constitution provides : At the commencement of the first session after each general election to the House of the People and at the commencement of the first session of each year, the President shall address both Houses of Parliament assembled together and inform the Parliament of the causes of its summons.

The President's Address is a "Policy statement of the government." i.e., the tasks which the government wishes to undertake and the subjects on which it proposes to make laws. It is drafted by the PM and his colleagues.

## Motion of Thanks

The debate on the President's Address takes the form of a Motion thanking the President for the speech. The Motion of thanks is moved by some member and seconded by another member. It provides an opportunity for the discussion of matters referred to in the Address. At the end of the discussion the Prime Minister replies to the debate. Then the Motion of Thanks is put to vote. Defeat of Motion would cause the resignation of the government. Motion of Thanks is, in reality, a Motion of Confidence in the government.

## Question Hour in the Lok Sabha (Interpellation)

Generally, the first hour of a sitting of Lok Sabha is devoted to Questions and that hour is called the **Question Hour**. It is the time allotted for the members of the House to ask questions on matters of public interest. These questions are addressed to the Chair and if admitted, the government is obliged to answer them. It has a special significance in the proceedings of Parliament.

(i) It is during the Question Hour that the members can ask questions on every aspect of administration and Governmental activity. In other words, it is to obtain information on a matter of public importance or to ventilate a grievance.

(ii) The Government is, as it were, put on its trial during the Question Hour and every Minister on his turn stands up and answers for his administrative acts of omission and commission. It keeps the ministers on their toes.

(iii) Through the Question Hour the Government is able to quickly feel the pulse of the nation and adopt its policies and actions accordingly. It is a protection against injustice and slackness on the part of the government.

## Types of Questions

A question must not ordinarily exceed 150 words and contain no arguments. A member has to give 10 clear days' notice of a question.

Questions are of three types :

**1. Starred Questions :** Starred Questions are the questions in which a member desires oral answers.

**2. Unstarred Questions :** Unstarred Questions are the questions in which a member desires written answers.

**3. Short Notice Questions :** Short Notice Questions are related to urgent public importance.

## The Zero Hour

The Zero Hour denotes the time immediately following the Question Hour in both Houses of Parliament. It starts at 12 noon. It came to be called an 'Hour' also because very often it continued for



one full hour, until the House rose for lunch at 1 p.m. However, the duration of the Zero Hour has varied over the years.

### Various Types of Motions

In the Parliament, a member may introduce a motion in the form of a proposal. Thus, a **Motion** is a **proposal** for eliciting decision or expressing the opinion of the House on a matter of public importance. The main purpose is to draw the attention of the government to various matters for suitable action. Every question to be decided by the House must be proposed as 'Motion'. The consent of the Speaker or the Chairman is also essential to initiate a motion.

**1. Adjournment Motion :** The primary object of an adjournment motion is to draw the attention of the House to a recent matter of urgent public importance having serious consequences and in regard to which a motion or a resolution with proper notice will be too late. *e.g. : killing an IPS officer in a place of worship, a railway accident, etc.* The matter proposed to be raised should be such that the House is required to pay its attention immediately by interrupting the normal business of the House. The adjournment motion is thus an extraordinary procedure which, if admitted, leads to setting aside the normal business of the House for discussing a definite matter of urgent public importance.

The House may also be adjourned (1) for want of quorum (2) when the Presiding officer finds no business can be transacted because the House has become unruly (3) when the day's business is over (4) death of a sitting, ex-member occurs (5) as and when the speaker finds its necessary.

**2. Motion of No-Confidence :** The Council of Ministers remains in office as long as it enjoys the confidence of the Lok Sabha. If the Lok Sabha expresses a lack of confidence in the Council of Ministers, the Government is constitutionally bound to resign. In order to ascertain the confidence, the rules provide for moving a motion to this effect, which is called a **No-Confidence motion**. This can be moved by the opposition with the support of at



least 50 members. A motion of No-confidence, once admitted, has to be taken up for discussion within 10 days of the leave being granted. On conclusion of the debate, the speaker puts the Motion to vote. If the motion is passed, the Government has to resign. The Rajya Sabha is not empowered to entertain a motion of No-Confidence.

**3. Censure Motion :** A Censure Motion is a distinct type of a No-Confidence Motion. While a motion of No-Confidence need not specify any grounds on which it is based, a Censure Motion must reveal the grounds on which it is based. This type of motion is moved for the specific purpose of censuring the government for certain policies and actions. The Censure Motion can be moved against the Council of Ministers or an individual minister for the failure of their policies or acts.

**4. Cut Motion :** A cut motion is moved when the Budget is taken up for consideration. A member of Parliament may propose that the government expenditure be reduced by a single rupee. The importance of this is to show disapproval of the monetary policy of the government and not the cut itself.



## **Amendment of the Constitution**

An Amendment *is a change made to the Constitution of a nation or a state.*

The Parliament has the power to amend the Constitution of India through a set of procedures. It is initiated by introducing a Bill in either House of the Parliament. Articles of the Constitution have been classified into three categories for the purpose of amendment.

**1. Simple Majority :** There are articles of the Constitution which are open to amendment by Simple Majority.

(i) Creation of new states



(ii) Creation or abolition of upper chambers in the states.

(iii) Qualification for citizenship.

**2. Two-Third Majority :** There are articles which can be amended by a Special Majority, i.e., by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of the House present and voting.

**3. Articles which require a Two-Thirds Majority of Parliament** as well as ratification by the legislatures of not less than one-half of the States. Articles which deal with the election and powers of President, Union Judiciary and High Courts, representation of the states in parliament and legislative relations between the Union and the states are included in this category.

### **\* Mutual Relations Between the Lok Sabha and the Rajya Sabha**

The Lok Sabha and the Rajya Sabha are the two chambers of the Union Parliament. Both the Houses enjoy co-equal powers in all the spheres but in some respects, the Lok Sabha is more powerful than the Rajya Sabha and in some spheres, the Rajya Sabha has been given exclusive powers. Mutual relations of the two Houses are discussed as under.

**1. Legislative Relations :** Regarding ordinary bill, both Houses enjoy coequal powers. An ordinary bill can be introduced first in either House of Parliament and cannot become a law until approved by both the Houses. In case of disagreement between the two Houses, persisting for more than six months, the President convenes a joint session of both the Houses to resolve the deadlock and if the bill is passed by a majority of vote in this joint sitting, it is considered finally approved.

Constitutionally, an ordinary bill can be introduced first in any House of Parliament, even then most of the bills are introduced first in the Lok Sabha. This shows the importance of Lok Sabha. Moreover, the Speaker presides over the joint sitting of both the Houses.

**2. Financial Relations :** In the financial sphere, the Rajya Sabha is weaker than the Lok Sabha because :



(i) Money Bills can be introduced only in the Lok Sabha.

(ii) In case of a dispute whether a bill is a money bill or not, the decision of the Speaker is final.

(iii) The Rajya Sabha can delay the passage of a money bill for a period of 14 days only. After the lapse of 14 days, after its submission to the Rajya Sabha, the bill is considered to have been passed by both Houses of Parliament and sent for the President's assent.

**3. Executive Relations :** In the executive sphere also, the position of the Rajya Sabha is weaker than the Lok Sabha. The Lok Sabha can remove the Council of Ministers from office by passing a *vote of no-confidence*. The Prime Minister is the leader of the majority party in the Lok Sabha and most of the members of the Council of Ministers are also from the Lok Sabha. The Rajya Sabha can make the ministers responsible by asking questions, by seeking information regarding the administration of the state, by criticising the policies of the government and by tabling the *call attention motions* and *adjournment motions*. It cannot pass a vote of no-confidence against the Council of Ministers.

**4. Constitutional Relations :** As far as the constitutional amendments are concerned, both houses enjoy co-equal powers. The Constitutional Amendment Bill can be introduced in either House of Parliament and cannot be considered to have been passed unless approved by both the Houses.

**5. Judicial Relations :** Both the Houses enjoy co-equal authority in the judicial sphere. The resolution for the impeachment of the President, the Judges of the Supreme Court and High Courts can be moved in either House of the Parliament and it must be passed by the two Houses with 2/3rd majority. The resolution for removing the Vice-President from office is first passed by the Rajya Sabha and when the Lok Sabha gives its approval to it, only then can he/she be removed.

**6. Electoral Relations :** Both the Houses have co-equal powers in the field of election to the office of the President and Vice-President of India.

**7. Approval of Emergency :** Both the Houses have co-equal authority regarding the approval to the proclamation of emergency within a period of one month.

**8. Promulgation of Ordinances :** Both the Houses have co-equal powers. ✓

## UNION PARLIAMENT

A comparison between the Lok Sabha and the Rajya Sabha :

	Lok Sabha	Rajya Sabha
Basic Qualifications for membership	(1) He/She should be an Indian citizen. (2) Should be a minimum of 25 years of age. (3) Should not be a proclaimed offender. (4) Should have his/her name on the electoral list. (5) Should not be holding any office of profit.	He/She should be a minimum of 30 years of age. Rest of the qualifications are the same as required for a member of the Lok Sabha.
Tenure	5 years. It can be dissolved before the expiry of its term and the term can be extended.	6 years. 1/3rd of its members retire every two years. A permanent House; it cannot be dissolved.
Method of Election	Directly elected by adult suffrage from single member constituencies.	Indirectly elected by the elected members of the State Legislative Assemblies to represent the respective States and Union Territories.



	Lok Sabha	Rajya Sabha
Nominations of some members by the President	2 members of the Anglo-Indian community, if it has not been adequately represented.	12 members who have shown excellence in the fields of Literature, Science, Art and Social Service.
Maximum number of members	530 from States +20 from Union Territories and 2 nominated by the President. (Total = 552)	238 elected + 12 nominated by the President. (Total 250)
Presiding Officer	<b>Speaker</b> : Elected by the members from amongst its members.	<b>Chairman</b> : Vice-President of India is ex-officio Chairman.
Powers and functions exclusive for each House of the Parliament	(1) Money Bills can originate only in The Lok Sabha. (2) The Lok Sabha alone can vote a Ministry out of office by passing a no-confidence vote.	(1) It has exclusive power to declare a subject of State List to have become a subject of national importance and requests the Parliament to make law on it. (2) Create a new All India Service in national interest.
Powers/Functions common to Both Houses	(1) Both the Houses elect the President and the Vice-President. (2) Impeachment proceedings against the President or Judges of the Supreme Court and High Courts can be initiated in either House. (3) Non-Money Bills can be introduced in either of the two Houses. (4) Both Houses exercise control over the Executive, though the Lok Sabha alone can vote a Ministry out of office.	



Answer the following:

1. Regarding the powers and functions of the Union Parliament, answer the following:

a) Legislative Powers.

b) Executive Powers.

c) Financial Powers.

2. 'Lok Sabha and Rajya Sabha are the two house of the Union Parliament' — In this context, discuss:

a) Legislative relation.

b) Financial relation.

c) Judicial relation.