



THE LEGISLATURE

You have read in the preceding lesson about the Union Executives and the State Executives which are responsible to their respective legislatures ie the Union Parliament and the State Legislatures respectively. The Union Parliament consists of the President and the two Houses of the Parliament namely the Lok Sabha and the Rajya Sabha. Lok Sabha which is also called the lower house is the popular house whose members are directly elected by the people. Rajya Sabha is the upper house which represents the States of the Indian Union whose members are elected by the elected members of the Legislative Assemblies and the Union Territories. President of India is also an integral part of the Indian Parliament although he/she is not a member of either House. Similarly, Governor is an integral part of the State Legislature. The State legislatures are bicameral/unicameral where the Lower House is called Vidhan Sabha or Legislative Assembly and the Upper House is called Vidhan Parishad or Legislative Council . In this lesson, we will study about these legislative bodies at the Centre as well as in the States.



OBJECTIVES

After studying this lesson, you will be able to:

- recall that the President of India is an integral part of the Indian Parliament;
- describe the composition of the Union as well as the State Legislatures;
- explain the powers and functions of the Indian Parliament and the State Legislatures;
- highlight that the Lok Sabha is more powerful than Rajya Sabha;
- distinguish between an ordinary bill and a money bill;
- explain the law making procedure in Indian Parliament; and
- compare the powers and functions of the Parliament to those of the State Legislatures.

22.1 COMPOSITION OF PARLIAMENT

The Indian Parliament consists of the President of India and two Houses namely the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). Lok Sabha is directly elected by the people and Rajya Sabha is indirectly elected.



Figure 22.1: Parliament of India

22.1.1 Rajya Sabha : Membership and Election

The Constituent Assembly of India was unanimous about the necessity of Rajya Sabha to safeguard the rights and privileges of the States keeping in mind the principle of federalism. The Rajya Sabha consists of not more than 250 members. Out of them, 12 members are nominated by the President on the basis of their excellence in the field of literature, science, art, social service and sports. The rest are elected by the elected members of the State Assemblies on the basis of proportional representation through Single Transferable Vote System. Unlike the American Senate which has two members each from 50 States, Indian Council of States ie Rajya Sabha does not have equal representation. Rather the number of members from different States is proportional to the population of the States.

22.1.2 Qualifications, Tenure, Salaries and Allowances

- The qualifications for becoming a member of Rajya Sabha member are given below. He/she:
 1. should be a citizen of India;
 2. should not be less than 30 years of age;
 3. should possess such other qualifications as are determined by the Parliament from time to time; and



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4. should not be of unsound mind, insolvent or holding an office of profit under the Union or the State government.

21.1.3 Tenure

Rajya Sabha is a permanent House which never gets dissolved. Its members are elected for six years. One third of its members retire every two years. They are entitled to contest again for the membership. But, a member elected against a mid-term vacancy serves for the remaining period only. This system of election ensures continuity in the working of Rajya Sabha.

21.1.4 Salaries and allowances

Every member of the Rajya Sabha gets a monthly salary as well as a constituency allowance. In addition, they get many other benefits like free accommodation, water, electricity, telephone and travel facilities. On retirement, the members of Rajya Sabha are entitled to a monthly pension also.

22.1.5 Officials of Rajya Sabha

The Vice-President of India is the ex-officio Chairman of Rajya Sabha. The House also elects a Deputy Chairman from amongst its members. As the Vice-President is not a member of Rajya Sabha, he/she is normally not entitled to vote except in case of a tie. The functions of the Chairman are almost the same as those of the Speaker of Lok Sabha.

**INTEXT QUESTIONS 22.1**

Answer the following questions:

- (i) Why is Rajya Sabha called a permanent house?
- (ii) What is the basic difference between the American Senate and Rajya Sabha?
- (iii) Who elects the members of Rajya Sabha?

22.1.6 Lok Sabha: Membership and Election

Lok Sabha (House of the People) which is also called the Lower House shall not consist of more than 550 members. Out of these, not more than 530 can be elected from the States and not more than 20 from the Union Territories. The present strength of Lok Sabha is 543. In case the Anglo-Indian community is not adequately represented, the President of India can nominate two Anglo-Indian members to Lok Sabha. A number of seats in Lok Sabha are reserved for the Scheduled Castes and Scheduled Tribes. The contestants from these constituencies must be SCs/STs but voters have joint electorate which means

all the eligible voters, irrespective of caste, creed or community participate in the election.

The election to the Lower House i.e. Lok Sabha is conducted on the basis of Universal Adult Franchise. For this, the voting age has been fixed at 18 years and above. The election is held through secret ballot with the help of Electronic Voting Machine (EVM) based on simple majority which means that the highest vote getter is declared elected.



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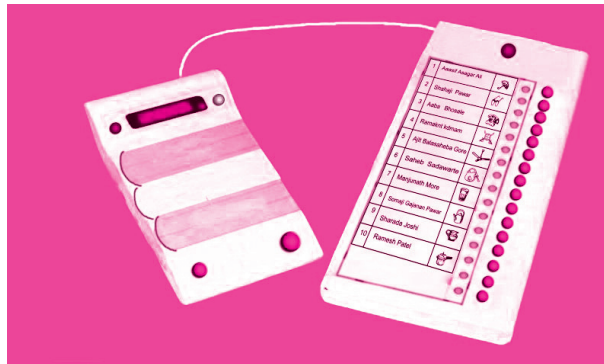


Figure 22.2: Electronic Voting Machine

22.1.7 Qualification, Tenure and allowances

● Qualifications

In order to become a member of Lok Sabha, a person should be:

1. a citizen of India having attained the age of 25 years;
2. registered as a voter in any constituency in India;
3. from SC/ST category, if contesting from a reserved constituency; and
4. possessing such other qualifications as may be laid down by the Parliament by law.

22.1.8 Tenure

The tenure of Lok Sabha is five years unless dissolved earlier by the President of India. During emergency, its tenure can be extended by one year at a time, but it will not exceed six months after emergency is over.

22.1.9 Officials of Lok Sabha

The Presiding Officer of Lok Sabha is known as Speaker. There is a provision for Deputy Speaker also. Both of them are elected by the members of Lok Sabha from amongst themselves. The Speaker and the Deputy Speaker can be removed from their office if the House passes a resolution to this effect. The speaker has no vote, except in case of tie.

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Powers and functions of the Speaker and the Deputy Speaker of Lok Sabha as well that of the Chairman and Deputy Chairman of Rajya Sabha are identical. Some of them are being given below:

- (i) To preside over the meetings of the House, maintain discipline and decorum, give permission to speak and fix time for the speeches.
- (ii) No resolutions, motions, reports or bills can be introduced in the House without speaker's permission.
- (iii) If any member misbehaves, he/she can give a warning or ask the member to withdraw from the House.
- (iv) To adjourn the House in case of disorder or indiscipline or lack of quorum.
- (v) The speaker of Lok Sabha is the sole authority to decide whether a particular bill is Money Bill or not.
- (vi) To protect the rights of the members against all encroachments and safeguard their immunities.
- (vii) Whenever, there is a joint session of both the Houses of Parliament, it is the Lok Sabha Speaker who presides over this joint session.
- (viii) To regulate the entry of the visitors in the House.

**INTEXT QUESTIONS 22.2**

Answer the following questions:

- (a) In case of inadequate representation, in Lok Sabha, members of which community are nominated by the President of India?
- (b) Who presides over the joint-session of the Parliament?
- (c) Name any three States of India having minimum number of members in Lok Sabha.
- (d) Who conducts the proceedings of Lok Sabha in the absence of the Speaker?

22.2 POWERS AND FUNCTIONS OF PARLIAMENT

The Indian Parliament performs executive, financial, electoral and various other functions. Let us study how these functions are performed.

A. Legislative Powers and Functions

The main function of the Parliament is to make laws for the whole country related to subjects mentioned in the Union List, the Concurrent List and under

special circumstances, on the subjects of the State List also. The Parliament has inclusive rights to make laws on the 97 Subjects listed under the Union list. It is also empowered to make laws on the 47 Subjects of the Concurrent List along with the State Legislatures. In case, both the Parliament and the State Legislature make laws on the same subject of the Concurrent List, the Central law prevails upon the law made by the State, in case there is a clash between the two. The subjects which do not find any mention in all the three lists are called residuary subjects. Only the Parliament is empowered to make laws on them.

All the bills which are introduced in the Parliament have to be passed by both the Houses before sending the same to the President of India for his/her consent. After the consent, every bill becomes a law. The passage of this bill from its introduction to becoming a law has been explained later in this chapter.

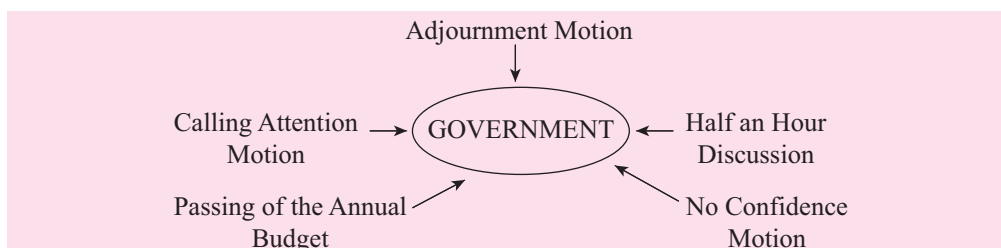


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B. Executive Powers and Functions

In a Parliamentary system, the executive which runs the administration must enjoy the confidence of the Parliament, especially in the Lok Sabha which represents the people. The Prime Minister and the Council of Ministers individually as well as collectively are responsible to the Parliament. The Parliament maintains its control over the Executive and ensures that the Executive does not overstep its jurisdiction and remains responsible to the Parliament. Some of the ways to keep a check on a minister or the Council of Ministers are as follows:

- (i) The first hour of every working day in both the Houses is used for asking questions and supplementary questions. This enables the members to seek information about matters related to any issue. The minister concerned has to answer the questions which are sent in advance. This fixed hour is called Question Hour.
- (ii) Parliament provides ample opportunities to the members to discuss any matter before the House. This gives an opportunity to the opposition members to criticise the government and members of the ruling party to support if something happens when a bill is passed.
- (iii) The Parliament also exercises control over the ministers holding charge of different departments through various motions:



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- (a) **Adjournment Motion:** Any member of the Parliament may move the adjournment motion for discussion on an important and urgent issue. A full debate is allowed on the issue if the Speaker in Lok Sabha or Chairman of Rajya Sabha admits it.
- (b) **Calling Attention Motion:** Whenever, there arises an important issue of urgent nature related to public importance, Calling Attention Motion is moved in the House to draw the attention of the Government.
- (c) **Half an Hour Discussion:** It provides another opportunity to the members to express their views on a particular topic to corner the government.
- (d) **Passing of the Annual Budget:** It involves discussion where the opposition gets best opportunity to criticise the government as a whole. The disapproval of the budget is considered as an expression of lack of confidence.
- (e) **No Confidence Motion:** This motion can be used by Lok Sabha members only. Any member of Lok Sabha may move a resolution after the required formalities to expressing lack of confidence in the Council of Ministers. It is here that most of the opposition members try to bring out the lapses and the weaknesses of the government to censor it or to bring it down in the eyes of the people. The ruling party replies to the points raised and defends itself. As long as the ruling party has comfortable majority, there is no danger of defeat. Infact, it is a test of strength, especially in coalition governments.

C. Financial Powers and Functions

Parliament is considered to be the custodian of public money. No taxes can be realised or money be spent without the approval of the Parliament. Therefore, the annual budget is approved by the Parliament. But the real financial powers lie with the Lok Sabha, (House of the People). According to the Constitution, a Money Bill can be introduced in Lok Sabha only. After it is passed by the Lok Sabha, it is sent to Rajya Sabha for its consideration. Rajya Sabha is supposed to pass or return it with or without any recommendation within 14 days. Lok Sabha may or may not accept the recommendations of Rajya Sabha and the Money Bill is deemed to have been passed.

D. Electoral Powers and Functions

All the elected members of both the Houses of Parliament form part of the Electoral College to elect the President and the Vice President of India. Besides this, members of Lok Sabha elect their Speaker as well as Deputy Speaker where as members of Rajya Sabha elect their Deputy Chairman only.

E. Constituent Powers and Functions

The Parliament of India is empowered to amend the provisions of the Constitution, though in a limited way due to the federal character of India according to the method laid down in Article 368. An Amendment Bill may be introduced in either House of the Parliament. After it is passed by each House separately by the special majority, it is sent to the President for his/her consent. Most parts of the Indian Constitution are amended by special majority. But there are certain provisions which need ratification by at least half of the State Legislatures besides being passed by the Parliament.

However, the Supreme Court has ruled that Parliament cannot change the basic structure of the Constitution of India.

F. Judicial Powers and Functions

The judges of the Supreme Court, High Courts, the President of India and the Vice President may be removed from office through the process of impeachment about which you have read in the previous chapter.

G. Miscellaneous Powers and Functions

Some of the functions other than mentioned above are also performed by the Parliament:

- (a) Proclamation of Emergency declared by the President of India through an Ordinance has to be approved by both the Houses of the Parliament.
- (b) Splitting a State to form a new State, merger of two States or changing the boundaries or the name of a State needs Parliament's approval.
- (c) It is optional for the States to have a Legislative Council or not. If the concerned State Assembly requests the Parliament, to create or abolish the State Legislative Council, the process has to be approved by both the Houses of the Parliament.

**INTEXT QUESTIONS 22.3**

Write True or False.

- (i) The term of Rajya Sabha is six years. (True/False)
- (ii) A Money Bill can be introduced only in Lok Sabha. (True/False)
- (iii) The Parliament is empowered to change even the basic structure of Indian Constitution. (True/False)



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22.3 LEGISLATIVE PROCEDURE IN THE PARLIAMENT

The basic function of the Parliament is to make laws for which a definite procedure is followed. A bill is a draft of the proposed law. Any bill which is moved by a minister is called a Government Bill and the one moved by a member of the Parliament but not by a minister is called Private Member's Bill. Although, every member of the Parliament has a right to move an Ordinary Bill, yet it is rarely done due to lack of support to the individual in a multi-party system. The bills can also be categorised as Money Bills and the Ordinary Bills.

The Bills that deal with money matters, financial obligation, revenue and expenditure etc, are called Money Bills. Such bills are introduced by a minister only. Non-money Bills are called Ordinary Bills. Some non-money bills become Constitution Amendment Bills also, if they aim at amending any provision of the Constitution. Let us now try to understand how these bills pass through several stages before they become law.

22.3.1 Ordinary Bills

- (i) **First Reading of the bill** starts with the introduction of the bill in either of the two Houses of Parliament. A request for its introduction along with aims and objectives of the bill is sent to the Presiding Officer. Every bill introduced in the House has to be published in the gazette. On the appointed date, the Minister moves the motion for leave to introduce the bill. If permitted to do so by the House, it is formally introduced.
- (ii) **Second Reading of the Bill** is the most important stage in law making. It is here that a general discussion and a clause by clause discussion on the bill is held with or without amendments. After this the House has four options:
 - (a) The bill may be immediately taken into consideration by the House for clause by clause discussion;
 - (b) It may be referred to the Select Committee of the House;
 - (c) It may be referred to a Joint-Select Committee of both the Houses;
 - (d) It may be circulated among the people for eliciting public opinion. In case the House decides to immediately take up the bill for consideration for clause by clause discussion, it is debated; amendments are proposed and put to vote for acceptance or rejection. If the bill is passed, it is sent to the other House where the same procedure is repeated.

If the bill is referred to a Select Committee or Joint Committee of both the Houses, its clause by clause examination takes place, experts or representatives of various sections are heard to know their opinion,

amendments are proposed and a report is submitted in the House on the appointed date. After this the bill is considered clause by clause, and amendments put to vote. If accepted by majority of members present and voting, the amendments are carried otherwise rejected. This completes the second reading of the bill.

- (iii) **Third Reading:** At this stage, Minister in charge of the bill asks the House to adopt the bill. Normally no discussion takes place at this stage. The bill is put to vote. If accepted by majority of members present and voting, the bill is passed and is now sent to the other House where it will pass through the same stages and procedure as in the first House.

After the bill is passed in the second House, it is sent back to first House for onwards presentation to the President of India for his/her assent. If the President signs the bill, it becomes an Act or law. The President may also withhold the bill for sometime before taking any decision on it. In case he/she returns it for reconsideration, it has to be passed again by both the Houses with or without amendments. This time, the President has to give his/her assent.

In case of disagreement of both the Houses, there is a provision for Joint Sitting of both the Houses. Such a joint sitting of Parliament is summoned by the President and is presided over by the Lok Sabha Speaker. If approved by majority, the bill is deemed to have been passed and is sent to the President for his/her assent.



Do you know

- The First joint sitting of the Parliament was held in 1961 to adopt the Dowry Prohibition Bill.
- The Second joint sitting was held in 1978 to adopt Banking Service Commission Abolition Bill.
- Another joint sitting was held in 2002 to adopt the bill to replace the Prevention of Terrorism Ordinance (POTO).

22.3.2 Money Bill

A Money Bill can be introduced in Lok Sabha only and that too, with the prior permission of the President. It passes through the same three stages of first, second and third reading. When it is passed by Lok Sabha, it is sent to Rajya Sabha for consideration. Unlike an Ordinary Bill, Rajya Sabha cannot reject a Money Bill. So, the alternatives before the Rajya Sabha are:

- (i) to pass the bill as it is, before sending it to the President for assent.



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- (ii) to return the bill to Lok Sabha with some recommendations. The Lok Sabha may reject all or any of the recommendations after which the bill is considered to have been passed by both the Houses.
- (iii) may retain the Money Bill for a maximum period of 14 days but has to return the same with or without any recommendations. In any case, it is considered to have been passed by both the Houses and directly sent to the President for his/her assent. Now, the President has no option but to sign it because prior permission to introduce the bill has already been sought.

22.3.3 The Budget

The Budget is an annual financial statement showing annual expected revenue and expenditure of public money. It is not a Bill. It is presented in the Parliament (Lok Sabha) in two parts i.e. Rail Budget and the General Budget. Railway Minister presents the Rail Budget whereas the presentation of General Budget is the responsibility of the Finance Minister.

After a general discussion, the members may ask questions which the minister replies. Now the demands of each ministry or department are discussed and put to vote. For this, a new system of Departmental Select Committees has been introduced since 1993-94. The Lok Sabha sets up committees for all major ministries and Departments of the Union Government. These Committees discuss, scrutinise and recommend the budget demands and make recommendations which are voted in the House and accepted without much debate.



INTEXT QUESTIONS 22.4

Answer the following questions:

- (a) Differentiate between a Government Bill and a Private Member's Bill.
- (b) Differentiate between an Ordinary Bill and a Money Bill with regard to their introduction in the Parliament.
- (c) What is a Money Bill?
- (d) When does the joint sitting of both the Houses of Parliament take place?

22.4 THE STATE LEGISLATURE

22.4.1 Composition of the State Legislature

Most of the State Legislatures in India are unicameral consisting of the Legislative Assembly (Vidhan Sabha) and the Governor. Only five States have the bicameral legislatures. Besides the Legislative Assembly, these States have

a Legislative Council (Vidhan Parishad) also. These States are Bihar, Maharashtra, Karnataka, Uttar Pradesh and Jammu & Kashmir.

22.4.2 Vidhan Sabha (Legislative Assembly)

Like the Lok Sabha, members of the Legislative Assemblies are directly elected by the people on the basis of Universal Adult Franchise for a five year term, Qualifications to become a member of Vidhan Sabha are also the same as those of Lok Sabha.

The number of members of Vidhan Sabha vary from State to State depending upon the population.

In any case, they cannot be more than 500 and less than 60 members. However, smaller States like Goa and Mizoram have been allowed to have an Assembly of 40 members. Uttar Pradesh has the largest Vidhan Sabha with 403 members. Some of the seats are reserved for members belonging to the Scheduled Casts and Scheduled Tribes. If inadequately represented, one member of the Anglo Indian Community is nominated by the Governor of the State.

As mentioned earlier, the normal term of the Vidhan Sabha is five years. But the Governor can dissolve it earlier if advised by the Chief Minister to do so. The Assembly may also be dissolved in case the Governor recommends Constitutional Emergency under Article 356.

Every Legislative Assembly elects its Speaker and Deputy Speaker from amongst its members who conduct the proceedings of the House. The function, of the Speaker of Lok Sabha and that of the Vidhan Sabha are almost the same. Both of them have a casting vote in case of tie.



INTEXT QUESTIONS 22.5

Answer the following questions:

- Which five States of India have bicameral legislatures ?
- Name the State having the largest number of members in Vidhan Sabha.
- What is the minimum permissible number of members in a State Assembly?
- Who exercises the casting vote in case of a tie in the State Assembly?
- Who can dissolve the State Assembly and when?

22.5 LEGISLATIVE COUNCIL (VIDHAN PARISHAD)

Like Rajya Sabha in the Union Legislature, Legislative Council (Vidhan Parishad) is the Upper House of the State Legislature (Vidhan Mandal). As



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mentioned earlier, only five states in India have Legislative Council. It is the discretion of the State Government to have or not to have a Legislative Council. The creation or abolition of the Upper House can be finalised by the Parliament if a State Assembly passes a resolution to this effect by *Special Majority* which means by a majority of the total membership of the State Assembly and by a majority of not less than two third of the members present and voting.

The number of Vidhan Parishad members should not exceed one-third of the total members of Vidhan Sabha. However it cannot be less than 40. The Vidhan Parishad of Jammu and Kashmir is an exception and has 36 members only. The qualifications to become a member of the State Council are the same as those for Rajya Sabha membership. But the composition is slightly different. Its members are partly elected and partly nominated. The procedure of electing the members is the same as that of the Rajya Sabha members i.e. indirect election on the basis of the principle of proportional representation by means of Single Transferable Vote system.

The Composition of the Legislative Council

- (i) One-third members of the Legislative Council are elected by the elected members of the Vidhan Sabha.
- (ii) One-third members are elected by the members of local bodies like municipalities.
- (iii) One-twelfth members are elected by the registered graduates in the State with a three year standing.
- (iv) One-twelfth members are elected by the teachers of secondary or higher level schools in the State.
- (v) The remaining one-sixth members are nominated by the Governor on the basis of excellence in various fields.

Like Rajya Sabha, the State Legislative Council is never dissolved and is a permanent House. One third of its members retire every two years after enjoying a term of six years. The Chairman and Deputy Chairman of the Council are elected by its members from amongst themselves.



INTEXT QUESTIONS 22.6

Fill in the blanks:

- (i) The upper house of the bicameral State Legislature of a State is called (Vidhan Sabha, Vidhan Parishad, Sansad)

- (ii) is the final authority to abolish or create Legislative Council in a State. (Vidhan Sabha, Parliament, Governor)
- (iii) The Legislative Council of Jammu and Kashmir has members. (36, 40, 56)
- (iv) The Vidhan Parishad of Bihar has 96 members in all. Out of these members were nominated by the Governor. (12, 16, 20)



22.6 POWER AND FUNCTIONS OF THE STATE LEGISLATURE

Powers and functions of the State Legislature, whether unicameral or bicameral, are almost the same as those of the Union Parliament based on the division of power between the Union and the States. On account of the federal structure of the Indian Constitution, the State Legislatures do not have unlimited authority. As you have read earlier, the powers are divided between the Union and the State based on the Union List, State List and the Concurrent list. Let us study the powers of the State Legislature under the following heads:

A. Legislative Powers

Law making is the primary function of the State Legislature. It makes laws on 66 subjects included in the State List. It also has the right to make laws on the subjects mentioned in the Concurrent List but it should not contradict any law made by the Parliament on the same subject. In case of contradiction, the law made by the Central Government prevails.

The procedure of law making is the same as in Parliament both in the case of Ordinary Bills (Non-money bills) and the Money bills. Every bill passed by the State Legislature (One House if unicameral and both the Houses if bicameral) is sent to the Governor for his for his/her assent after which it becomes a law.

B. Financial Powers

The finances of the State are under the complete control of the State Legislature because no expenditure can be incurred without the sanction of the Legislature.

As explained in the case of the Union Parliament, a Money Bill can be introduced only in the Lower House i.e. the Legislative Assembly and that too with the prior permission of the Governor. Since 23 States of India have the Legislative Assembly only, after passing the bill, it is sent to the Governor for assent who has no option but to give consent. In case, the Legislature is bicameral and has a Legislative Council also, the bill passed by the Assembly is sent to the Council. Like Rajya Sabha at the Centre, the State Legislative Council has limited powers and the Bill has to be returned to the Lower House within 14 days.



Recommendations by the Council if any, are not binding on the Assembly. In either case the bill is deemed to have been passed by both the Houses and is sent to their Governor for signatures.

C. Control over the Executive

As a special feature of the Parliamentary form of government, the State Legislatures also keeps control over the Council of Ministers headed by the Chief Minister.

Asking questions, adjournment motion, calling attention motion, no-confidence motion etc are some of the ways to keep the executive under control. In case a situation arises, the State Assembly can remove any individual minister or the entire Council of Ministers by adopting a vote of no-confidence against them.

D. Electoral Functions

The elected members of the Vidhan Sabha take part in the election of the President of India.

E. Constitutional Functions

You have already read about the procedure of amending the Indian Constitution. Some parts of the Constitution after being passed by the Parliament by a special majority require ratification by the State Legislatures of at least half the States. However, a constitutional amendment cannot be initiated in the State Legislature.



INTEXT QUESTIONS 22.7

Write True or False.

- (i) The State Legislature has a limited role in amending the Constitution. (True/False)
- (ii) One third of the members of the State Legislative Council are elected by the elected members of the Legislative Assembly. (True/False)
- (iii) Centre and the States both can make laws on the subjects contained in the Concurrent List. (True/False)

Limitations of the Powers of the State Legislature

The powers of the State Legislature are limited in many ways.

- If any State law on a subject in the Concurrent List is in conflict with the Union law on the same subject; the law made by the Parliament shall prevail.
- Some of the bills cannot be introduced in the State Legislature without seeking prior approval of the President of India. For example: A Bill

regarding imposing restrictions on trade and commerce within the State or with other States.

- Before giving assent; the governor may send a bill passed by the Legislature for the consideration of the President. Such a Bill becomes a law only after the President gives his/her assent.
- Be it the national emergency or the President's Rule in a State, the Parliament may legislate on any subject of the State List:
- The Parliament can also make laws on a subject of the State List if:
 - (a) two or more than two State Legislatures make a request to do so or
 - (b) Rajya Sabha passes a resolution by 2/3 majority to do so or
 - (c) a rule or law becomes essential for the performance of an international responsibility

No law can be enacted by the State Legislature that may violate the Fundamental Rights of the people. Any law passed the State Legislature can be declared void, if found unconstitutional, by the Supreme Court or the High Court.

**WHAT YOU HAVE LEARNT**

The Union Parliament called Sansad comprises of a lower house called Lok Sabha, an upper house called Rajya Sabha and President of India. The Lok Sabha is a directly elected house of the people where as Rajya Sabha which represent the States in Indian Union and its members are elected by elected Members of the Legislative Assembly i.e. Vidhan Sabha. Although Lok Sabha has a fixed term of 5 years, yet it can be dissolved earlier also by the President of India. Rajya Sabha on the other hand is a permanent House whose members have a fixed term of six years. Both the Houses have their Presiding officer to conduct the proceedings of the House. The Parliament performs various functions like legislative, executive, financial, electroal functions etc. After going through these functions, you must have realised that Lok Sabha is comparatively more powerful than Rajya Sabha.

The State Legislatures consist of the Legislative Assembly i.e. Vidhan Sabha, the Legislative Council i e the Vidhan Parishad (only in five states) and the Governor. Most of the states in India have a unicameral legislature consisting of Vidhan Sabha and the Governor.

Members of Vidhan Sabha are directly elected by the people on the basis of Universal Adult Franchise whereas the members of the Legislative Council are partly elected indirectly and partly nominated by the Governor for a fixed period of six years.

**Notes**

MODULE - 6

The Constitution of
India-II



Notes

The Legislature

Like the Rajya Sabha at the Centre, the State Legislative Councils are also a permanent House since one third members retire every two years. Besides law making on the subjects in the State List and the Concurrent List, the State Legislature also performs financial and electoral functions and keeps a control over the Council of Ministers in the State. In the case of Constitutional break down, the President's Rule can be imposed in the State on the advice of the Governor.



TERMINAL QUESTIONS

1. Describe the composition of the Lok Sabha and the Rajya Sabha.
2. Mention the different stages a bill passes through before becoming a law.
3. Why is Rajya Sabha called a permanent house?
4. When does the Joint Sitting of both the houses of Parliament take place? Who presides over such a Joint Sitting?
5. How far is it correct to say that Rajya Sabha has almost no control over the financial matters of the country? Explain.



ANSWER TO INTEXT QUESTIONS

22.1

- (a) Rajya Sabha is called a permanent house because it never gets dissolved.
- (b) The American Senate has equal representation from all the States (Two from each state) whereas in Rajya Sabha, the representation of the States is proportionate to the population of the State.
- (c) Elected Members of the State Legislative Assemblies.

22.2

- (a) Anglo – Indian Community.
- (b) Speaker of Lok Sabha.
- (c) (i) Sikkim, (ii) Mizoram, (iii) Arunanchal Pradesh
- (d) Deputy Speaker.

22.3

- (i) True
- (ii) True
- (iii) False

22.4

- (a) Any bill which is introduced by a minister is called a Government Bill whereas a Private Member's Bill can be introduced by any member of the Parliament in individual capacity. Normally.
- (b) An Ordinary Bill can be introduced in any of the two Houses of Parliament. whereas a Money Bill can only be introduced in Lok Sabha and that too, with the prior permission of the President.
- (c) A Money Bill deals with the imposition, abolition, alteration of any tax or related to any financial matter.
- (d) When there is a disagreement between Lok Sabha and Rajya Sabha over the passing of an Ordinary Bill.

22.5

- (a) Bihar, Maharashtra, Karnataka, Uttar Pradesh and Jammu Kashmir.
- (b) Uttar Pradesh (403 members)
- (c) 60.
- (d) Speaker of the Vidhan Sabha.
- (e) The Governor of the State can do so on the advice of the Chief Minister.

22.6

- (i) Vidhan Parishad
- (ii) Parliament
- (iii) 36
- (iv) 16

22.7

- (i) True
- (ii) True
- (iii) True



Notes