

These stellar notes by Dr. Sidharth Arora cut through the noise to deliver a clear, exam-ready narrative

UNION PARLIAMENT: COMPREHENSIVE STUDY NOTES FOR UPSC

I. OVERVIEW OF THE CONSTITUTIONAL FRAMEWORK

The Parliament stands at the core of the institutional arrangement envisaged by the Constitution of India to ensure a democratic polity. Representing the will of the people through their elected representatives, it governs the basic norms of functioning for various other institutions and exercises control over the executive to ensure accountability.

1. Constitution of Parliament (Article 79)

According to Article 79, the Parliament for the Union consists of three constituent parts:

1. The President of India
2. The Council of States (Rajya Sabha)
3. The House of the People (Lok Sabha)

Though modelled on the British Westminster system, the Indian Parliament includes substantive modifications to suit a federal, democratic republic. Unlike the British system where the monarch is a part of the legislature, in India, the President is an integral part of Parliament despite not being a member of either House.

2. Bicameralism in the Indian Context

Bicameralism is a system where the legislature is divided into two chambers: the Upper House and the Lower House.

- **Federal Necessity:** In a federal system, the Upper House (Rajya Sabha) represents the interests of the States or Provinces, while the Lower House (Lok Sabha) represents the people as a whole.
- **Role of the Second Chamber:** As argued by N. Gopalaswamy Ayyanger, the second chamber is expected to hold dignified debates on important issues and delay legislation that might be the outcome of "passions of the moment," allowing for calm consideration by seasoned people who may not be in the "thickness of the political fray".
- **"Second House, Not Secondary":** Prime Minister Narendra Modi, quoting A.B. Vajpayee, noted that the Rajya Sabha is the soul of India's federal structure and

provides an opportunity to contribute to the country's development away from purely electoral politics.

II. RAJYA SABHA: THE COUNCIL OF STATES

1. Composition and Representation

- **Maximum Strength:** The Rajya Sabha consists of a maximum of 250 members.
- **Nominated Members:** 12 members are nominated by the President from persons having special knowledge or practical experience in Literature, Science, Art, and Social Service.
 - *Note:* There is no specific "Sports" category; however, the government has interpreted the "Arts" category broadly to include skills like cricket (e.g., the nomination of Sachin Tendulkar).
- **Elected Members:** Not more than 238 representatives from States and Union Territories.
- **Election Method:** Members are elected by the elected members of the Legislative Assembly of the State through a system of Proportional Representation by means of the Single Transferable Vote (PR-STV).
- **Allocation of Seats:** Unlike the US Senate where every state sends two members regardless of size, in India, representation is based on the population of the respective states. The Fourth Schedule of the Constitution specifies the exact number of seats for each State and UT.

2. Qualifications for Membership (Article 84)

A person must:

1. Be a citizen of India.
2. Be not less than thirty (30) years of age.
3. Possess other qualifications provided by any law made by Parliament.

3. Tenure and Permanent Nature

- **The Rajya Sabha is a Permanent House and is never dissolved.**
- **Term of Members:** Individual members serve for 6 years.

- **Rotational Retirement:** One-third (1/3) of the members retire every 2 years, and fresh elections are held to fill those vacancies. Members are eligible for re-election and re-nomination.

4. Presiding Officers

- **Chairman:** The Vice President of India is the *ex-officio* Chairman of the Rajya Sabha. Crucially, the Chairman is not a member of the House.
- **Deputy Chairman:** Chosen by the Council from among its members. Unlike the Chairman, the Deputy Chairman is a member of the Rajya Sabha.
- **Panel of Vice-Chairmen:** A panel of six MPs is nominated by the Chairman to preside over the House in the absence of both the Chairman and Deputy Chairman.

III. LOK SABHA: THE HOUSE OF THE PEOPLE

1. Composition and Direct Election

- **Maximum Strength:** Originally mandated as not more than 530 members from States and 20 members from Union Territories.
- **Direct Election:** Members are chosen by direct election from territorial constituencies.
- **Anglo-Indian Representation (Abolished):** Under Article 331, the President could previously nominate two members of the Anglo-Indian community. However, the 126th Constitutional Amendment Bill (passed as an Act) effectively did away with this reservation in the Lok Sabha and State Assemblies while extending SC/ST reservations until 2030.

2. Qualifications and Tenure

- **Age:** Minimum 25 years.
- **Citizen:** Must be a citizen of India.
- **Normal Term:** 5 years from its first meeting, after which it dissolves automatically.
- **Extension:** The term can be extended beyond 5 years during a National Emergency.
- **Dissolution:** It can be dissolved earlier if the government loses its majority.

3. Presiding Officers

- **Speaker and Deputy Speaker (Article 93):** The House chooses two of its members for these roles "as soon as may be".
- **Speaker Pro Tem:** Appointed by the President (usually the most senior member) to preside over the first meeting of a new Lok Sabha, administer oaths to new members, and enable the election of the regular Speaker.
- **Removal:** The Speaker can be removed by a resolution passed by a majority of all the then members (Effective Majority). When such a resolution is under consideration, the Speaker cannot preside but can participate in proceedings and has a right to vote in the first instance.

IV. POWERS AND PRIVILEGES OF PRESIDING OFFICERS

1. General Powers

Both the Speaker and Chairman possess the following authorities:

- **Maintenance of Order:** Power to adjourn or suspend the House in the absence of a Quorum (10% of total membership).
- **Casting Vote:** They do not vote in the 'first instance' but exercise a casting vote to resolve a deadlock in case of an equality of votes.
- **Interpretation:** The final authority to interpret the Constitution and Rules of Procedure within the House.

2. Disciplinary Powers (Suspension of MPs)

Rules allow the presiding officers to manage disorderly behavior:

- **Lok Sabha (Rules 373, 374, 374A):** The Speaker can direct an MP to withdraw or, in cases of persistent disruption, "name" them for suspension. Rule 374A allows for automatic suspension for five days for serious disorder.
- **Rajya Sabha (Rules 255, 256):** Similar to the Lok Sabha, the Chairman can direct a member to exit or initiate a motion for suspension by "naming" them.

3. Special Powers of the Speaker

- **Certification of Bills:** The Speaker has sole authority to certify whether a bill is a Money Bill.

- **Anti-Defection Law:** Under the Tenth Schedule, the Speaker/Chairman decides on the disqualification of a member on grounds of defection. The Supreme Court ruled in *Kihoto Hollohan (1992)* that this decision is subject to judicial review.
- **Joint Sitting:** The Speaker of the Lok Sabha always presides over a Joint Sitting of Parliament; the Chairman of the Rajya Sabha never does.

V. LEGISLATIVE PROCEDURE

1. Types of Bills

The sources categorize bills based on their introduction and subject matter:

- **Government Bill:** Introduced by a Minister; requires 7 days' notice; drafted by the relevant department in consultation with the Law Ministry.
- **Private Member's Bill:** Introduced by any MP who is not a Minister; requires one month's notice; drafted by the member themselves. Only 14 such bills have become law since independence, the last one in 1970.
- **Ordinary Bill (Art 107):** Can be introduced in either House.
- **Money Bill (Art 110):** Can only be introduced in the Lok Sabha with the President's prior recommendation.
- **Constitution Amendment Bill (Art 368):** Requires passage by both Houses separately; no provision for a Joint Sitting.

2. Stages of Passing an Ordinary Bill

1. **First Reading:** Introduction of the bill and publication in the Gazette.
2. **Second Reading:** Detailed scrutiny. Includes the First Stage (general discussion) and Second Stage (clause-by-clause consideration). At this stage, it may be referred to a Select Committee or a Joint Committee.
3. **Third Reading:** Final debate and voting on the bill as a whole. No amendments allowed at this stage.
4. **Transmittance to Second House:** The process repeats. The second house can pass it, amend it, reject it, or withhold it.

3. Deadlocks and Joint Sitzings (Article 108)

A deadlock occurs if one House rejects a bill, disagrees on amendments, or takes no action for six months.

- **President's Power:** The President can summon a Joint Sitting to resolve the deadlock.
 - **Decision:** Matters are decided by a simple majority of members present and voting.
 - **Exceptions:** No Joint Sitting for Money Bills or Constitution Amendment Bills.
 - **Historical Usage:** Only three times: Dowry Prohibition (1961), Banking Service Commission Repeal (1978), and POTA (2002).
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VI. THE PRESIDENT'S VETO POWER (ARTICLE 111)

When a bill is presented for assent, the President has three options:

1. **Absolute Veto:** Withholding assent (usually for Private Member Bills or when a cabinet resigns).
 2. **Suspensive Veto:** Returning the bill for reconsideration. If Parliament passes it again (with or without changes), the President must give assent. *Note:* Cannot be used for Money Bills.
 3. **Pocket Veto:** Taking no action indefinitely. Unlike the US President (10-day limit), the Indian President has no time limit. Example: Zail Singh and the Indian Post Office Bill (1986).
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VII. BUDGETARY PROCESS IN PARLIAMENT

1. Annual Financial Statement (Article 112)

The budget is a statement of estimated receipts and expenditure for a financial year.

- **Merged Budget:** Following the Bibek Debroy committee recommendations, the 92-year-old practice of a separate Railway Budget was scrapped in 2016 and merged with the Union Budget.

2. Stages of the Budget

1. **Formulation:** Starts in August-September with the 'Budget Circular'.
2. **Halwa Ceremony:** Marks the final stage of the preparation process and the start of printing.

3. **Economic Survey:** Presented a day before the budget by the Chief Economic Advisor to review the economy; it is not binding on the budget formulation.
4. **Presentation:** Finance Minister delivers the Budget Speech in Lok Sabha. Part A covers the general economy/expenditure; Part B covers tax proposals.
5. **General Discussion:** Held in both Houses without voting on details.
6. **Scrutiny by DRSCs:** The House adjourns for 3–4 weeks while Departmentally Related Standing Committees examine demands for grants in detail.
7. **Voting on Demands for Grants:** Exclusive to Lok Sabha. MPs can move **Cut Motions** to express disapproval:
 - **Policy Cut:** Reduce grant to Rs. 1.
 - **Economy Cut:** Reduce by a specific amount.
 - **Token Cut:** Reduce by Rs. 100.
8. **Guillotine:** On the last day, all outstanding demands are put to vote at once without further discussion to fast-track the process.
9. **Appropriation Bill (Art 114):** Authorizes withdrawal of money from the Consolidated Fund of India (CFI).
10. **Finance Bill:** Contains taxation proposals; passed as a Money Bill.

3. Charged Expenditure (Non-Votable)

Certain expenses relate to constitutional positions and debt, which can be discussed but not voted upon. These include:

- Salaries/allowances of the President, Speaker, Chairman, and Judges of the Supreme Court.
- Pensions of SC judges and the CAG.
- Debt charges of the Government of India.

4. Special Budgetary Provisions

- **Vote on Account (Art 116):** A grant in advance to meet short-term expenditure (usually for 2 months) until the full budget is passed.
- **Interim Budget:** Presented in an election year to meet expenses until a new government takes office.

- **Supplementary Demands for Grants:** Introduced if the government needs additional money not approved in the original budget.
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VIII. PARLIAMENTARY COMMITTEES AND ACCOUNTABILITY

1. Departmentally Related Standing Committees (DRSCs)

- **Evolution:** Started with 3 subject committees in 1989; expanded to 24 committees in 2004.
- **Composition:** Each committee has 31 members (21 from Lok Sabha, 10 from Rajya Sabha).
- **Prohibition:** A Minister is not nominated as a member of these committees.
- **Functions:** Scrutinize allocation of funds, examine trends of utilization, and consult experts to submit reports that enable informed parliamentary debate.

2. Audit Phase and Financial Oversight

- **Controller General of Accounts (CGA):** Prescribes account formats, lays down procedures, and prepares monthly/annual accounts.
 - **Comptroller and Auditor General (CAG):** Audits accounts to ensure adherence to procedures and highlights irregularities to Parliament.
 - **Consolidated Fund of India (Art 266):** The central pool for all revenue and loans. No money can be withdrawn without an Appropriation Law passed by Parliament.
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IX. THE NEW PARLIAMENT BUILDING: RATIONALE

The sources highlight several reasons for the "Central Vista" project:

- **Seating Capacity:** The old building (commissioned in 1927) was not designed for a full-fledged bicameral democracy. Lok Sabha seats, frozen based on the 1971 census, are likely to increase substantially after 2026.
- **Infrastructure Issues:** Ad-hoc modifications, distressed infrastructure, obsolete communication structures, and safety/security concerns.
- **Joint Sessions:** The Central Hall of the old building could only seat 440 persons, making it inadequate for joint sittings.

Print Friendly Instructions: These notes are organized into logical sections with bolded keywords and numbered lists to facilitate quick revision and clear printing. Use these in conjunction with Laxmikanth and NCERTs for comprehensive UPSC preparation.

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