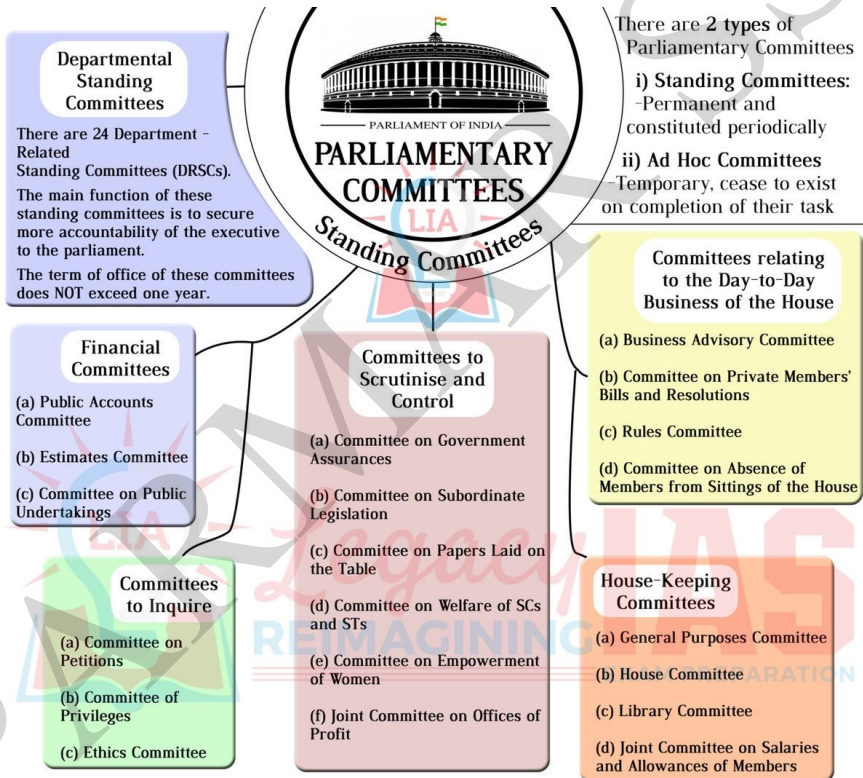


PARLIAMENTARY COMMITTEE, AMENDMENTS



Parliamentary Committees

The Committee scrutinises and reports to the House whether the powers to make regulations, rules, sub-rules, by-laws, etc.

Permanent Committee

- Standing Committee
- Cannot be scrapped
- Constituted periodically

Temporary Committee

- Ad Hoc Committee
- Can be scrapped

Not been setup for Govt. Assurance

Financial Committee

Public Accounts Committee

Estimates Committee

Committee on Public Undertakings

Similarity: No Minister can be a member (only private members)

Term of members: 1 yr

Election: Proportional Representation + STV

Same for President, RS, VP

· Appointed/elected by the House or nominated by Speaker/Chairman

· Work under the direction of speaker/chairman

Differences

Public Accounts Committee

- GOI ACT 1919, 1921
- Strength: 22 — 15 (LS)
7 (RS)
- Function: To examine the audit reports of CAG

1956
25 → 1930

1st Railway Minister of independent India

Estimates Committee

- Was formed on recommendation of John Matthai
- Constituted in 1950
- Strength: 30 members + all from LS
- RS has no representation
- Function: To examine estimates included in budget
- Chairman is from LS

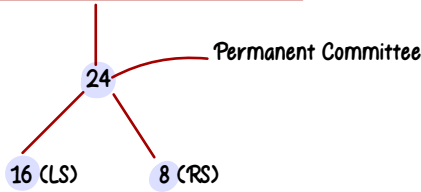
Committee on Public Undertakings

- Established: 1964
- On recommendation of Krishna Menon Committee
- Strength: 22 — 15 (LS)
7 (RS)
- Chairman is from LS
- Function: To examine reports and accounts of Public Undertakings

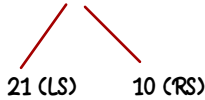
1974
15 → 22



Departmental related Standing Committees



Members: 31

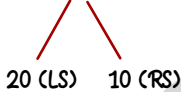


Committee on Private Members Bill

- Chairman: Deputy Speaker of LS
- Speaker is Chairman of:
 - Business Advisory Committee
 - Rules Committee
 - General Purpose Committee

Official Language Act 1963

- Official Language Committee 1976
- Members: 30



Keshavnanda Bharti Case 1973

Constitutional Amendments

- Amendments: Part 20; Art 368
- The Parliament can amend anything except Basic Structure of Constitution

Not mentioned in Constitution

Procedure

It can be introduced by Minister of private member

Introduction: The Constitutional Amendment Bill can be introduced in either House of the Parliament (LS/RS) but not in State Legislature

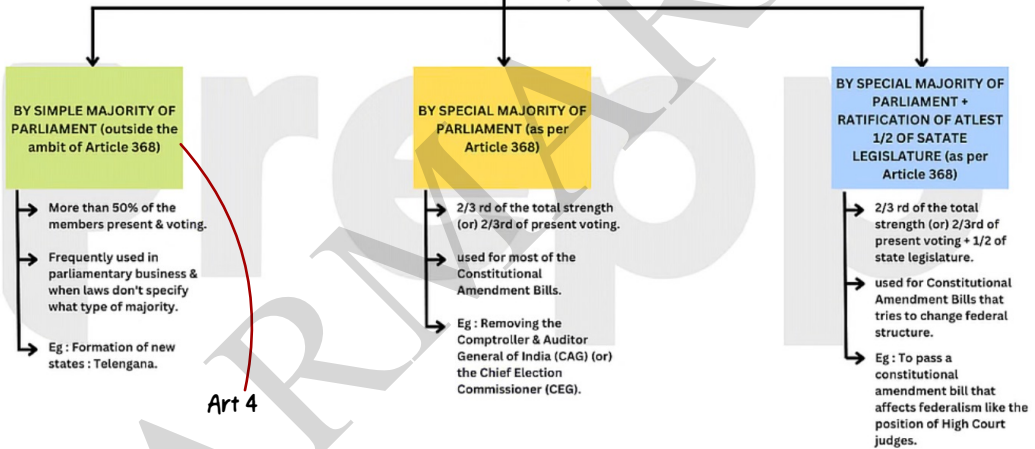
It does not require prior permission of the President for introduction

- The bill needs to be passed by Special Majority
 - No joint sitting is possible
 - ↳ Summoned by: President
 - ↳ Presided by: LS Speaker
 - The President must give his/her to Constitutional Amendment Bill — No VETO power can be used
- 24th CA

* K C Wheare said: The Constitutional Amendment of India strikes a good balance between rigidity and flexibility

Constitutional Amendment is neither as difficult as in USA nor as easy as in UK

TYPES OF AMENDMENTS



1. Admission or establishment of new states.
2. Formation of new states and alteration of areas, boundaries or names of existing states.
3. Abolition or creation of legislative councils in states.
4. Second Schedule—emoluments, allowances, privileges and so on of the president, the governors, the Speakers, judges, etc.
5. Quorum in Parliament.
6. Salaries and allowances of the members of Parliament.
7. Rules of procedure in Parliament.
8. Privileges of the Parliament, its members and its committees.
9. Use of English language in Parliament.
10. Number of puisne judges in the Supreme Court.
11. Conferment of more jurisdiction on the Supreme Court.
12. Use of official language.
13. Citizenship—acquisition and termination.
14. Elections to Parliament and state legislatures.
15. Delimitation of constituencies.
16. Union territories.
17. Fifth Schedule—administration of scheduled areas and scheduled tribes.
18. Sixth Schedule—administration of tribal areas.

All through Simple Majority

Special Majority

- 2/3rd present and voting + 50% of total membership
- Fundamental Rights
- DPSP
- Fundamental Duties

Special Majority with Ratification of at least Half of the States

- Election of President and its manner — Elected MLAs + MPs
- Any list in 7th Schedule and its manner — Subjects
- Representation of states in the Parliament — RS or LS
- SC or HC
- Distribution of LS powers
- Art 368



73rd CA

- Part IX: Panchayat
- Part IX A: Municipality
- Part IX B: Cooperative Society
- Part X: Administrative of Scheduled and Tribal Areas

74th CA

- Pranab Mukherjee gave assent to 100 CA — Land boundary agreement between India and Bangladesh

By Special Majority (Art 368)

Berubari Union Case

- Amendment to Hindu Succession Act 1956 passed on 2005
- 7th CA: reorganisation of Indian states based on language
- State Reorganisation Act 1956
- The 60th CA of India increased the Ceiling of Profession Tax from Rs 250 p.a. to Rs 25,000 p.a.
- The 101 CA of India introduced the GST in India
- 1st state to approve GST Bill: Assam
- Art 279A — GST Council
- 88th CA: Added a new subject in the Union List called "Taxes on Service"
- 61st CA: Reduced the age for voting from 21 to 18 yrs

1988: came into force in 1989

- 1989: Election Commission of India became a multimembered body

42nd CA: Mini Constitution of India (passed during National Emergency 1962)

Most controversial amendment passed during the Emergency

- 52th CA: Anti-Deflection Provisions

10th Schedule

Further amended

91st CA



Emergency Provisions

Part XVIII; Art 352-360

*State Emergency not written in the Constitution

National Emergency

Art 352

Max time: can be extended for indefinite period

On grounds of: War, external aggression, armed rebellion

Approval: 1 month by Special Majority. If approved by the President, it can initially be imposed for six months



Revoked by: President

LS can revoke National Emergency only by Simple Majority

Effects

Fundamental Rights

Art 358

Art 359

Art 19: 6 FRs under Art 19 are suspended

Right to move the court is suspended

Suspension of FRs during National Emergency taken from Weimar Constitution of Germany

*Provisions of National Emergency taken from GOI ACT 1935

Proclaim: President takes Cabinet's approval — 44th CA

Term introduced under Art 352

Rights under Art 20 and 21 can never be suspended during National Emergency



· Rights under Art 19 cannot be suspended when National Emergency is imposed on grounds of Armed Rebellion.

Armed Rebellion — 44th CA

Not beyond judicial review

· The term Internal Disturbances changed to Armed Rebellion under 44th CA

Executive

Centre can give directions to State on any matter

Legislature

Parliament can make law on any subject of State list subjects

Can remain for

6 months

Minerva Mill Case

· Imposition of NE is subjected to Judicial Review

Life of LS

· Can be extended for 1 year → Approval required every year

· Max. time: Indefinite period

- National Emergency imposed in India → 3 times
- 1962: China War
- 1971: Pakistan War
- 1975: Internal Disturbances (during Indira Gandhi)

Art 355: Imposes a duty of Centre to ensure that the government of every State is run in accordance with provision of the Constitution

Also known as President's Rule/State Emergency/Constitutional Emergency

Art 356: President's Rule → State Emergency in case of failure of Constitutional machinery

— On grounds: Empowers the President, if the government of the State cannot be carried in accordance to the provisions of the Constitution

· When the State fails to comply with any direction from Centre

— Proclaim: President of India → Can be done only after cabinet approval (44 CA)

— Approval: From the Parliament 2 months + Simple Majority

· If approved: continues for 6 months

· Max time: 3 yrs

Repeated approval: 44th CA

— Revocation: Any time by the President, no need of Parliamentary approval

· If LS passes a resolution through Simple Majority



Effects

- No effects on Fundamental Rights
- Council of Ministers dismissed
- State Legislature is suspended/dissolved

— S. R. Bommai v. Union of India case

· State Emergency was first used in: Punjab in 1951 and maximum time applied to: Manipur (10 times) and Uttar Pradesh (9 times)

Financial Emergency

- Art 360
- Never imposed
- 2 months approval from date of its issue → Parliament → Special Majority

PARMAR SSC