

PARLIAMENT AND STATE LEGISLATURE PART 1



- Part V: Parliament (Art 79-122)
- Part VI: The State Legislature (Art 168-177)

• Art 79: Constitution of Parliament

Lok Sabha

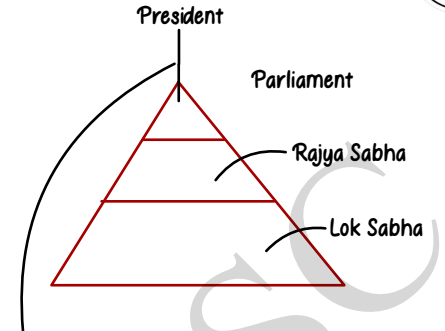
- Lower House
- First Chamber
- House of the People, 1954 (directly elected by people)
- Min age to become a member: 25 yrs

Rajya Sabha

- Upper House
- Second Chamber
- Council of States, 1954 (Representative of States)
- Min age to become a member: 30 yrs (also known as "House of Elders")

First Sitting

- Lok Sabha: 17 April 1952
- Rajya Sabha: 13 May 1952



The President is integral part, as no bill can become a law without his consent or assent

* In 1954, the Hindi names — Lok and Rajya Sabha were adopted

• Art 80: Composition of Council of States — RS

It is a Federal feature (Representation of States)

250 members

238

- Elected by people
- Voting in RS
- All States (28): 229
- 2 UTs: Delhi and Puducherry

Population of other UTs is very less to get representation in RS

12

- Nominated by President in the field of
 - Li: Literature
 - S: Science
 - A: Arts
 - S: Social Science

At present: 245 seats

5 vacant for POK, Akshai Chin, etc

• 229: filled by States

• 4 seats: 9 UTs

Remaining: Nominated

• PT Usha: Recently nominated

Known as "Paygoli Express"

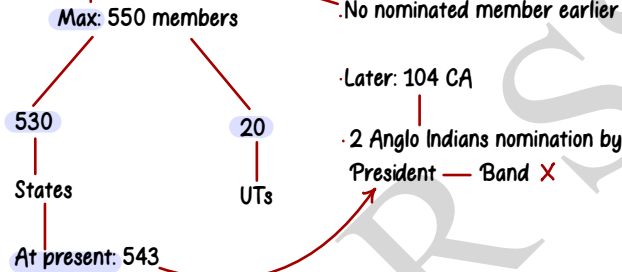
On what grounds?

- Social Service

Representation

- Indirect
- Proportional — In RS
- STV

· Art 81: Composition of House of the People — LS



Elections and Representations

- 28 states: Parity among Inter and Intra-states
- Direct election

· Art 82: Readjustment after each Census

Delimitation Commission

- Division of Constituencies on the basis of population
- After every Census — 10 yrs

- First: 1952
- (1983) 46th CA: Till 2000, seats were fixed on the basis of population

Previous Census 2011 (no Census yet, delay due to COVID)

- 84th CA (2001): Extended till 2026 (No Delimitation Commission) — Froze the constituency boundaries till 2026
- Division of seats — According to 2001 Census



Delimitation Commission in Jammu & Kashmir on basis of 2011 Census

- Accordance to Part V of J & K Act, 2019 (34 of 2019)
- Setup on 6th March, 2020 — Headed by Justice Ranjana Prakash Desai

Art 83: Duration of Houses of the Parliament

- RS: No duration — not written in Constitution
- RS members duration: 6 yrs — 1/3rd members retire after every 2 yrs
- LS: As a house 5 yrs unless dissolved
- LS members duration: Co-terminous with the LS as a house
- Duration can be extended only in case of national emergency for one year at a time (when cease: within 6 months fresh elections)

Art 84: Qualification of members of the Parliament

- Is a Citizen of India and takes oath
- Any other qualification which Parliament made determine
- Age
 - RS: 30 yrs
 - LS: 25 yrs

Art 85: Sessions of Parliament, prorogation and dissolution

- 3 sessions (summoned by President)
 - Budget
 - Monsoon
 - Winter

• Prorogation: It ends a session

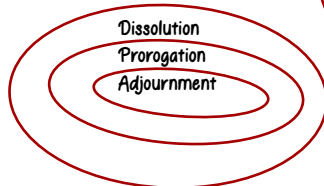
• Dissolution: It ends the live session of Lok Sabha (Act of dissolving)

House dissolved by the President on no-confidence motion

• Adjournment: By Presiding Officer of the house; it ends a sitting/meeting

3 types of Questions

- Starred: Oral question-answer (Supplementary)
- Unstarred: Written
- Short notice: 10 days prior notice



Pre-lunch

- At 11 AM starts 1st day → Meeting
- 11 AM-12 PM → Question hour (1st hour of every meeting)
- 12-1 PM → Zero hour (to decide the agenda of the day)
- Lunch

2 sittings



Adjournment Sine die: by Presiding Officer

- It ends the meeting without providing a date
- It happens just before the prorogation

In LS: Speaker

In RS: Vice President/Chairman

At present

- LS speaker: Om Birla
- RS speaker: Jagdeep Dhankar

- Art 86: Right of President to address and send messages to the House

- Art 87: Special address by the President

Motion of Thanks

At the commencement of first session after each general election (LS)

First session of each fiscal year

} Collectively addressed
by the President

Financial year: 1st April-31st March

- RS: Continuing chamber

- Policies need to be passed from both the Houses separately
- Session adjourned, prorogue: LS + RS
- Dissolved: LS

- Summoning power: President

- Adjournment power: Presiding Officer

- Art 88: Rights of Ministers and Attorney General of respective Houses

- Right to speak in LS/RS, but no right to vote
- Can only vote in the House they belong to

Not a member of either House, but
right to speak in LS/RS



Officers in Parliament

• Art 89: Chairman and Deputy Chairman of the Council of States

- ① Vice President (Ex Officio Chairman of the Council of States)
Not the member of either House of Parliament
- ② Deputy Chairman — Elected by the House

Acting chairman — in absence of chairman

He is a member of RS

• Art 90: Vacation and resignation of, and removal from, the office of DC

— If he is not a member of RS

• Resignation by writing to chairman (Vice President) of RS

— Removal by a majority of all then members of RS — Effective Majority

• Art 91: Power/duty of DC

— When Chairman and DC is absent?

• The chairman appoints 10 members as a panel of chairperson

One member from here, presides the House

— When seats are vacant — no one can preside the House

— When death of both/chairman resigns/removal

— President appoint someone as Chairman (Acting chairman)

• Panel of RS Vice Chairman: P. T. Usha (first woman to be appointed)

Art 92: chairman and DC not to preside while in a resolution for his removal

Any member of the house when Chairman is presiding in the house

② Right to vote

— Voting at first instance (majority votes counted)

— Casting vote (equality of votes) — Presiding Officer is given casting vote

DC ×
Chairman ×
However, they can vote first on resolution or other matter during the proceedings, they can also exercise casting vote if the votes are tied

- **Art 93: Speaker and Deputy Speaker**
- 1st speaker of LS: Ganesh Mavlankar
- Both chosen by the house within themselves
- Present in LS
- Speaker is from ruling party
- Deputy speaker is from opposition party } Conventions (not written in the Constitution)

Art 94: Vacation and resignation of, and removal from, the offices of Speaker + Deputy Speaker

Provisions

Not a member of the House (shall vacate if cease to be a member)

• Chosen

• Do not subscribe to any oath

Resignation: Speaker \rightleftharpoons Deputy Speaker

Removal: Effective Majority

- Speaker shall not vacate his office until immediately before the first of the meeting
- Speaker cannot leave, even if Lok Sabha is dissolved — Can leave after the new one

New Speaker

Art 95: Powers to perform duties

Speaker and Deputy Speaker

Absent: Speaker appoints not more than 10 persons as Panel of Chairpersons and among them, one will preside

Vacate: President chooses one to preside

Art 96: Speaker and Deputy Speaker not to preside while in resolution for his removal

Voting at first instance

Any member of the House when speaker is presiding in the House

Art 97: Salary and Allowances

Art 98: Secretariat of Parliament

IAS Officer

LS Speaker and RS Chairman

President appoints Secretariat on advice of Speaker of the House



· Art 99: Oath or Affirmations

By the President or some person appointed in behalf by the President

Appoints Protem Speaker (Temporary Speaker)

He is senior most
(provides oath to newly
appointed members)

· Art 100: Voting in House and Quorum

- At first instance
- Casting vote

Quorum: Minimum number of members required to carry on proceedings of the House

If the Quorum is not met — Presiding Officer suspends the meeting

PARMAR SSC