

## The Parliament of India

- The Parliament of India consists of the President, the Lok Sabha and the Rajya Sabha.
- The President is a part of the Legislature but he/she does not sit in Parliament.
- Bill passed by the Parliament or Lok Sabha and Rajya Sabha cannot become law without the President's assent.

### The main functions of Parliament are:

- 1) Providing the cabinet.
- 2) Control of the Cabinet.
- 3) Criticism of the Cabinet.
- 4) Parliament secures the information authoritatively.
- 5) Legislation i. e. making laws (Ref.: Arts. 107; 108; 245)
- 6) Financial control.

### Rajya Sabha and Lok Sabha

- The Rajya Sabha is composed of 250 members of whom 12 are nominated by the President and 238 are representatives of the states and the Union Territories elected by the method of indirect election {Art. 80}.
- The 12 nominated members are the persons specialised in science, art, literature and social service.
- The Rajya Sabha is not completely dissolve. It is a permanent body. Its members shall not be less than 30 years of age.
- Representatives of each State are elected by the elected members of the Legislative Assembly of the state in accordance with the system of proportional representation by means of the single transferable vote.

### Prescribed composition of the Lok Sabha is:

- 530 representatives of the States;
- 20 representatives of Union Territories.
- 2 members of the Anglo-Indian community, nominated by the President.
  - The Lok Sabha at present consists of 543 members (530 members are directly elected from the States and 13 from UTs).
  - The representatives of the States are directly elected by the people of the States on the basis of adult suffrage.
  - Every citizen who is not less than 18 years of age and is not otherwise disqualified is entitled to vote at such election (Art. 326).
  - There is no reservation for any minority community other than the Scheduled Castes and the Scheduled Tribes (Arts. 330, 341, 342).
  - The Council of State is not subject to dissolution. It is a permanent body. Its 1/3 of members retire on the expiration of every second year.

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- The term of the Lok Sabha is 5 years, but it may be dissolved before the completion of the term by the President.
- During Emergency, the term of Lok Sabha can be extended by an Act passed by Parliament itself.
- The extension cannot be made for a period exceeding one year at a time and it cannot continue beyond a period of six months after the proclamation of Emergency ceases to operate.
- A session is the period of time between the first meeting of Parliament and prorogation of Parliament.
- The period between prorogation of Parliament and its re-assembly in a new session is called **recess**. Within a session, there are a number of daily **sittings** separated by **adjournments** which postpone the further consideration of a business for a specified time.

**The sitting of a House can be terminated by dissolution, prorogation or adjournment:**

- While the powers of dissolution and prorogation are exercised by the President on the advice of the Council of Ministers, the power to adjourn the daily sittings of Lok Sabha and Rajya Sabha belongs to the Speaker and the Chairman, respectively.
- A **dissolution** brings Lok Sabha to an end so that there must be a fresh election while **prorogation** merely terminates a session. **Adjournment** does not put an end to the session of Parliament but merely postpones the further transaction of business for a specified time, hours, days or weeks.
- On dissolution of the Lok Sabha all matters pending before the House lapse. If these matters are important, they must be re-introduced in the next House after fresh election.
- A Bill pending in the Rajya Sabha which has not yet been passed by the Lok Sabha shall not lapse on dissolution.
- A dissolution does not affect a joint sitting of the Lok Sabha and Rajya Sabha, if the President has notified his intention to hold a joint sitting before the dissolution {Art. 108(5)}.

**Qualifications for becoming a member of Parliament are:**

- Must be a citizen of India.
- Must not be less than 25 years of age in the case of Lok Sabha and 30 years in the case of Rajya Sabha.
- Additional qualifications may be prescribed by Parliament by law (Art. 84).

**A person can be disqualified for being a member of either House of Parliament, if:**

- He holds any office of profit under the Government of India or the Government of any State;
- He is of unsound mind and stands so declared by a competent Court;
- He is not a citizen of India or has voluntarily acquired citizenship of a foreign State or is under acknowledgment or allegiance or adherence to a foreign power;
- He is so disqualified by or under any law made by Parliament (Art. 102).
- In a dispute regarding qualification the President’s decision in accordance with the opinion of the Election Commission, is final (Art. 103).
- The House can declare a seat vacant if the member absents himself from all meetings of the House for a period of 60 days without permission of the house.

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