

babā'ṣ gurukul 2023

The Guru-shishya Parampara Continues....

FOUNDATION - VALUE ADD NOTES (SAMPLE)

NCERT POLITY MODULE

Introduction: NCERT Modules are specifically designed to focus on basics. While covering NCERT's you will not only strengthen your foundation but also coverage and fodder for Essay, Prelims and Mains.

While covering the NCERT's focus on the following;

- Prelims Concepts
- Mains Fodder
- Essay- If you can pick up something for Essay!
- Language- you can follow the language and flow of NCERT books which is effective and lucid. This will help you in Mains Answer Writing.

Topics: Executive and Legislature

Note- The given topics are extremely basic but important in many aspects. The overall understanding of these topics will also help you build the content for Essay paper.

The given topic should be covered in a basic manner to develop an overall understanding of the subject matter.

Following are your sources for today:

- CLASS XI - Indian Constitution at Work- Chapter 4
- CLASS VII (Social & Political Life-II) – Chapter 2 (State Government)
- CLASS XI - Indian Constitution at Work – Chapter 5 (Legislature)
- CLASS VIII (Social & Political Life -III)- Chapter 2 (Parliament and The Making of Laws)

Do not go beyond the scope of above chapters as of now. We are going to cover this again in future modules in a detailed manner.

Let us go through few Previous Year Questions from Mains from this topic:

PRELIMS AND MAINS

- The size of the cabinet should be as big as governmental work justifies and as big as the Prime Minister can manage as a team. How far is the efficacy of a government then inversely related to the size of the cabinet? Discuss.
- Individual parliamentarian's role as the national lawmaker is on a decline, which in turn, has adversely impacted the quality of debates and their outcome. Discuss.

Q.) Out of the following statements, choose the one that brings out the principle underlying the Cabinet form of Government:

- An arrangement for minimizing criticism against the Government whose responsibilities are complex and hard to carry out to the satisfaction of all.
- A mechanism for speeding up the activities of the Government whose responsibilities are increasing day by day.
- A mechanism of parliamentary democracy for ensuring collective responsibility of the Government to the people.
- A device for strengthening the hands of the head of the Government whose hold over the people is in a state of decline.

Q.) There is a Parliamentary System of Government in India because the

- Lok Sabha is elected directly by the people
- Parliament can amend the constitution
- Rajya Sabha cannot be dissolved
- Council of Ministers is responsible to the Lok Sabha

Note 1- Some of you might not be able to solve these now. This is just to show the dimensions in which UPSC asks questions. Once you are thorough in basics and move to advance modules, these questions will be a cake walk.

Note 2- Refer to Previous Years Questions almost every day. Make it a habit to refer and make a note of those concepts that you learn and are repeated in PYQs.

Note 3- In NCERT Modules, Mains Mock and Synopsis are not part of. Still, we are providing Mains Questions in Forum Section (for non-freshers or interested ones to write and peer learn). We won't be providing synopsis for those questions. Mains Mock with Synopsis will start in Advance Modules.

Notes

ExecutiveNotes

Note: Executive and Legislature both will be covered in detail in advance modules. So, focus on basics and conceptual clarity as of now.

The word executive means a body of persons that looks after the implementation of rules and regulations. The organ of government which primarily looks after the functions of implementation and administration is called the executive.

The executive implements laws and policies adopted by the legislature. Executive is involved in framing of policies.

Principal functions of the Executive:

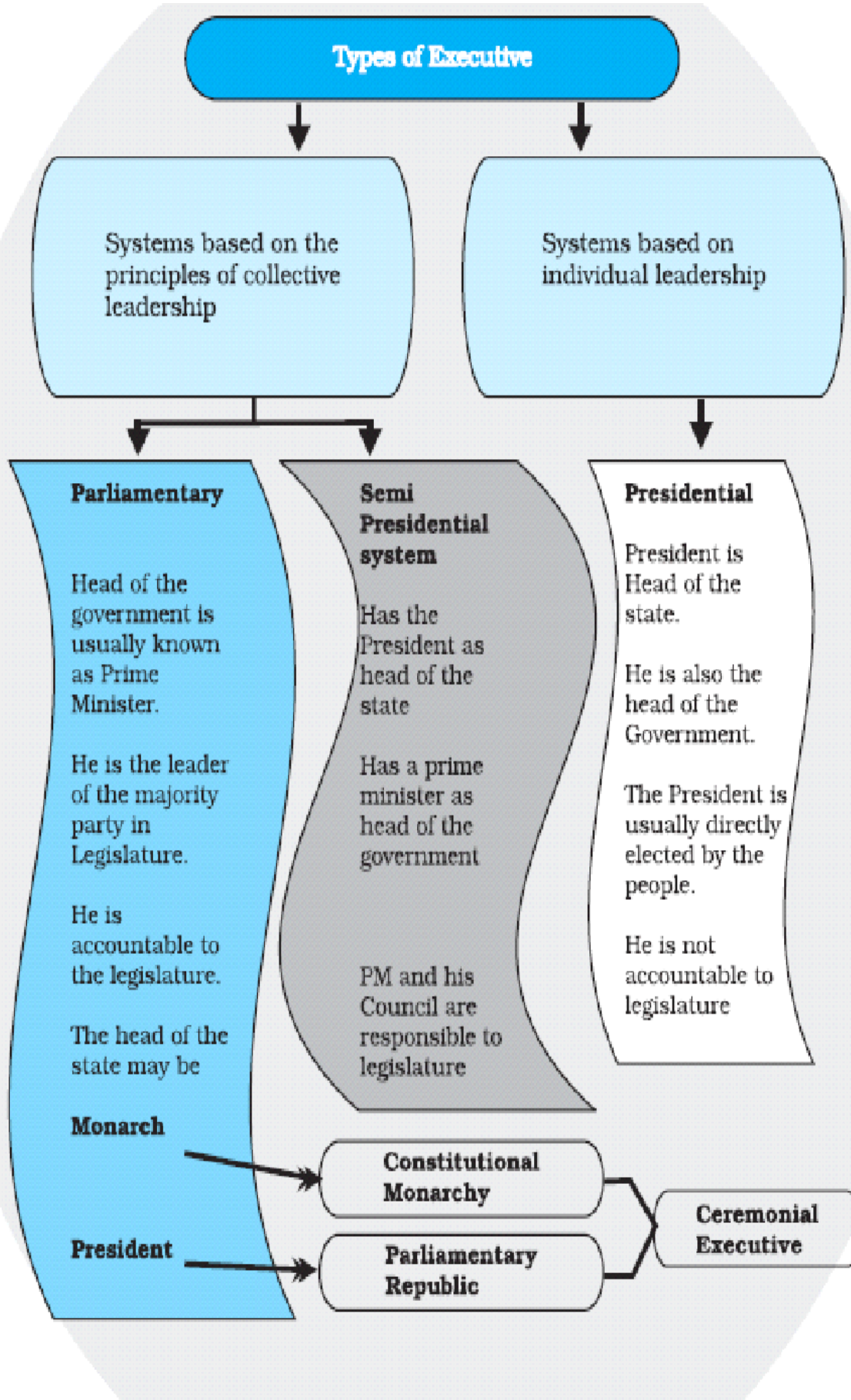
- Executive is the branch of government responsible for the implementation of laws and policies adopted by the legislature and are often involved in framing of policy.
- Some countries have Presidents (**US, India**), while others have Chancellors (**Germany**).
- The executive branch is not just about Presidents, Prime Ministers and Ministers-it also extends to the administrative machinery (**Civil Servants**).
- While the heads of government and their ministers, saddled with the overall responsibility of government policy, are together known as the political executive, those responsible for day-to-day administration are called the permanent executive.

Presidential System:

- The president is the Head of state as well as head of government.
- Office of president is very powerful, both in theory and practice.
- Example - **United States, Brazil and most nations in Latin America.**

Semi-Presidential Executive:

- Under the system of Executive Presidency, people directly elect the President.
- It may happen that both the President and the Prime Minister belong to the same political party or to different political parties.
- **France, Russia, Sri Lanka**



Parliamentary System:

- The prime minister is the head of government.
- Most parliamentary systems have a President or a Monarch who is the nominal Head of state.
- In such a system, the role of president or monarch is primarily ceremonial and prime minister along with the cabinet wields effective power.
- **Germany, Italy, Japan, United Kingdom as well as Portugal.**

PARLIAMENTARY EXECUTIVE IN INDIA

- India already had some experience of running the parliamentary system under the Acts of 1919 and 1935.
- This experience had shown that in the parliamentary system, the executive can be effectively controlled by the representatives of the people.

Why India adopted Parliamentary Form?

- Indian Constitution wanted to ensure that the government would be sensitive to public expectations and would be responsible and accountable.
- The presidential executive puts much emphasis on the president as the chief executive and as source of all executive power. There is always the danger of personality cult in presidential executive.
- Executive will be answerable to, and controlled by the legislature or people's representatives.

What is Parliamentary Form of System?

- President who is the formal Head of the state of India and the Prime Minister and the Council of Ministers, which run the government at the national level.
- At the State level, the executive comprises the Governor and the Chief Minister and Council of Ministers.

PRESIDENT

- The president is elected for a period of five years.
- There is no direct election by the people for the office of President.
- He/she is elected by MLAs and MPs.
- Presidential election takes place in accordance with the principle of proportional representation with single transferable vote.

- He can be removed from office only by Parliament through impeachment on the grounds of violation of the Constitution.
- President holds executive, judicial, legislative and emergency powers which can be used on the advice of the Council of Ministers.

Power and Position of President

- Article 52: There shall be a President of India.
- Article 53: Executive power of the Union – The executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers' sub-ordinate to him in accordance with this Constitution.
- Article 74 (1): There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall in the exercise of his functions, act in accordance with such advice.

Discretionary Powers of the President:

- Constitutionally, the President has a **right to be informed** all the important matters and deliberations of the Council of Ministers.
- The Prime Minister is obliged to furnish all the information that the President may call for.
- The President often writes to the Prime Minister and expresses his views on matters confronting the country.

Three Situations where the President can exercise the power using his/her own discretion:

- He/she can **send back the advice given by the Council of Ministers and ask the Council to reconsider the decision**. In doing this, the President acts on his/her own discretion.
- He/she has **veto power by which he can withhold or refuse to give assent to Bills** (other than Money Bill) passed by the Parliament.
- When after an election, **no leader has a clear majority in the Lok Sabha, the President has to decide whom to appoint as the Prime Minister**. In such a situation, the President has to use his own discretion in judging who really may have the support of the majority or who can actually form and run the government.

Can President just keep the bill pending with him?

- Every bill passed by the Parliament goes to the President for his assent before it becomes a law.
- The President can **send the bill back to the Parliament asking it to reconsider the bill**. This 'veto' power is limited because, if the

Parliament passes the same bill again and sends it back to the President, then, the President has to give assent to that bill.

- However, **there is no mention in the Constitution about the time limit within which the President must send the bill back for reconsideration.**
- This means that the President can just keep the bill pending with him without any time limit. This gives the President an informal power to use the veto in a very effective manner. This is sometimes referred to as '**pocket veto**'.

VICE-PRESIDENT

- **Article 63:** The Vice-President of India —there shall be a Vice-President of India.
- **Elected for:** 5 years
- **Election method:** Similar to that of the President; the only difference is that **members of State legislatures are not part of the Electoral College.**

Functions:

- Acts as the *ex-officio Chairman of the Rajya Sabha* and takes over the office of the President when there is a vacancy by reasons of death, resignation, removal by impeachment or otherwise.
- Acts as the President only until a new President is elected.

Removal of Vice-President: May be removed from his office by a resolution of the Rajya Sabha passed by an effective majority and agreed to by the Lok Sabha. ***A formal impeachment is not required for his removal.***

PRIME MINISTER AND COUNCIL OF MINISTERS

Article 74: Council of Ministers to aid and advise President — There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.

Article 75(1): The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime

Minister. The Prime Minister becomes the most important functionary of the government in our country.

Prime Minister

- In the parliamentary form of executive, it is essential that the Prime Minister has the support of the majority in the Lok Sabha. This support by the majority also makes the Prime Minister very powerful.
- He/she decides who will be the ministers in the Council of Ministers.
- He/she allocates ranks and portfolios to the ministers.
- Depending upon the seniority and political importance, the ministers are given the ranks of cabinet minister, minister of State or deputy minister.

All ministers have to be MP:

- The Prime Minister and all the ministers have to be members of the Parliament.
- If someone becomes a minister or Prime Minister without being an MP, such a person has to become a member of parliament within six months.

Size of the Council of Ministers: An amendment was made in 2003 (91st CAA), that the **Council of Ministers shall not exceed 15 percent of total number of members of the House of People** (or Assembly, in the case of the States).

Collective Responsibility and Dissolution of the Council of Ministers:

Most important feature of parliamentary executive is that the executive is routinely under the control and supervision of the legislature.

- Council of Ministers is **collectively responsible to the Lok Sabha**. This provision means that a Ministry which loses confidence of the Lok Sabha is obliged to resign.
- The principle indicates that the **ministry is an executive committee of the Parliament** and it collectively governs on behalf of the Parliament.
- Collective responsibility is **based on the principle of the solidarity of the cabinet**. It implies that a **vote of no confidence even against a single minister leads to the resignation of the entire Council of Ministers**.
- It also indicates that if a minister does not agree with a policy or decision of the cabinet, he or she must either accept the decision or resign. **It is binding on all ministers to pursue or agree to a policy for which there is collective responsibility.**

[Notes](#)

- The **death or resignation of the Prime Minister automatically brings about the dissolution of the Council of Ministers** but the demise, dismissal or resignation of a minister only creates a ministerial vacancy.

Role of the Prime Minister:

- The Prime Minister acts as a link between the Council of Ministers on the one hand and the President as well as the Parliament on the other.
- The Prime Minister is involved in all crucial decisions of the government and decides on the policies of the government.

Thus, the power wielded by the Prime Minister flows from various sources:

- Control over the Council of Ministers,
- Leadership of the Lok Sabha,
- Command over the bureaucratic machine,
- Access to media,
- Projection of personalities during elections,
- Projection as national leader during international summitry as well as foreign visits

At the State level:

- The most important variation is that there is a Governor of the State appointed by the President (on the advice of the Central Government).
- Though the Chief Minister, like the Prime Minister is the leader of the majority party in the Assembly, the Governor has more discretionary powers.
- However, the main principles of parliamentary system operate at the State level too.

Member of Parliament

- A Member of Parliament in the Lok Sabha (MP) is the representative of the Indian people in the Lok Sabha; the lower house of the Parliament of India.
- Members of parliament of Lok Sabha are chosen by *direct elections* on the basis of the adult suffrage.
- The representatives of the States and of the Union Territories in the Rajya Sabha are elected by the method of indirect election.

Article 84 of the Constitution, a person is qualified to be a member of parliament provided he:

- is a citizen of India

- has completed 30 years of age in case of Rajya Sabha and 25 years in case of Lok Sabha.
- Only an elector can be elected. Means, the candidate must be registered as a voter in a parliamentary constituency and must be eligible to vote.
- Eligibility loss means candidate cannot contest also.
- No person who is confined in prison, or in the lawful custody of police shall be allowed to vote, and in the proviso of this section which states that the right to vote should not be deprived to the person who is in custody for preventive detention and he must have the right to cast his vote. (*Section 62 of the Representation of the People's Act*)
- It is not necessary that a person should be registered as a voter in the same constituency. This is applicable for both Lok Sabha and Rajya Sabha.

PERMANENT EXECUTIVE: BUREAUCRACY

Who implements the decisions of the Ministers?

- The Executive organ of the government includes the Prime Minister, the ministers and a large organization called the bureaucracy or the administrative machinery.
- Trained and skilled officers who work as permanent employees of the government are assigned the task of assisting the ministers in formulating policies and implementing these policies.

In a Democracy:

- The elected representatives and the ministers are in charge of government and the administration is under their control and supervision.
- The legislature also exercises control over the administration.
- The administrative officers cannot act in violation of the policies adopted by the legislature.
- It is the responsibility of the ministers to retain political control over the administration.

The Indian Bureaucracy:

- It consists of the All-India services, State services, employees of the local governments, and technical and managerial staff running public sector undertakings.

- The Union Public Service Commission has been entrusted with the task of conducting the process of recruitment of the civil servants for the government of India.
- Similar public service commissions are provided for the States also.
- Members of the Public Service Commissions are appointed for a fixed term.
- Their removal or suspension is subject to a thorough enquiry made by a judge of the Supreme Court.
- The bureaucracy is an instrument through which welfare policies of the government must reach the people.

Concerns:

- Most often, bureaucracy is so powerful that people are afraid of approaching a government officer.
- Most of the people believe that bureaucracy is insensitive to the demands and expectations of the ordinary citizen.
- Too much political interference turns the bureaucracy into an instrument in the hands of the politician.
- Though the Constitution has created independent machinery for recruitment, many people think that there is no provision for protecting the civil servants from political interference in the performance of their duties.
- Enough provisions are not there to ensure the accountability of the bureaucracy to the citizen.

LEGISLATURE**WHY DO WE NEED A PARLIAMENT?**

- Legislature is not merely a law-making body and lawmaking is but one of the functions of the legislature→ centre of all democratic political process.
- It is packed with action, walkouts, protests, demonstration, unanimity, concern and co-operation.
- Helps people in holding the representatives accountable→the very basis of representative democracy
- Therefore, Parliament is recognized as one of the most democratic and open forum of debate— the most representative of all organs of government; vested with the power to choose and dismiss the government.

The term “Parliament” refers to the national legislature & the legislature of the States is described as State legislature.

Parliament in India has two houses; when there are two houses of the legislature, it is called a **bicameral legislature**.

- Council of States or the Rajya Sabha
- House of the People or the Lok Sabha.

The Constitution has given the States the option of establishing either a unicameral or bicameral legislature. At present only Six States have a bicameral legislature.

States having a bicameral legislature:

1. Andhra Pradesh
2. Telangana
3. Bihar
4. Karnataka
5. Maharashtra
6. Uttar Pradesh

Advantages of Bicameral Legislature:

- Countries with large size and much diversity usually prefer to have two houses of the national legislature **to give representation to all sections in the society** and to **give representation to all geographical regions** or parts of the country.
- A bicameral legislature makes it possible to have every decision reconsidered. Every decision taken by one house goes to the other house for its decision.
- This means that **every bill and policy would be discussed twice**. This ensures **a double check on every matter**.
- Even if one house takes a decision in haste, that decision will come for discussion in the other house and reconsideration will be possible.

RAJYA SABHA:

Represents the States of India

- An **indirectly elected** body.
- Residents of the State elect members to State Legislative Assembly.
- The elected members of State Legislative Assembly in turn elect the members of Rajya Sabha.

Principles of representation:

- Equal representation to all the parts of the country irrespective of their size or population called as symmetrical representation.
- Parts of the country may be given representation according to their population means that regions or parts having larger population would have more representatives in the second chamber than regions having less population.
- States with larger population get more representatives than what States with smaller population get.

Members of Rajya Sabha:

- Members are elected for a term of **six years**.
- Can get re-elected.
- All members of the Rajya Sabha do not complete their terms at the same time.
- Every two years, one third members of the Rajya Sabha complete their term and elections are held for those one third seats only.
- The Rajya Sabha is never fully dissolved and hence, called the **permanent House** of the Parliament.
- Rajya Sabha also has twelve nominated members. The President nominates these members.

LOK SABHA

- The Lok Sabha and the State Legislative Assemblies are directly elected by the people.
- For the purpose of election, the entire country (State, in case of State Legislative Assembly) is divided into territorial constituencies of roughly equal population.
- One representative is elected from each constituency through **universal adult suffrage** where the value of vote of every individual would be equal to another.
- At present there are 543 constituencies.

Functions of the Parliament:

Apart from law making, the Parliament is engaged in many other functions.

Legislative functions:

- The Parliament enacts legislations for the country. (Chief law-making body)
- The Parliament often merely approves legislations.

- The actual task of drafting the bill is performed by the bureaucracy under the supervision of the minister concerned.
- The substance and even the timing of the bill are decided by the Cabinet. No major bill is introduced in the Parliament without the approval of the Cabinet.
- Members other than ministers can also introduce bills but these have no chance of being passed without the support of the government.

Control of Executive and ensuring its accountability: Parliament ensures that the executive does not overstep its authority and remains responsible to the people who have elected them.

Financial Function:

- In a democracy, legislature controls taxation and the way in which money is used by the government.
- If the Government of India proposes to introduce any new tax, it has to get the approval of the Lok Sabha.
- The financial powers of the Parliament involve grant of resources to the government to implement its programmes.
- The government has to give an account to the legislature about the money it has spent and resources that it wishes to raise
- The legislature also ensures that the government does not misspend or overspend. This is done through the budget and annual financial statements.

Representation: Parliament represents the divergent views of members from different regional, social, economic, religious groups of different parts of the country.

Debating Function:

- The Parliament is the highest forum of debate in the country; no limitation on its power of discussion.
- Members are free to speak on any matter without fear. This makes it possible for the Parliament to analyze any or every issue that faces the nation.
- These discussions constitute the **heart of democratic decision making**.

Constituent Function: The Parliament has the power of discussing and enacting changes to the Constitution.

- The constituent powers of both the houses are similar.
- All constitutional amendments have to be approved by a special majority of both Houses.

Electoral functions: The Parliament also performs some electoral functions—elects the President and Vice President of India.

Judicial functions: The judicial functions of the Parliament include considering the proposals for removal of President, Vice-President and Judges of High Courts and Supreme Court.

[Notes](#)

Powers of the Lok Sabha

- ❖ Makes Laws on matters included in Union List and Concurrent List. Can introduce and enact money and non money bills.
- ❖ Approves proposals for taxation, budgets and annual financial statements.
- ❖ Controls the executive by asking questions, supplementary questions, resolutions and motions and through no confidence motion.
- ❖ Amends the Constitution.
- ❖ Approves the Proclamation of emergency.
- ❖ Elects the President and Vice President and removes Judges of Supreme Court and High Court.
- ❖ Establishes committees and commissions and considers their reports.

Powers of Rajya Sabha

- ❖ Considers and approves non money bills and suggests amendments to money bills.
- ❖ Approves constitutional amendments.
- ❖ Exercises control over executive by asking questions, introducing motions and resolutions.
- ❖ Participates in the election and removal of the President, Vice President, Judges of Supreme Court and High Court. It can alone initiate the procedure for removal of Vice President.
- ❖ Can give the Union parliament power to make laws on matters included in the State list.

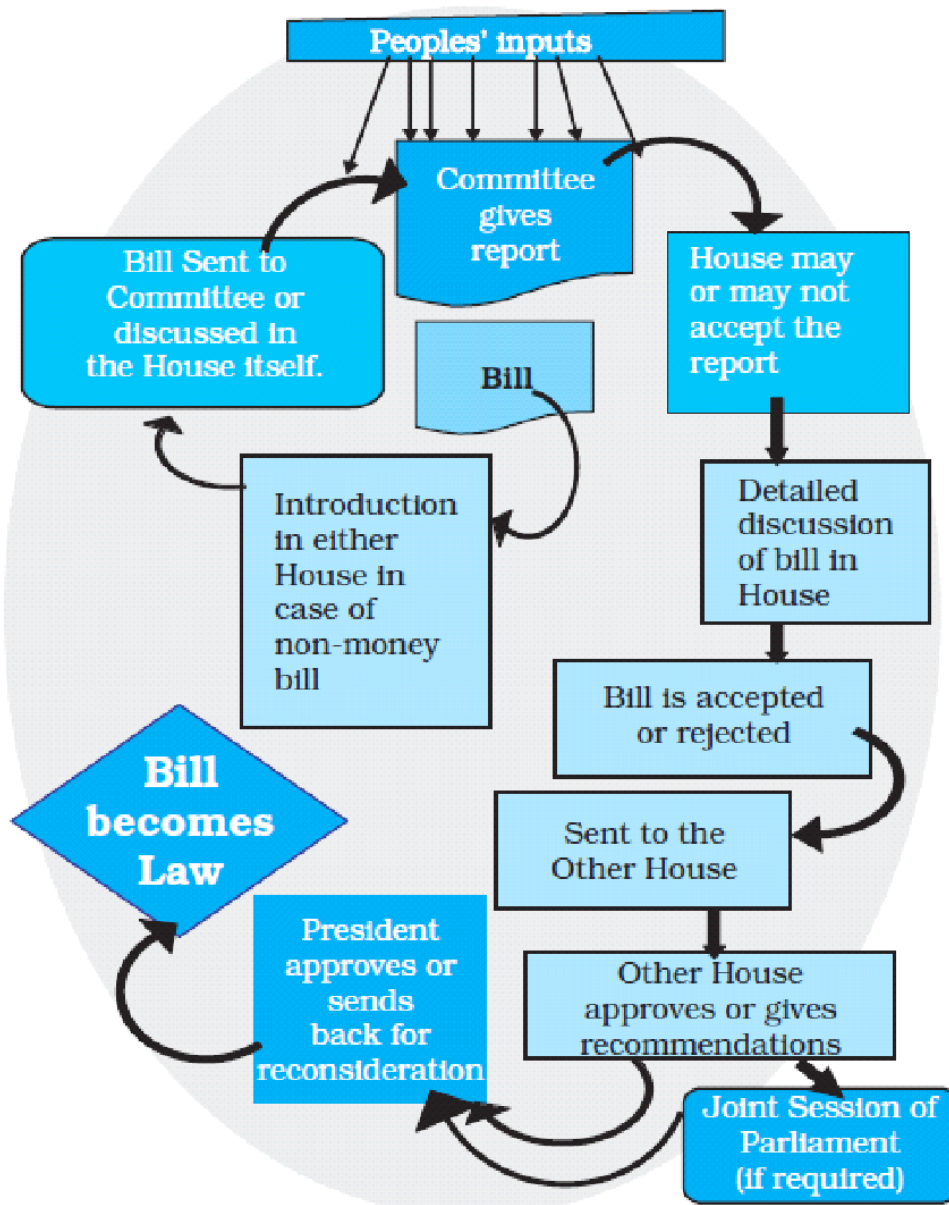
Special Powers of Rajya Sabha

- The Rajya Sabha is an institutional mechanism to provide representation to the States.
- Its purpose is to protect the powers of the States. Therefore, any matter that affects the States must be referred to it for its consent and approval.
- Thus, if the Union Parliament wishes to remove a matter from the State list (over which only the State Legislature can make law) to either the Union List or Concurrent List in the interest of the nation, the approval of the Rajya Sabha is necessary. This provision adds to the strength of the Rajya Sabha.
- However, experience shows that the members of the Rajya Sabha represent their parties more than they represent their States.

HOW DOES THE PARLIAMENT MAKE LAWS?

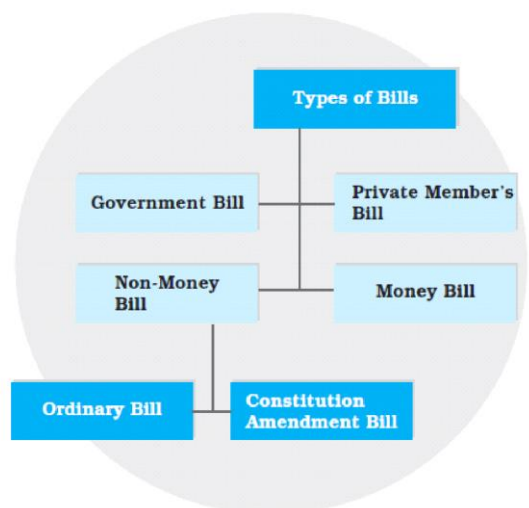
- A bill is a draft of the proposed law. There can be different types of bills.
- When a non-minister proposes a bill, it is called private members Bill.
- A bill proposed by a minister is described as Government Bill.

Notes



LEGISLATIVE PROCEDURE IN PARLIAMENT

- The legislative procedure is identical in both the Houses of Parliament. Every bill has to pass through the same stages in each House. A bill is a proposal for legislation and it becomes an act or law when duly enacted.



Bills introduced in the Parliament are of two kinds: Public bills and Private bills (also known as government bills and private members' bills respectively). Though both are governed by the same general procedure and pass through the same stages in the House, they differ in various respects as shown in Table below:

	<i>Public Bill</i>		<i>Private Bill</i>
1.	It is introduced in the Parliament by a minister.	1.	It is introduced by any member of Parliament other than a minister.
2.	It reflects of the policies of the government (ruling party).	2.	It reflects the stand of opposition party on public matter.
3.	It has greater chance to be approved by the Parliament.	3.	It has lesser chance to be approved by the
			Parliament.
4.	Its rejection by the House amounts to the exp-ression of want of parliamentary confidence in the government and may lead to its resignation.	4.	Its rejection by the House has no implication on the parliamentary confidence in the government or its resignation.
5.	Its introduction in the House requires seven days' notice.	5.	Its introduction in the House requires one month's notice.
6.	It is drafted by the concerned department in consultation with the law department.	6.	Its drafting is the responsibility of the member concerned.

[Notes](#)

The bills introduced in the Parliament can also be classified into four categories:

- **Ordinary bills**, which are concerned with any matter other than financial subjects.
- **Money bills**, which are concerned with the financial matters like taxation, public expenditure, etc.
- **Financial bills**, which are also concerned with financial matters (but are different from money bills).
- **Constitution amendment bills**, which are concerned with the amendment of the provisions of the Constitution.

The Constitution has laid down separate procedures for the enactment of all the four types of bills.

Ordinary Bills

Every ordinary bill has to pass through the following five stages in the Parliament before it finds a place on the Statute Book:

1. First Reading
2. Second Reading
3. Third Reading
4. Bill in the Second House
5. Assent of President

In the second House also, the bill passes through all the three stages, that is, first reading, second reading and third reading. There are four alternatives before this House:

- It may pass the bill as sent by the first house (i.e., without amendments);
- It may pass the bill with amendments and return it to the first House for reconsideration;
- It may reject the bill altogether; and
- It may not take any action and thus keep the bills pending.

If the second House passes the bill without any amendments or the first House accepts the amendments suggested by the second House, the bill is deemed to have been passed by both the Houses and the same is sent to the president for his assent.

On the other hand, if the first House rejects the amendments suggested by the second House or the second House rejects the bill altogether or the second House does not take any action for **six months**; a deadlock is deemed to have taken place.

To resolve such a deadlock, the **president** can summon a **joint sitting** of the two Houses. If the majority of members present and voting in the joint sitting approves the bill, the bill is deemed to have been passed by both the Houses.

Assent of the President

Every bill after being passed by both Houses of Parliament either singly or at a joint sitting, is presented to the president for his assent. There are three alternatives before the president:

- He may give his assent to the bill; or
- He may withhold his assent to the bill; or
- He may return the bill for reconsideration of the Houses.

If the president gives his assent to the bill, the bill becomes an act and is placed on the Statute Book. If the President withholds his assent to the bill, it ends and does not become an act.

If the President returns the bill for reconsideration and if it is passed by both the Houses again with or without amendments and presented to the President for his assent, the president must give his assent to the bill. Thus, the President enjoys only a — **suspensive veto**.

Money Bills

Article 110 of the Constitution deals with the definition of money bills. It states that a bill is deemed to be a money bill if it contains 'only' provisions dealing with all or any of the following matters:

1. The imposition, abolition, remission, alteration or regulation of any tax;
2. The regulation of the borrowing of money by the Union government;
3. The custody of the Consolidated Fund of India or the contingency fund of India, the payment of moneys into or the withdrawal of money from any such fund;
4. The appropriation of money out of the Consolidated Fund of India;
5. Declaration of any expenditure charged on the Consolidated Fund of India or increasing the amount of any such expenditure;
6. The receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money, or the audit of the accounts of the Union or of a state; or
7. Any matter incidental to any of the matters specified above.

However, a bill is **not to be deemed to be a money bill** by reason only that it provides for:

1. The imposition of fines or other pecuniary penalties, or
 2. The demand or payment of fees for licenses or fees for services rendered; or
 3. The imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.
- If any question arises **whether a bill is a money bill or not**, the decision of the **Speaker** of the Lok Sabha is final. His decision in this regard *cannot be questioned in any court of law or in the either House of Parliament or even the president.*
 - When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the president for assent, the Speaker endorses it as a money bill.
 - A money bill can only be introduced in the Lok Sabha and that too on the recommendation of the president. Every such bill is considered to be a government bill and can be introduced only by a minister.
 - The Rajya Sabha has restricted powers with regard to a money bill. It **cannot reject or amend** a money bill. It can only make the recommendations. It must return the bill to the Lok Sabha **within 14 days**, wither with or without recommendations. The Lok Sabha can **either accept or reject** all or any of the recommendations of the Rajya Sabha.
 - If the Rajya Sabha does not return the bill to the Lok Sabha within 14 days, the bill is deemed to have been **passed by both the Houses** in the form originally passed by the Lok Sabha. Thus, the **Lok Sabha has more powers than Rajya Sabha** with regard to a money bill.
 - *On the other hand, both the Houses have equal powers with regard to an ordinary bill.*
 - Finally, when a money bill is presented to the president, he may either give his assent to the bill or withhold his assent to the bill but **cannot return** the bill for reconsideration of the Houses. Normally, the president gives his assent to a money bill as it is introduced in the Parliament with his prior permission.

Financial Bills

Financial bills are those bills that deal with fiscal matters, that is, revenue or expenditure. However, the Constitution uses the term “financial bill” in a technical sense.

Financial bills are of three kinds:

1. Money bills—Article 110
2. Financial bills (I)—Article 117 (1)
3. Financial bills (II)—Article 117 (3)

- Money bills are simply a species of financial bills. Hence, all money bills are financial bills but all financial bills are not money bills.
- Only those financial bills are money bills which contain exclusively those matters which are mentioned in Article 110 of the Constitution.
- These are also certified by the Speaker of Lok Sabha as money bills. The financial bills (I) and (II), on the other hand, have been dealt with in Article 117 of the Constitution.

[Notes](#)

<i>Ordinary Bill</i>	<i>Money Bill</i>
1. It can be introduced either in the Lok Sabha or the Rajya Sabha.	1. It can be introduced only in the Lok Sabha and not in the Rajya Sabha.
2. It can be introduced either by a minister or by a private member.	2. It can be introduced only by a minister.
3. It is introduced without the recommendation of the president.	3. It can be introduced only on the recommendation of the President.
4. It can be amended or rejected by the Rajya Sabha.	4. It cannot be amended or rejected by the Rajya Sabha. The Rajya Sabha should return the bill with or without
	recommendations, which may be accepted or rejected by the Lok Sabha.
5. It can be detained by the Rajya Sabha for a maximum period of six months.	5. It can be detained by the Rajya Sabha for a maximum period of 14 days only.
6. It does not require the certification of the Speaker when transmitted to the Rajya Sabha (if it has originated in the Lok Sabha).	6. It requires the certification of the Speaker when transmitted to the Rajya Sabha.
7. It is sent for the President's assent only after being approved by both the Houses. In case of a deadlock due to disagreement between the two Houses, a joint sitting of both the houses can be summoned by the president to resolve the deadlock.	7. It is sent for the President's assent even if it is approved by only Lok Sabha. There is no chance of any disagreement between the two Houses and hence, there is no provision of joint sitting of both the Houses in this regard.
8. Its defeat in the Lok Sabha may lead to the resignation of the government (if it is introduced by a minister).	8. Its defeat in the Lok Sabha leads to the resignation of the government.
9. It can be rejected, approved, or returned for reconsideration by the President.	9. It can be rejected or approved but cannot be returned for reconsideration by the President.

Financial Bills (I)

- Contains not only any or all the matters mentioned in Article 110, but also other matters of general legislation.
- A bill that contains a borrowing clause, but does not exclusively deal with borrowing. In two respects, a financial bill (I) is similar to a money bill—
 - (a) Both of them can be introduced only in the Lok Sabha and not in the Rajya Sabha, and (b) Both of them can be introduced only on the recommendation of the president.
- In all other respects, a financial bill (I) is governed by the same legislative procedure applicable to an ordinary bill.
- Hence, it can be either rejected or amended by the Rajya Sabha (except that an amendment other than for reduction or abolition of a tax cannot be moved in either House without the recommendation of the president).
- In case of a disagreement between the two Houses over such a bill, the president can summon a joint sitting of the two Houses to resolve the deadlock.

Financial Bills (II)

- A financial bill (II) contains provisions involving expenditure from the Consolidated Fund of India, but does not include any of the matters mentioned in Article 110.
- It is treated as an ordinary bill and in all respect, it is governed by the same legislative procedure which is applicable to an ordinary bill. The only special feature of this bill is that it cannot be passed by either House of Parliament unless the President has recommended to that House the consideration of the bill.
- Financial bill (II) can be introduced in either House of Parliament and recommendation of the President is not necessary for its introduction. It can be either rejected or amended by either House of Parliament. In case of a disagreement between the two Houses over such a bill, the President can summon a joint sitting of the two Houses to resolve the deadlock.

Joint Sitting of Two Houses

- Joint sitting is extra-ordinary machinery provided by the Constitution to resolve a deadlock between the two Houses over the passage of a bill.

- A deadlock is deemed to have taken place under any one of the following three situations after a bill has been passed by one House and transmitted to the other House:
 1. if the bill is rejected by the other House;
 2. if the Houses have finally disagreed as to the amendments to be made in the bill; or
 3. if more than six months have elapsed from the date of the receipt of the bill by the other House without the bill being passed by it.
- In the above three situations, the president can summon both the Houses to meet in a joint sitting for the purpose of deliberating and voting on the bill. It must be noted here that the **provision of joint sitting is applicable to ordinary bills or financial bills only** and not to money bills or Constitutional amendment bills.
- *In the case of a money bill, the Lok Sabha has overriding powers, while a Constitutional amendment bill must be passed by each House separately.*
- In reckoning the period of six months, no account can be taken of any period during which the other House (to which the bill has been sent) is prorogued or adjourned for more than four consecutive days.
- If the bill (under dispute) has already lapsed due to the dissolution of the Lok Sabha, no joint sitting can be summoned.
- But the joint sitting can be held if the Lok Sabha is dissolved after the President has notified his intention to summon such a sitting (as the bill does not lapse in this case). After the President notifies his intention to summon a joint sitting of the two Houses, none of the Houses can proceed further with the bill.
- The Speaker of Lok Sabha presides over a joint sitting of the two Houses and the Deputy Speaker, in his absence.
- If the Deputy Speaker is also absent from a joint sitting, the Deputy Chairman of Rajya Sabha presides.
- If he is also absent, such other person as may be determined by the members present at the joint sitting, presides over the meeting. It is clear that the Chairman of Rajya Sabha does not preside over a joint sitting as he is not a member of either House of Parliament.

The Constitution has specified that at a joint sitting, new amendments to the bill cannot be proposed except in two cases:

- Those amendments that have caused final disagreement between the Houses; and
- Those amendments that might have become necessary due to the delay in the passage of the bill.

Instruments of Parliamentary Control

The legislature in parliamentary system ensures executive accountability at various stages: policy making, implementation of law or policy and during and post- implementation stage. The legislature does this through the use of a variety of devices:

1. Deliberation and discussion
2. Approval or Refusal of laws
3. Financial control
4. No confidence motions

1. Deliberation and Discussion:

- During the law-making process, members of the legislature get an opportunity to deliberate on the policy direction of the executive and the ways in which policies are implemented.
- Apart from deliberating on bills, control may also be exercised during the general discussions in the House.
 - **Question Hour**, which is held every day during the sessions of Parliament, where Ministers have to respond to searching questions raised by the members;
 - **Zero Hour** where members are free to raise any matter that they think is important (though the ministers are not bound to reply),
 - **Half-an – hour discussion** on matters of public importance, adjournment motion etc. are some instruments of exercising control.
- Perhaps the **question hour is the most effective method** of keeping vigil on the executive and the administrative agencies of the government.
- Members of Parliament have shown great interest in question hour and maximum attendance is recorded during this time.
- Most of the questions aim at eliciting information from the government on issues of public interest such as, price rise, availability of food grains, atrocities on weaker sections of the society, riots, black-marketing etc. This gives the members an opportunity to criticize the government, and represent the problems of their constituencies.
- The discussions during the question hour are so heated that it is not uncommon to see members raise their voice, walk to the well of the house or walk out in protest to make their point. This results in considerable loss of legislative time.

Notes

- At the same time, we must remember that many of these actions are political techniques to gain concessions from government and in the process force executive accountability.

2. Approval and ratification of laws:

- Parliamentary control is also exercised through its power of ratification. A bill can become a law only with the approval of the Parliament.
- A government that has the support of a disciplined majority may not find it difficult to get the approval of the Legislature. Such approvals however, cannot be taken for granted.
- They are the products of intense bargaining and negotiations amongst the members of ruling party or coalition of parties and even government and opposition.

If the government has majority in Lok Sabha but not in the Rajya Sabha, as has happened during the Janata Party rule in 1977 and N.D.A rule in 2000, the government will be forced to make substantial concessions to gain the approval of both the Houses. Many bills, such as the Lok Pal Bill have failed enactment, Prevention of Terrorism bill (2002) was rejected by the Rajya Sabha.

3. Financial control:

- As mentioned earlier, financial resources to implement the programmes of the government are granted through the budget.
- Preparation and presentation of budget for the approval of the legislature is constitutional obligation of the government. This obligation allows the legislature to exercise control over the purse strings of the government.
- The legislature may refuse to grant resources to the government. This seldom happens because the government ordinarily enjoys support of the majority in the parliamentary system.
- Nevertheless, before granting money the Lok Sabha can discuss the reasons for which the government requires money. It can enquire into cases of misuse of funds on the basis of the report of the Comptroller and Auditor General and Public Accounts committees.
- But the legislative control is not only aimed at financial propriety. The legislature is concerned about the policies of the government that are reflected in the budget. Through financial control, the legislature controls the policy of the government.

4. No Confidence Motion:

The most powerful weapon that enables the Parliament to ensure executive accountability is the no-confidence motion. As long as the government has the support of its party or coalition of parties that have a majority in the Lok Sabha, the power of the House to dismiss the government is fictional rather than real.

However, after 1989, several governments have been forced to resign due to lack of confidence of the house. Each of these governments lost the confidence of the Lok Sabha because they failed to retain the support of their coalition partners. Thus, the Parliament can effectively control the executive and ensure a more responsive government.

It is however important for this purpose, that there is adequate time at the disposal of the House, the members are interested in discussion and participate effectively and there is willingness to compromise amongst the government and the opposition. In the last two decades, there has been a gradual decline in sessions of the Lok Sabha and State Legislative Assemblies and time spent on debates. Moreover, the Houses of the Parliament have been plagued by absence of quorum, boycott of sessions by members of opposition which deprive the house the power to control the executive through discussion

HOW DOES THE PARLIAMENT REGULATE ITSELF?

- It is through debates that the parliament performs all its vital functions.
- Such discussions must be meaningful and orderly so that the functions of the Parliament are carried out smoothly and its dignity is intact.

The presiding officer of the legislature is the final authority in matters of regulating the business of the legislature → Speaker in case of Lok Sabha and Chairman i.e. Vice-President in case of Rajya Sabha

Anti-Defection Law:

Most of the members of the legislatures are elected on the ticket of some political party. What would happen if they decide to leave the party after getting elected? For many years after independence, this issue was unresolved.

Finally, there was an agreement among the parties that a legislator who is elected on one party ticket must be restricted from “defecting” to another party.

- An amendment to the Constitution was made (52nd Amendment Act) in 1985. This is known as anti-defection amendment.
- It has also been subsequently modified by the 91st amendment.
- The **presiding officer of the House** is the authority who takes final decisions on all such cases.

Defection: If a member remains absent in the House when asked by the party leadership to remain present or votes against the instructions of the party or voluntarily leaves the membership of the party, it is deemed as defection.

The **Tenth Schedule** of the Indian Constitution validates the Anti-Defection Law, mentioning conditions for disqualification of MPs.

Intention:

- To curb political defections and rein in the issue of horse-trading
- To bring stability in the structures of political parties and strengthen parliamentary practice by banning floor-crossing
- Promote party discipline

Anti-democratic fallouts brought into notice:

- **Muzzled Free Expression:** since the law makes it mandatory on the parliamentarian to vote along party lines or face eviction
- **Curtailed the parliamentarian's discretion to vote,** effectively suppressing intra-party debate
- **Dissent Not Allowed:** presence of party whips has been stifling dissent and gradually decreased the quality of the debates on various policy issues.

Issue of Accountability: moratorium on allowing MPs to change parties reduces the accountability of the government to the Parliament and the People.

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