

was disloyal to the country, or was convicted of an offence within five years of getting the citizenship.

Citizenship (Amendment) Act of 2003 also made it possible for people to be the overseas citizens of India, if they are of Indian origin and hold the citizenship of some selected countries (West European and North American countries). This allows them to easily travel to and from India, but otherwise does not give them the privileges of people who are complete citizens of India.

## PARLIAMENT

The Parliament of India consists of the President and the two houses namely, the Lower House or Lok Sabha and the Upper House or Rajya Sabha.

### Rajya Sabha

It is the upper house of parliament. It consists of representatives of states and represents the federal character of the constitution. The membership of a state is based on the population of that state.

The maximum strength of the Rajya Sabha is 250. Of these, 238 represent the states and union territories and the remaining 12 are nominated by the President from amongst persons who have distinguished themselves in the field of literature, art, science, social service, and so on.

Its members are elected by the members of state Legislative Assemblies on the basis of proportional representation through a single transferable vote.

### TENURE

Rajya Sabha is a permanent body, and not subject to dissolution. One-third of its members retire every two years. The members are elected by the elected members of the state Legislative Assemblies for a six-year term. There are no seats reserved for scheduled castes and tribes in the Rajya Sabha.

### QUALIFICATIONS FOR MEMBERSHIP

To be qualified to become a member of the Rajya Sabha, a person must be

1. A citizen of India
2. Not less than 30 years of age
3. Registered as a voter in any parliamentary constituency

### CHAIRMAN AND DEPUTY CHAIRMAN OF RAJYA SABHA

The Vice President of India is the ex-officio Chairman of the Rajya Sabha. He presides over the proceedings of the Rajya Sabha. In his absence, the Deputy Chairman of the Rajya Sabha presides over. Deputy Chairman is elected by the members of the Rajya Sabha amongst themselves.

### Lok Sabha

Lok Sabha is the lower house of the parliament. It consists of representatives elected by the people on the basis of universal adult franchise through a secret ballot. The constitution prescribes a membership of not more than 530 representatives of the states, not more than 20 representatives of the union territories and not more than two members of the Anglo-Indian Community nominated by the President, if in the opinion of the President the Anglo-Indian community is not adequately represented in the Lok Sabha.

The constitution empowers the Parliament to readjust the seats in the Lok Sabha on the basis of population after every census.

### TENURE

The normal term of Lok Sabha is five years. However, it may be dissolved earlier by the President. The 42nd Amendment Act, 1976 extended the normal life of the Lok Sabha to six years. However, the 44th Amendment Act, 1978 has set it at five years as the original constitution envisaged.

The life of the Lok Sabha can be extended by the Parliament beyond the five-year term, when a proclamation of emergency under Article 352 is in force. The Parliament cannot extend the normal life of Lok Sabha for more than one year at a time, but in any case, such extensions cannot continue beyond a period of six months after the proclamation comes to an end.

### QUALIFICATIONS FOR MEMBERSHIP TO LOK SABHA

In order to be a member of the Lok Sabha, a person must have the following qualifications:

1. A citizen of India
2. Not less than 25 years of age
3. Registered as a voter in any parliamentary constituency.

### SPEAKER AND DEPUTY SPEAKER OF LOK SABHA

Speaker is the Chief Presiding Officer of the Lok Sabha. Speaker and the Deputy Speaker of Lok Sabha are elected by the members of Parliament amongst themselves. Deputy Speaker performs the duties of Speaker in case of vacancy or absence.

Speaker and Deputy Speaker remain in office as long as they are the members of the House. Speaker continues in office, even after dissolution of the House till the newly elected Lok Sabha is constituted.

Speaker and Deputy Speaker may be removed from their office by a resolution of the House after serving a 14-day notice to them. Speaker can exercise his casting vote in case of a tie, that is, in case of equality of votes on a bill.

Speaker possesses certain powers that do not belong to the Chairman of the Rajya Sabha. They are as follows:

1. To preside over a joint sitting of the Houses of the Parliament
2. Power of certification of a money bill when transmitted from the Lok Sabha to the Rajya Sabha
3. The decision of the Speaker as to whether the money bill is final.

### SPECIAL POWERS OF THE LOK SABHA

The Lok Sabha enjoys the following powers that are not available to the Rajya Sabha:

1. A confidence or no-confidence motion can be initiated and passed only in the Lok Sabha.
2. Money and financial bills can be introduced only in the Lok Sabha. It controls the purse of the government.

Rajya Sabha cannot reject or amend a money bill by virtue of its legislative powers. It can only recommend changes in the money bill and can delay it for a maximum period of 14 days only. Lok Sabha enjoys full legislative powers in this regard.

Under Article 352, Lok Sabha, in a special sitting, can disapprove the continuance in force of a national emergency proclaimed by the President. In such a case, the President shall revoke the national emergency.

The Parliament generally meets in three sessions in a year. These sessions are as follows:

1. Budget session – (January – March/April)
2. Monsoon session (Jul–Aug)
3. Winter session (Nov–Dec)

The President can call a joint sessions of the two houses if a bill passed by one house is rejected by the other house, if the amendments proposed to a bill by one house are not acceptable to the other house or a house does not take any action on a bill remitted to it for six months. Decision is taken by a majority of the total members present. The deadlock over a bill in a joint sitting is resolved by members present and voting.

Since the Lok Sabha has a larger membership in a joint sitting, generally the will of the Lok Sabha prevails. After the passage of the bill in a joint sitting, it is presented to the President for his assent. However, no joint sitting can be summoned to resolve a deadlock in case of a money bill or a Constitutional Amendment Bill. With effect from year 2017, the budget is to be presented in month of January. Railway Budget has now been merged with General Budget.

### Important Terms in Parliamentary Proceedings

1. *Question hour*: Normally, the first hour of the business of a house is devoted to questions every day and is called the question hour.
2. *Adjournment motions*: An adjournment motion is an extraordinary procedure, which if admitted, leads to setting aside the normal business of the house for discussing a definite matter of urgent public importance.



3. *Call-attention motion*: A member of Parliament may, with prior permission of the Speaker call the attention of a minister to any matter of urgent public importance and the minister may make a brief statement or ask for time to make a statement at a later hour or date.
4. *No confidence motion*: A motion moved by a member to express lack of confidence in the government for any reason, is called no-confidence motion. The motion if allowed, is debated upon. At the conclusion of the debate, a vote of confidence is sought by the government and if it fails to get the required majority of votes, the government has to resign.

## Parliamentary Committees

The work done by Parliament varies not only in nature, but considerably in volume too. A good deal of its business is transacted by Parliamentary Committees.

### AD HOC AND STANDING COMMITTEES

As the name suggests, Ad hoc Committees are appointed for a specific purpose. They cease to exist once the task is complete and they submit a report. The main Ad hoc Committees are the Select and the Joint Committees on bills.

Apart from the Ad hoc Committees, each House of Parliament has Standing Committees such as the Business Advisory Committee, the Committee on Petitions, Committee of Privileges, and the Rules Committee.

### OTHER COMMITTEES

Some committees act as Parliament's watch dogs over the Executive. These are the Committees on Subordinate Legislation, Government Assurances, Estimates, Public Accounts and the Public Undertakings, and Departmentally Related Standing Committees (DRSCs).

## ATTORNEY GENERAL

Attorney General is the first law officer of the Government of India. He is the primary lawyer in the Supreme Court of India. He must be a

person qualified to be appointed as the Judge of the Supreme Court.

AG is appointed by the President of India under Article 76(1) of the Constitution. He/she holds office during the pleasure of the President.

His duties are to advise the government on legal matters and to perform other legal duties, which are referred to or assigned to him by the President and to discharge the functions conferred to him by the constitution. Though he is not a member of the cabinet, he has the right to speak in both the Houses of the Parliament; or any committee thereof, but has no right to vote. In performance of his official duties, the Attorney General shall have the rights of an audience in all the courts in the territory of India.

Attorney General represents the government but is allowed to take up private practice, provided the other party is not the state. Due to this, he is not paid a salary but a retainer to be determined by the President. The Attorney General gets a retainer equivalent to the salary of a judge of the Supreme Court.

## COMPTROLLER AND AUDITOR GENERAL OF INDIA

Comptroller and Auditor General of India is appointed by the President. He holds office until the age of 65 years or at the expiry of six-year term, whichever is earlier.

He is the guardian of the public purse. His duties are to keep the accounts of the union and the states. CAG also ensures that no money is spent out of the Consolidated Fund of India or of the states without the sanction of the Parliament or of the state legislatures.

Constitution contains provisions to ensure impartiality of the office and to make it independent of the Executive.

He can be removed from his office only on grounds of proved misbehaviour or incapacity in the same manner a judge of the Supreme Court is removed, that is each House of the Parliament passes a resolution supported by two-thirds of the members present who vote and by a majority of the House.