

MOOC ON
Constitutional Govt. & Democracy in India
MODULE-20
The Lok Sabha

ACADEMIC SCRIPT

The House of the People is commonly known as the Lok Sabha. It is the lower or the popular chamber of the Indian Parliament. The members of the Lok Sabha are elected directly by the people. Unlike many other constitutions, the maximum numbers of member to be elected to the Lok Sabha is fixed by the Constitution. Originally, this number was fixed at 500. But the Seventh Amendment of the Constitution following the reorganization of the states in 1956 raised it to 520. The Forty Second Amendment of the Constitution further raised it to 545(Art 81). However at present it consists of 550 elected members. Of these a maximum of 20 seats are reserved for members from the Union Territories. The remaining 530 members are to be chosen by direct election from territorial constituencies in the States. For

this purpose, to each State is allotted a certain number of seats on the basis of its population in proportion to the total population of all the States.

For the purpose of election, each State is divided into territorial constituencies which are more or less of the same size in regard to population. In addition to this at the most two members may be nominated by the President to give representation to the Anglo Indian community in case he finds that it is not adequately represented in the House. Though the Constitution has abolished the system of Communal electorates, it provides for the reservation of seats for the Scheduled Castes and Scheduled Tribes. For the purpose of election from the territorial constituencies, a number of seats are allotted to each State and Union Territory in such a manner that the ratio between the number of the representatives and the size of population is as far as practicable, the same for all the units of the Indian Union. Each state is therefore divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of

seats allotted to it, as far as practicable, is the same throughout the State. Under the Delimitation Commission Act of 1962, the Election Commission is authorized to determine forthwith the number of seats in the Lok Sabha on the basis of the latest census figures having regard to the constitutional provisions on the subject. Accordingly, on the basis of the 1951 Census, India had a population of 360 million. But in 1981, it was about 700 million and by 1991 it has gone over 840 million. By the year 2001, the population of India has exceeded 1000 million. Yet, there has been no change in the total number of elected members to the Lok Sabha. Infact, by an amendment of the Constitution in 2001, the present strength of the Lok Sabha will remain the same until the year 2025.

Here it may be pointed out that the election of the House of the People being direct requires that the territory of India should be divided into suitable territorial constituencies, for the purpose of holding such elections. Article 81 has provided for uniformity of representation in two respects – (a) as between the different States and (b) as between the different constituencies in the same

State. Thus (a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States; and (b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State.

As regards the House of the People and the Legislative Assembly of the State the system of proportional representation has been abandoned and instead, the Constitution has adopted the single member constituency with reservation of seats for some backward communities namely Scheduled Castes and Tribes. The reasons held by the Constituent Assembly for not adopting proportional representation were the following: -

- i) Proportional Representation presupposes literacy on a large scale. It presupposes that every voter should be a literate, at least to the extent of being

in a position to know the numerals and mark them on the ballot paper.

ii) Proportional representation is ill suited to the Parliamentary system of government laid down by the Constitution. One of the disadvantages of the system of proportional representation is the fragmentation of the Legislature into a number of small groups. This means that every time anything happened which displeased certain groups in Parliament, they would on those occasions withdraw support to the government with the result that the Government, losing the support of certain groups, would fall to pieces.

Essential Qualifications

To be qualified for election to the Lok Sabha the following conditions are required to be fulfilled: -

1. Must be a citizen of India.
2. He must be above 25 years of age.

3. Must possess all other qualifications that are prescribed by law of the Parliament.
4. No person can be a member of both the Houses of the Parliament, or of a House of the Parliament and of some State Legislature at the same time.
5. Must not hold any office of profit under the Government of India or of some State except that of a Minister or any other exempted by a law of the Parliament.
6. Must not be a man of unsound mind or a bankrupt declared by the court.

In case there is any complaint about the disqualifications of a member of the Parliament, it must be addressed to the President who will take suitable action after having the report of the Election Commission.

Criterion for disqualification

The Constitution has laid down certain disqualifications for membership. These are the following: -

- 1.No person can be a member of both the Houses of Parliament or a member both of Parliament and of a State Legislature.
2. A person will be disqualified, if he absents himself for a period of sixty days from the meetings of the House without the permission of the House.
3. If he holds an office of profit under any Government in India.
4. If he voluntarily acquires the citizenship of another country or is under any acknowledgement of allegiance to a foreign State.

In pursuance of the powers granted under Article 372 to regulate matters of election, the Representation of the People's Act of 1951 also lays down certain conditions for disqualifications which are applicable to the members of a State Legislature as well. These are: -

1. A member must not have been found guilty by a Court or an election Tribunal of certain election offences or corrupt practices in the elections.

2. He must not have been convicted by a Court of any offence and sentenced to imprisonment for a period of more than two years.
3. He must not have failed to lodge an account of his election expenses within the time and in the manner prescribed by law.
4. He must not have been dismissed for corruption or disloyalty from Government services.
5. He must not be a director or a managing agent nor hold an office of profit under any corporation in which the Government has any financial interest.
6. He must not have any interests in Government contracts, execution of governmental work or service.

It is required that the candidate seeking election to the Lok Sabha must not incur any of these disqualifications at time of filing his nomination papers.

Term

The normal term of the Lok Sabha is five years. It begins from the date of its first meeting. The President is empowered to dissolve Lok Sabha at any time and this

matter cannot be challenged in a court of law. When the second Lok Sabha was dissolved by the President on 11th March 1962, a few days earlier than the full term of five years, a writ petition was filed by Dr. N.C.Samantsinha in the circuit bench of the Punjab High Court in New Delhi under Article 226praying that a rule nisi be issued declaring the premature dissolution void and ineffective. It was dismissed by the court on April 4 1962. Further, the President is also empowered to extend the life of the House for one year at a time during a National Emergency. But in any case, the life of the House cannot be extended beyond six months after the emergency has ceased to operate. Infact it is necessary that elections must take place at the most within a period of six months after the revocation of Emergency.

Session

The House shall meet atleast twice a year and the interval between two consecutive sessions shall be less than six months. The time and the place of meeting will

be decided by the President who will summon the House to meet. He has also the power to prorogue the House. For a session to be legally valid it is essential for the Lok Sabha to assure the presence of minimum number of members which is known as the quorum. Without a quorum, Lok Sabha cannot legally decide over a matter nor can it comply any of its essential functions. The quorum of Lok Sabha is $1/10^{\text{th}}$ of the total strength of the House. Its presiding officer is the Speaker who is assisted by the Deputy Speaker during the period of his absence. The debates and discussions within a Lok Sabha is usually done either in English or in Hindi but in case a member is not comfortable in either of the two languages then the member may do so in his/her mother tongue.

Powers and Functions

India has adopted the model of a Parliamentary democracy. In such a system usually the authority of the lower House is established. This is so since the House is

composed of members who are directly elected by the people. In India too, the importance of Lok Sabha is established in carrying out the administration of the country. The powers and functions of the Lok Sabha are wide and varied. For our convenience they can be discussed in the following manner: -

1. Legislative: The principal business of the Lok Sabha is to deal with the matters relating to legislation. A non-money bill can originate in either House of the Parliament and it cannot be taken as passed by the Parliament unless it is so agreed to by both the Houses of the Parliament. In the event of a difference of opinion between the two Houses, the President is required to call a Joint Session for resolving the deadlock. The Lok Sabha can make a law relating to subjects included in the Union List and the Concurrent List but in case of subjects under State list certain conditions on part of the Lok Sabha is required to be fulfilled. They are:

- i. To make a law under State list it is required for the Rajya Sabha to pass a special resolution.
- ii. The Lok Sabha can do so if National Emergency under Article 352 is declared for the entire country
- iii. If there is a request by two or more states
- iv. If there is the implementation of some international treaty or convention.

However it may also be noted that the Lok Sabha has exclusive control over the residuary subjects.

2. Executive: The Lok Sabha exercises control over the Executive. According to the Indian Constitution the Union Council of Ministers headed by the Prime Minister shall be collectively responsible to the Lok Sabha. The council of Ministers will have to resign if a vote of no confidence is passed in the Parliament. In case the Lok Sabha rejects a Government bill or a budget, or disapproves official policy, or shows its lack of confidence in the Government by making alterations in the policies and programmes of the

Government against its wishes, it shall amount to the expression of a vote of no confidence. Infact the executive power f the Lok Sabha extends to the control of the executive through various devices like calling attention motion, questions and supplementary questions, tabling motions on matters of urgent public importance for discussion, half an hour discussion, No Confidence Motion and other means.

3. Financial: As far as the financial power of the Lok Sabha is concerned a Money bill can originate only in the Lok Sabha. It is sent to the Rajya Sabha which it must pass within a period of 14 days. In case the Rajya Sabha returns the money bill with some recommendations of its own it shall depend upon the will of the Lok Sabha to accept them or not. However, a money bill can in no case be referred back to the Rajya Sabha for a second time. Moreover, it is one of the powers of the Speaker to decide whether a bill is a money bill or not. It is therefore clear that the Lok Sabha alone is powerful

in the sphere of financial legislation. Again, the Annual Budget is placed before both the Houses but it is adopted by the Lok Sabha alone. Not only that Rajya Sabha has no power to vote on the demand for grants of the Ministries / Departments as this is the exclusive domain of the Lok Sabha. The Lok Sabha has further control over the Contingency Fund of India. It bears the sole responsibility to study the reports of the Estimate Committee and Public Accounts Committee.

4. Judicial: The Lok Sabha shares equal powers with that of the Rajya Sabha in taking punitive action against the outsider as well as its own members who commit a breach of its privileges. Lok Sabha jointly with Rajya Sabha can establish a High Court in the Union Territories and can even enhanced its power in such areas. Lok Sabha shares equal powers relating to the removal of the Chief Justice and the Judges of the Supreme and High Court.

5. Powers related to Amendment: Lok Sabha plays a crucial role with regard to the amendment of the Bills. It shares equal authority with that of the Rajya Sabha in this respect. If a constitutional amendment bill is passed in the Lok Sabha but is rejected in the Rajya Sabha then the bill becomes non functional. Not only that on issues related to Supreme Court High Court, distribution of powers between Union and the States, Constitutional Amendment, election of the President requires the ratification of half of the States as well. However, on all other issues Parliament can alone amend the Constitution of India.

6. Miscellaneous Powers: Lok Sabha performs a number of miscellaneous functions. It shares with the Rajya Sabha equal authority in matters relating to the election and removal of the President. It elects its Speaker and Deputy Speaker. It shares with the Rajya Sabha authority in matters relating to the approval of the Emergency declared by the President. Both the Houses of the Parliament can act in

emergency times for setting up Martial Law Courts for dealing with the offences committed by the civilians. Besides, the Lok Sabha shares with the Rajya Sabha the powers of discussing reports submitted by autonomous officials, agencies like the Union Public Service Commission, Comptroller and Auditor General of India, Finance Commission, Language Commission, Minorities Commission, Scheduled Castes and Scheduled Tribes Commission and the like. Lok Sabha also plays a severe role in providing important information related to the administration. The members query about governmental policies and activities on which the Ministers concern had to reply. The answers of the ministers are expected to be based on informations collected from the official sources. These information helped the people to have an idea of the governmental activities. Lok Sabha also criticizes the governmental policies if it goes against the interest of the public. So in this sense it tries to aware the people and alerts them on governmental activities. It in a way helps to form the Public opinion and it is

public opinion which helps the democracy to flourish even further.

7. Other Powers:

- i. According to Article 2 of the Indian Constitution Parliament by its discretion can create a new State or can include any part within the territory of India. According to Article 3 Parliament can enact a law relating to reorganizations of the States and of creating a new state. Parliament can expand the territory of a particular state or can even limit its territorial boundary and can even change the name of the State.
- ii. Parliament by virtue of Article 16 can determine additional residential qualification regarding jobs under state governments or that of the Union Territories.

- iii. Parliament can make final decision regarding creation or elimination of the upper chambers of the state legislatures. If the majority members present and the 2/3rd members of State Legislature agreed to pass a bill then the Parliament based on such decision can take a decision in its favour. Here it must also be noted that the Lok Sabha shares equal authority with that of the Rajya Sabha in this respect.

Conclusion

A comparative study of the functions and powers of the two Houses of our Parliament may lead to an impression that the Lok Sabha is more powerful than the Rajya Sabha. There is no doubt that the Indian Parliament is constituted on the basis of the principle of bicameralism, that is, legislature having two Houses or chambers. The lower House or the House of the people being composed of directly elected members has an edge over the upper chamber. But here, it must be noted that the Constitution has also established a federal system of government. Even there was unanimity among the

framers for achieving a balance between the direct representation of the people and the representation of the units. Keeping in mind the aspirations of our forefathers the two Houses should not be designated as such to exalt one and denigrate the other. Infact what should prevail is the convention of harmony and cooperation between the two.