

LOK SABHA

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Introduction:

- The word Parliament is derived from the French word 'Parler' which means to talk.
- It means a place where people sit and discuss national and international problems and enact legislation for their country.
- The modern parliamentary system owes its origin to Western countries particularly the UK.
- The 'Parliamentary' refers to a kind of democratic political system wherein the supreme power vests in the people's representatives called the Parliament.
- Under the Indian constitution the legislature of the union is called Parliament which is a bicameral one of which Lok Sabha is the lower House composed of directly elected representatives of the people of India.

Composition:

- Lok Sabha which is the House of the people is composed of members elected directly by the people.
- At present the Lok Sabha is constituted of 545 members.
- 530 members are elected from the territorial constituencies in states, 20 members represent the union territories and 2 members from the Anglo –Indian community may be nominated by the president if necessary.
- Reservation of seats for SC & STs on the basis of their population ratio has been provided.
- Re-adjusting the representation of electoral constituencies may be done by a Delimitation Commission specially constituted by the Parliament, if needed.

Direct Election:

- The elections to the Lok Sabha is conducted on the basis of universal adult franchise – every man or woman who has completed the age of 18 years are eligible to vote.
- The constitution provides for secret ballot.
- The candidate who secures the largest number of votes is declared elected.

Term of Lok Sabha:

- Lok Sabha enjoys a term of 5 years.
- However, the Lok Sabha may be dissolved before the expiration of its full term under certain circumstances.
- The term of the Lok Sabha may be extended when a proclamation of emergency is in operation, for a period of not exceeding one year at a time.

Qualification for Membership:

- In order to be chosen as the member of the Parliament he must have the following qualifications –
 1. He must be a citizen of India,
 2. He must not be less than 30 years of age,
 3. He must take an oath of allegiance to constitution and uphold the sovereignty and integrity of India,
 4. He should be registered as an elector of the parliamentary constituency from which he is going to contest,
 5. He must possess any other qualifications prescribed by the parliament from time to time.

Disqualifications:

- Following are the disqualifications for being elected as the member of the parliament –
 1. Holding any office of profit under the government,
 2. Persons of unsound mind as declared by court,
 3. If he is a bankrupt or insolvent,
 4. If he is so disqualified by any law passed by the parliament e.g. Anti-defection law, etc.

Quorum:

- Quorum is the minimum number of members required to be present in the House before it can transact any business.
- It is one tenth of the total number of members in the House including the presiding officer.
- There must be 55 members in the Lok Sabha to transact any business.

Sessions:

- The Lok Sabha shall meet at least twice a year and the interval between the two consecutive sessions shall be less than six months.
- There are usually 3 sessions in a year, viz
 1. The Budget session(Feb to May),
 2. The Monsoon session(July to Sept.)&
 3. The Winter Session(Nov. To Dec.)
- During the session the House meets every day to transact business.
- Special sessions may be convened by the president if need arises.

Speaker of the Lok Sabha:

- Speaker is the presiding officer of the Lok Sabha who is elected by the House from among its members.
- The office of the speaker is one of dignity and power.
- The speaker is elected from the ruling party whereas normally the deputy speakers nominated from the opposition.
- He can remain as a speaker only so long as his term expires, before that he may be removed by the Lok Sabha by a majority of the House.

Powers and functions of the Speaker:

- He enjoys very wide and extensive powers, and some of them may be listed as follows –
 1. Maintain the decorum , dignity and discipline in the conduct of the business of the House.
 2. It is the authority of the speaker to decide who shall hold the floor and speak.
 3. He decides about the time which should be allotted to each item on the agenda.
 4. His authority on the precincts of the House and the Galleries is final.

Powers of the speaker

5. He presides over the meetings of the House and decides what should appear in the proceedings. He can also expunge objectionable words, phrases and expressions from the proceedings.
6. He is the custodian of the rights and privileges of members of Lok Sabha.
7. He certifies whether a particular bill is a money bill or not.
8. In the joint sittings of both the Houses of the Parliament, the speaker and not the chairman of the Rajya Sabha presides over such meetings.

Powers of the Speaker

9. He decides the points of order, raised during the course of the discussion.
10. The speaker decides which questions should or should not be admitted.
11. A vote of no confidence motion against the government is also admitted by him.
12. The speaker admits all the resolutions for discussions and decides when a discussion on a bill should be adjourned.
13. He puts the motion to vote and announces the result of voting. In case of a tie , he can break the tie by casting his vote.

Powers of the speaker

14. He is the head of the Lok Sabha Secretariat.
15. He can instruct the government to place a document on the table of the House.
16. Without his prior permission no arrest of the members of the Lok Sabha can be done.
17. He accepts all resignations sent to him by the members of the House.
18. The speaker authenticates all the bills passed by the House.
19. His decisions are final.
20. He appoints the chairman of all the parliamentary committees of the Lok Sabha and supervises their functioning.
21. He acts as the ex-officio chairman of the conference of presiding officers of legislative bodies in the country.

Position of the Speaker:

- The speaker represents the House. He represents the dignity of the House & the freedom of the House.(Nehru)
- Speakers position is an honoured position and therefore, it should be occupied by men of outstanding ability and impartiality.
- Now, an unhealthy trend is developing and speakers are brought into active politics or offered governorships and ministerships.
- The Indian speaker does not completely divorce himself from party politics and lacks the degree of impartiality expected of him.
- Today, speakers find it very difficult to comfortably occupy the elevated chair. The chair is not shown proper respect very often. He is also facing the problem of non-seriousness on the part of the members of the House.

Privileges & Immunities:

- These are the special rights, immunities and exemptions enjoyed by the two Houses of the Parliament.
- They are necessary in order to secure the independence and effectiveness of their actions.
- Without these privileges, the houses can neither maintain their authority, dignity and honour nor can protect their members from any obstruction in the discharge of their parliamentary responsibilities.

Classification of privileges:

- Parliamentary privileges can be classified in to two broad categories –
 1. Collective Privileges, and
 2. Individual privileges.

1. Collective Privileges:

- Some such privileges may be listed as follows –
 1. It has the **right to publish its reports**, debates and proceedings and also the right to prohibit others from publishing the same.
 2. It can **exclude strangers** from its proceedings and hold secret sittings to discuss some important matters.
 3. It can **make rules to regulate its own procedure** and conduct of its business and to adjudicate upon such matters.

Collective Privileges

4. It can punish members as well as outsiders for breach of its privileges.
5. It has the right to receive immediate information of the arrest, detention, conviction, imprisonment and release of a member.
6. It can institute inquiries and order the attendance witnesses and send for relevant papers and records.
7. The courts are prohibited to inquire into the proceedings of a House or its committees.
8. No member can be arrested and no legal process can be served within the precincts of the House without the permission of the presiding officer.

2. Individual Privileges:

- The privileges belonging to the members individually are –
 1. They cannot be arrested during the sessions of the parliament under civil cases,
 2. They have the freedom of speech in Parliament.
 3. They are exempted from jury service. They can refuse to give evidence and appear as a witness in a case when the parliament is in session.

Powers and functions of the Lok Sabha:

- Powers and functions of the Lok Sabha may be listed as follows –
 1. Legislative Powers,
 2. Executive Powers.
 3. Financial Powers,
 4. Constitution amending Powers,
 5. Impeachment Powers,
 6. Electoral Powers,
 7. Other Powers.

1. Legislative Powers:

- As the lower chamber of the Union Parliament its main business is to pass the laws.
- In the matters of passing ordinary bills it enjoys equal powers with that of the Upper House.
- But in cases of the joint sittings the Lok Sabha has an edge over the Rajya Sabha due to its numerical strength.
- All ordinances issued by the President must be approved by the parliament otherwise it will become inoperative after six weeks.

2. Executive Powers:

- In our parliamentary system of government the executive is responsible to the Parliament for whatever policies that it adopts.
- The ministers are collectively responsible to the Parliament in general and to the Lok Sabha in Particular.
- The council of ministry can remain in power as long as it enjoys the confidence and support of the majority of members of the Lok Sabha.

2. Executive Powers ...

- The Lok Sabha can control the government in the following ways –
 - a. By not passing a motion of thanks on the presidents inaugural address,
 - b. by rejecting a money bill,
 - c. By passing a censure motion,
 - d. By defeating a government on a vital issue,
 - e. By passing a cut motion,
 - f. By passing a no confidence motion against the council of ministry, etc.

3. Financial Powers:

- In money matters the Lok Sabha is more powerful than that of the Rajya Sabha.
- A money bill must always be introduced in the Lok Sabha first.
- Money bill after passed by the Lok Sabha will go to the Rajya Sabha for its consideration .
- Within 14 days Rajya Sabha has to approve it or it can make recommendation for any amendments to the bill.
- Finally, it is left to the Lok Sabha to pass the Money bill in the form in which it decides.
- Thus, in financial matters, the Rajya Sabha has only an advisory role and the Lok Sabha has the final say.

4. Constituent Powers:

- With regard to the amendment of the constitution both Rajya Sabha and Lok Sabha have been placed at par.
- A constitution amending bill may be introduced first in either houses of the Parliament.
- The Parliament can amend any provision of the constitution except the 'Basic' features of the constitution .
- The Parliament can amend the constitution in three ways –
 - a. simple majority,
 - b. by special majority, &
 - c. by special majority but with the consent of half of all the state legislatures.

5. Impeachment Powers:

- Like Rajya Sabha, the consent of the Lok Sabha has equally needed for –
 - a. Impeaching the President for the violation of the constitution,
 - b. To remove the vice president from his office,
 - c. To remove the chief justice and other judges of the Supreme court and High courts,
 - d. To remove the Chief Election Commissioner and Comptroller and Auditor General of India, etc.

6. Electoral Powers:

- Lok Sabha participates in the election of –
 - a. President of India,
 - b. Vice-president of India.
- It elects its Speaker and Deputy Speaker, etc.

7. Other Powers:

- It shares powers with Rajya Sabha in matters like –
 1. It discuss various issues of national and international significance,
 2. It approves all the three types of emergencies proclaimed by the president,
 3. It can create or abolish the state legislative Council, on the recommendations of the concerned state legislative assemblies,
 4. It can alter the boundaries and change the names of the states of Indian Union.
 5. It can regulate the organization and jurisdiction of the Supreme Court and High courts and can establish a common High court for two or more states.