PARMAR SSC

PARMAR SSC

Parliament Part 2



Legislative Procedures

Article 107

Introduction and Passing of Bills

107(1) : A Bill can originate in either House (LS or RS) except the Money bill.
107(2) : A Bill passes if both Houses agree, with or without amendments.
107(3) : Bill pending in Parliament does not lapses due to adjournment or prorogation of the session.
107(4) : Bills lapsing after dissolution:

- A Bill pending in Lok Sabha and not passed at the time of its dissolution lapses.
- A Bill pending in the RS, which has not been passed by the LS shall not lapse on the dissolution of the LS.

Bills

1. Constitutional Amendment Bill
2. Ordinary Bill
3. Financial Bill (Some financial bills are also Money Bill)

Ordinary Bills are of two types

1. Public Member Bill:
1 week prior notice should be given

2. Private Bill

- 1 Month Prior notice should be given
- Brought by a MP who is not a minister

Passage of Ordinary Bill

- It can originate in either house,
- If both the houses pass the bill, it goes to President for his Assent.
- When Deadlock created President calls Joint Sitting : Bill passed by Simple Majority.

Deadlock is created in three cases :

1. the bill is rejected by the other house; or
2. the houses have finally disagreed as to the amendments to be made in the bill; or
3. more than six months, elapse from the date of the reception of the bill by the other house without the bill being passed by it.

- To resolve the deadlock, the President may summon a joint sitting.
- Provision of Joint sitting is taken from Australia.

Article 108

Joint Sitting of Both Houses

108(1) : In case of a deadlock (disagreement between both Houses), the President may summon a Joint Sitting.
In case of a deadlock (disagreement between both Houses), the President may summon a Joint Sitting.

108(2) : Speaker of Lok Sabha presides over the Joint Sitting.

- In his absence Deputy Speaker of Lok Sabha presides.
- In absence of both → Deputy Chairman of Rajya Sabha. (Chairman cannot preside the Joint sitting as he is not the member of either house.)

Simple majority is needed to pass the Bill (majority of members present and voting).
Joint Sitting follows the Rules of Lok Sabha.

Joints Sittings has happened 3 times

- Dowry Prohibition Bill, 1960
- Banking Services Commission Bill, 1977
- Prevention of Terrorism Bill, 2002

Exceptions:

- Money Bill and Constitutional Amendment Bill :- No Joint Sitting allowed.

Article 109

Special Procedure for Money Bills

109(1) : A Money Bill can only be introduced in Lok Sabha, on the recommendation of the President.

109(2) : After a bill is passed to RS, it can: approve, suggest amendments or take no action on the bill but it must give its response within 14 days.

109(3) : Lok Sabha may accept or reject Rajya Sabha's suggestions. If RS does not pass the bill within 14 days → It shall be deemed passed by both houses.

Some facts about Money Bill.

- The Speaker of Lok Sabha certifies whether a Bill is a Money Bill.
- A Bill is not considered as a money bill if it provides: For the imposition of fine/imposition or abolition of any tax by local Authority.
- The Speaker's decision is final, and normally cannot be challenged in any court. However, Judicial review is allowed

Do You Know ?

- No Veto can be used in case of a Constitutional Bill: 24th CA (Article 368)
- Pocket of Indian President is deeper than the USA's president because no time limit is mentioned in constitution for Indian president to act on the bill.

Article 110

Definition of Money Bill

A Bill is a Money Bill if it contains only provisions related to:

1. Imposition, abolition, remission, alteration, regulation of any tax.
2. Regulation of borrowings.
3. Custody and audit of Consolidated Fund or Contingency Fund.
4. Appropriation of money out of Consolidated Fund.
5. Declaring any expenditure as charged on Consolidated Fund.
6. The receipt of money into the Consolidated Fund of India or the Public Account of India, or the custody or issue of such money.
7. Any matter incidental to any of the above matters.

Article 111

Assent to Bills

After a bill is passed by both the Houses the bill is then presented to the President.

President may:

(a) Give assent :- Bill becomes a law.
(b) Use its Veto power.

Veto powers of the President :

Veto Powers of President is Negative in Nature.

1. Suspensive Veto

- President returns the Bill for reconsideration. If Parliament passes it again, assent is mandatory.
- Not available in case of Money bill because it is already brought into the Parliament after the prior recommendation of the President.

2. Pocket Veto

- No action taken by President. (No time limit to act.)
- This veto was first used by Gyani Zail Singh for Indian Post Office (amendment) bill 1986.

3. Absolute Veto:

- President rejects the Bill completely.

Article 112

Annual Financial Statement (Budget)

- President shall cause to be laid before both the Houses, a statement of estimated receipts and expenditures.
- The term 'Budget is not mentioned in the Constitution.

Article 113

Procedure in Parliament with Respect to Estimates

No expenditure from Consolidated Fund of India be done except with the authorization by Parliament.

Estimates of Expenditure

1. Charged on the Consolidated Fund of India (not votable due to salaries of President, SC judges, etc)
2. Made from the Consolidated Fund of India (subject to vote in Lok Sabha through Demands for Grants).

- Only Lok Sabha has the right to vote on Demands for Grants. RS can only discuss it.
- Demands for Grants are presented on behalf of the President.

Article 114

- The Appropriation Bill is introduced to authorize the withdrawl of money from the Consolidated Fund of India.
- No amendments or voting on the Appropriation Bill amounts it is passed as a formality after Demands for Grants are voted.
- Cut motions are moved during the voting on Demands for Grants.

Cut Motions

1. Policy Cut: Reduce the amount to Rs. 1 to criticize government policy.

2. Economy Cut: Reduce by a specified amount to suggest savings.

3. Token Cut. Reduce by Rs. 100 to raise a specific grievance.

Article 115

Supplementary, Additional, Excess grants

Supplementary grant:

- Granted when the amount authorised by Parliament is found insufficient.

Additional grant:

- Granted for additional expenditure upon some new service.

Excess grant:

- It is granted when money has been spent on any service in excess of the amount granted to that service in the budget.

Article 116

Vote on Account, Votes of Credit, and Exceptional Grants

Votes on Credit

- Financial grant given to the Executive from India's resources to meet urgent financial needs.
- Details cannot be shared ordinarily in a budget.
- It acts like a blank cheque given to the Executive by the Lok Sabha (LS).

Exceptional Grants:

- Special provisions made by Parliament.
- Used to meet specific expenses not covered under the regular budgetary allocation.

Stages in enactment of budget

1. Presentation
2. Discussion
3. Scrutiny by departmental committees
4. Voting on demands for grants
5. Passing of Appropriation bill
6. Passing of Finance bill

Different Types of Funds

1. Consolidated Fund of India (Article 266 (1))

- Consists of: Tax & Revenue

2. Public Account of India (Article 266 (2))

- Consists of: Remittance (public fund deposits) and Judicial deposits
- Managed by: Executive (not under Parliament's direct control)

3. Contingency Fund of India (Article 267)

- In hands of President but run by President and Finance Secretary.

Article 117

Special Provisions for Financial Bills

- All Money Bills are Financial Bills, but vice versa is not true.
- Procedure of financial bill is same as ordinary bill, except that financial bill can be introduced only in Lok Sabha (Category A) and with prior recommendation of President.

Article 118

Rules of Procedure

- Each House of Parliament may make rules for regulating its procedure and conduct of business.

Article 119

Regulation of Procedure for Financial Business

- Parliament can regulate laws related to financial procedures.

Article 120

Language to be Used in Parliament

- Business of Parliament shall be transacted in Hindi or in English.
- Unless Parliament by law provides, Use of 'English' to be removed after 15 years.
- Presiding officer may allow any member to express themselves in their mother tongue.

Article 121

Restriction on Discussion in Parliament

- No discussions shall take place in Parliament with respect to the conduct of any judge of the Supreme Court or of a High Court.

Article 122

Court not to Inquire into Proceedings of Parliament

- No court shall inquire into Parliament proceedings.
- Conduct of MPs or officers not subject to court jurisdiction.

Article 123

Power of President to Promulgate Ordinances during Recess

- President can issue ordinances when both Houses are or even one House is not in session.

Ordinance has same force as an Act of Parliament.

(a) Must be laid before both Houses shall cease to operate after 6 weeks from reassembly unless approved.

(b) Can be withdrawn anytime by the President.

- Ordinance should not contain provisions beyond Parliament's legislative competence (i.e. on the subjects of union list.)
- Legislative power of President (Centre) under Article 123;
- Legislative power of Governor (State) under Article 213.

PARMAR SSC

Max Life of an Ordinance:

- If Approved → Continues as law.
- If Disapproved → Ordinance lapses.
- In case, Parliament takes no action: max life- 6 months and 6 weeks that is Max gap between sessions: 6 months, and When no action is taken 6 weeks post reassembly, the Ordinance lapses.

Special Powers of Rajya Sabha

1. Can authorise Parliament to create a new All India Service (Article 312)
2. Can authorise the Parliament to make a law on a Subject of State List. (Article 249)

PARLIAMENTARY COMMITTEES

- Constitution mentions these committees at different places but without any specific provision regarding their tenure, functions, etc.
- All these matters are dealt by rules of two houses.
- A Parliamentary committee is appointed by Speaker/Chairman and works on his directions.

Classification of Parliamentary Committees

Permanent Committee

1. Standing Committee
2. Financial Committees
   - Public Accounts Committee
   - Estimates Committee
   - Committee on Public Undertakings

Temporary Committee

1. Ad Hoc Committee

Public Accounts Committee: (PAC)

- Established in 1921 through GOI Act 1919.
- Total members: 22 members (15 from LS +7 from RS).
- Guide and Philosopher: CAG (submits reports which are analysed by-PAC).
- Function: To examine the audit reports of CAG.

Committee on Public Undertakings:

- Established in: 1964 on recommendation of Krishna Menon Committee.
- Total members: 22 Members (15 from LS + 7 from RS) (Increased from 15 to 22 in 1974)
- Chairman is from Lok Sabha.
- Function: To examine reports and accounts of Public Undertakings.

Estimates Committee:

- Established in 1921.
- Re-established post Independence: 1950 on recommendation of John Mathai Committee Total members: 30 (all from LS), (increased from 25 to 30 in 1956).
- Function: To examine estimates included in budget

Similar features of all the Financial Committees:

- Election: Proportional representation + STV (Single transferable vote)
- Appointed/elected by the House or nominated by Speaker/Chairman.
- Term of members: 1 year
- No Minister can be a member. (Only private member)

Departmental Standing Committees

- Total: 24 (16 from LS + 8 from RS)
- Strength: 31 members (21 from LS + 10 from RS)

Note:

- Speaker of Lok Sabha is the Chairman of -Business Advisory Committee, Rules Committee, General Purpose Committee, whereas;
- Deputy speaker has a special distinction where he automatically becomes the chairman of a committee of which he is a member of. (e.g. Committee on Private Members Bill)

PARMAR SSC