



POLITY
- Part 4

- Legislature

Office of Profit

- The term is used in Article 102 (1) (a) and 191 (1) (a) of the Indian Constitution which bars a member of the Indian Parliament and MLA from holding an office that would give its occupant the opportunity to gain a financial advantage or benefit.
- 20 MLA of Aam Aadmi Party were disqualified as they held office of profit.
- MPs and MLAs can not held a position in the government post which can yield salaries, perquisites and other benefits
- This rule is to avoid any undue influence in administrative affairs.

Parliamentary Secretary

- A Parliamentary Secretary is a member of Parliament or Legislative Assembly who assist a Minister in their duties.
- Prime Ministers and Chief Ministers usually appoint parliamentary secretaries from their own parties.
- An MP or MLA will be disqualified If MP or MLA holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder

Joint Session of Indian Parliament

- The Parliament of India is bicameral.
- Concurrence of both houses are required to pass any bill.
- There may be a deadlock between the Rajya Sabha and Lok Sabha
- The Constitution provides for joint sittings of both the houses to break this dead lock.
- The joint sitting is called by the President of India as per Article 108 of Constitution.
- The joint sitting is presided over by the Speaker of Lok Sabha

Zero Hour

- Zero hour denotes the time immediately following the Question Hour in both Houses of Parliament. This is about 12 noon which is why it is called Zero Hour.
- During this hour, members can raise matters of great importance without prior notice.
- However the duration of the zero hour has been varied over the years.

Pro tem Speaker

- Pro-tem Speaker is the temporary speaker who presides over the first meeting after the election.
- A Pro-tem speaker is chosen with the agreement of the members of the Lok Sabha and Legislative assembly.
- Generally the senior most member is chosen to function as Pro-tem Speaker
- President of India on the recommendation of Minister of Parliamentary Affairs appoints Pro-tem Speaker.
- Kamal Nath was sworn in as pro tem Speaker of 16th Lok Sabha

Constitutional Bench

- “Constitutional bench is the name given to the benches of the Supreme Court of India which consist of at least five judges of the court which sit to decide any case ‘involving a substantial question of law as to interpretation’ of the Constitution of India”

Political Parties

- Every party in the country has to register with the Election Commission.
- Parties are given unique symbol by the Election Commission
- National Party- A party that secures at least six per cent of total votes in Lok Sabha elections or Assembly elections in four States and wins at least four seats in the Lok Sabha is recognized as a national party.
- State Party- A party that secures at least 6 % of the total votes in an State in an election to the Legislative Assembly of a State and wins at least two seats is recognized as a State Party

Standing Committees

A Standing Committee is a committee consists of Members of Parliament. It is a permanent committee. The committee is constituted according to provisions of an Act of Parliament or Rules of Procedures and Conduct of Business.

- Public Accounts Committee
- Estimate Committee
- Public Undertakings Committee
- 24 Department related Standing Committees
- 16 Other Committees

Parliamentary Committees

- The Parliamentary Committees are established to study the functioning of executive branch
- The Parliamentary committees are of two types Standing Committees and Ad-hoc committees
- The Standing Committee is elected or appointed periodically and they work on continuous basis.
- The Ad hoc committees are created as per the needs arises

Outstanding Parliamentarian Award

- Was established in 1992 by Shivraj Patil the then Speaker of Lok Sabha.
- The Indian Parliamentary Group selects an outstanding sitting Member of Parliament after considering his/her overall contribution in Parliament
- Bhartruhari Mahatab: He is Lok Sabha MP and was selected for 2017.

Amendment of the Constitution

Amendment of the Constitution

- Article 368 in Part XX of the Constitution deals with the powers of Parliament to the Constitution and its procedure.
- However, the Parliament cannot amend those provisions which form the 'Basic Structure' of the Constitution. This came as a ruling from Supreme Court in the Kesvananda Bharthi case, 1973.
- **PROCEDURE**
- An amendment of the Constitution can be initiated by introducing of the bill for the purpose in either House of Parliament.

Amendment of the Constitution

- Introduction of Bill does not require prior approval of the President.
- The bill must be passed in each House by a special majority, that is, a majority more than 50% of the total membership of the House and a majority of two-thirds of the members of the House present and voting.
- Each House must pass the Bill separately.
- There is no provision for holding Joint Sitting of the Houses.
- If the Bill seeks to amend the federal provisions of the Constitution, it must be ratified by the legislatures of half of the States by a simple majority, that is, a majority of members of the House present and voting

Amendment of the Constitution

- After duly passed by both the Houses of Parliament and ratified by state legislatures, the bill is presented to the President for his assent
- The President must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament
- After the President grants his assent the Bill becomes an Act and Constitution stands amended in accordance with the terms of the Act.
- Article 368 provides two types of amendments
 - By Simple majority
 - By Special Majority + Ratification by half number of States

Amendment of the Constitution

- Some article provide for the amendment of certain provisions of the Constitution by simple majority of Parliament that is, a majority of the members of each House present and voting. That is similar to the ordinary bills.
- The above type of Constitutional Amendments are not counted as Amendments under Article 368.
- So, The Constitution can be amended in three ways:
 1. Amendment by simple majority of the Parliament
 2. Amendment by Special Majority of the Parliament
 3. Amendment by majority of the Parliament and the ratification by half number of the State Legislatures

Amendment of the Constitution

- Amendments by Simple Majority of Parliament
 - Establishment of new States
 - Alteration of areas of States
 - Abolition or creation of Legislative Councils of States
 - Emoluments etc. of President, Governors, Judges etc.
 - Quorum in Parliament
 - Rules of Procedures in Parliament
 - Salaries of MPs
 - Privileges of the Parliament, its members and its Committees
 - Use of English in Parliament
 - Use of official Language
 - Union Territories
 - 5th Schedule- Administration of Schedule areas and Scheduled Tribes
 - 6th Schedule- Administration of Tribal Areas

Amendment of the Constitution

- Amendments by Special Majority
 - Fundamental Rights
 - Directive Principles
 - All the items not covered in First and Third Categories
- Amendments by Special Majority of Parliament and Consent of States
 - Election of President
 - Extent of Executive Powers of the Union and the States
 - Distribution of Legislative powers of the Union and the States
 - Any of the List of in 7th Schedule
 - Representation of States in Parliament
 - Power of Parliament to amend the Constitution and its procedure (Article 368 itself)

Important Constitutional Amendments

- **The FIRST**

It was carried out in the year 1951 to overcome certain practical difficulties relating to Fundamental Rights pertaining to equality, liberty and property.

It made provision for special treatment for educationally and socially backward classes and added ninth schedule to the Constitution.

- The Acts added in 9th Schedule can't be changed by courts.

- **FOURTH**

It was carried out in 1955. It amended provisions relating to property, trade and commerce. It authorized the State to nationalize any trade.

- **FIFTH**

It empowered the president to fix the time limit for State Legislatures to express their views on central laws affecting the areas and boundary of State.

Important Constitutional Amendments

- **EIGHT (1959)**
It extended reservations for Scheduled Castes and Scheduled Tribes and Anglo Indian for a period of 10 years till 1970
- **NINTH (1960)**
It made certain changes in the first schedule, which became necessary on account of the transfer of certain territories like Berubari, Khulna etc. to Pakistan as a result of an agreement concluded by the two governments.
- **TENTH (1961)**
By this Amendment the Territories of Dadra and Nagar Haveli were incorporated in Indian Union.
- **ELEVENTH (1961)**
It made changes in
 - The procedure of election of Vice-President
 - Provided for the Joint Meeting of the two houses of Parliament
 - The election of President and Vice-President not to be challenged on the ground of vacancy in the appropriate electoral college.

Important Constitutional Amendments

- **TWELFTH (1962)**
By this amendment the territories of Goa, Daman and Diu were incorporated in the Indian Union.
- **THIRTEENTH 1962**
This amendment gave Nagaland the status of state and also provided some special provisions to it.
- **FOURTEENTH**
It incorporated the former French territory of Pondicherry in the Indian Union. It also provided legislatures and/or councils of ministers for the union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry.
- **EIGHTEENTH (1966)**
It was passed to facilitate the reorganization of Punjab on linguistic basis into Punjab and Haryana. It also transferred home territory to Himachal Pradesh and created union territory of Chandigarh.

Important Constitutional Amendments

- **TWENTY FIRST (1967)**
It included Sindhi as the 15th regional language in the Eighth Schedule
- **TWENTY-SECOND AMENDMENT (1967)**
It created autonomous sub state of Meghalaya within Assam
- **TWENTY-THIRD AMENDMENT (1969)**
It extended the reservation of seats for Scheduled Castes and Scheduled Tribes and nomination of Anglo Indians for further 10 years.
- **TWENTY-FOUR AMENDMENT (1971)**
It affirmed the right of Parliament to amend any part of constitution including Fundamental Rights.
It made the assent of the President to such amendments automatic
Thus, this amendment overcame the restrictions imposed on the powers of the Parliament to amend Fundamental Rights due to Supreme Court's judgement in the Golak Nath Case.

Important Constitutional Amendments

- **TWENTY-SIXTH Amendment**
It abolishes the titles and privileges of former rulers of Princely states
- **TWENTY-SEVENTH Amendment**
It created the Union Territories of Mizoram and Arunachal Pradesh
- **THIRTY-FIRST AMENDMENT**
It raised the number of Lok Sabha seats from 525 to 545. It also reduced the representation of Union territories from 25 to 20
- **THIRTY-SIX AMENDMENT (1975)**
This amendment accorded full fledged status of state to Sikkim.

Important Constitutional Amendments

- **THIRTY-EIGHT AMENDMENT (1975)**
It provided that the right of President to proclaim emergency and promulgate ordinances by President, Governors, and administrative heads of Union Territories would be final and can not be challenged in any court of law.
- **THIRTY-NINTH AMENDMENT (1976)**
It placed the Election of President, Vice-President, Prime Minister and Speaker of Lok Sabha beyond the purview of Judiciary.

Election disputes regarding these persons were to be heard by special courts to be set up by parliament and not by High Courts or Supreme Court.
- **FORTY-FIRST AMENDMENT (1976)**
It raised the retirement age of members of State Public Service Commission from 60 to 62.

Important Constitutional Amendments

- FORTY-SECOND AMENDMENT (1976)

- It added the words SOCIALIST and SECULAR in the Preamble
- It provided that the Laws enacted for the implementation of Directive Principles could not be struck down by courts on the ground that they violated some Fundamental Rights.
- It added a set of 10 Fundamental Duties to the Constitution
- It asserted the Supremacy of Parliament with regard to amendment of Constitution
- It made it obligatory for the President to act on the advice of Council of Ministers.
- It transferred subjects like forests, education, population control from the state list to concurrent list
- It granted powers to Union Government to deploy armed forces in any state to deal with “grave situation of law and order”
- It authorized Parliament to make laws to deal with anti-national activities and such laws were to take precedence over Fundamental Rights

IMPORTANT AMENDMENTS TO CONSTITUTION

- FORTY-THIRD (1977). Enacted by Janata Government
 - Restored the Jurisdiction of the Supreme Court and High Courts in respect of Judicial Review and issue of writs
 - Deprived the Parliament of its special powers to make laws to deal with anti-national activities

- FORTY-FOURTH Amendment Act 1978
 - Restored the original term of Lok-Sabha and State Legislatures to 5 years
 - Restored the provisions with regard to quorum in the Parliament and State Legislature
 - Empowered the President to send back once the advice of cabinet for reconsideration, But the reconsidered advice is to be binding on the President for giving the assent
 - Replaced the word 'internal disturbance' by armed rebellion in respect to National Emergency
 - Made the President to declare a national Emergency only on written recommendation of the Cabinet

- JOIN US
- WE WILL UPGRADE YOU
- WE WILL TRANSFORM YOU

Thank You