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Parliament (LLB 2nd Semester – Constitutional Law)

Meaning of Parliament

Parliament is the supreme legislative organ of the Union of India. It is responsible for making laws, controlling the executive, and representing the will of the people.

Constitutional Provision

- **Article 79** of the Indian Constitution provides for the **Parliament of India**.

“There shall be a Parliament for the Union which shall consist of the President and two Houses known as the Council of States and the House of the People.”

Composition of Parliament

The Parliament consists of **three parts**:

1. **President of India**
2. **Rajya Sabha (Council of States)**
3. **Lok Sabha (House of the People)**

1. President

- Integral part of Parliament
- Summons and prorogues Parliament
- Gives **assent to Bills**
- Can issue **Ordinances** under Article 123

2. Rajya Sabha (Council of States)

- Upper House
- Represents **States**
- Maximum strength: **250 members**
 - 238 elected
 - 12 nominated by the President (Art, Literature, Science, Social Service)
- **Permanent House**
- One-third members retire every two years

3. Lok Sabha (House of the People)

- Lower House
- Represents the **people of India**
- Maximum strength: **552 members**
- Members directly elected
- Normal term: **5 years**
- Can be dissolved earlier

Functions of Parliament

1. Legislative Functions

- Makes laws on subjects in **Union List**
- Can legislate on **State List** in special circumstances

2. Executive Control

- Council of Ministers is responsible to Lok Sabha
- Tools:
 - Question Hour
 - No-Confidence Motion
 - Adjournment Motion

3. Financial Functions

- Passing of **Budget**
- Control over public expenditure
- Money Bills introduced only in Lok Sabha

4. Judicial Functions

- Impeachment of President
- Removal of judges of Supreme Court and High Courts

5. Constitutional Functions

- Power to amend the Constitution under **Article 368**

Parliamentary Privileges

- Articles **105**
- Freedom of speech in Parliament
- Immunity from court proceedings for speeches and votes

Importance of Parliament

- Reflects **democratic will**
- Ensures **checks and balances**
- Central to **constitutional governance**

One-Line Exam Answer

Parliament is the supreme legislative body of India consisting of the President, Lok Sabha, and Rajya Sabha, empowered to make laws, control the executive, and uphold the Constitution.

104th Constitutional Amendment Act, 2019

Introduction

The 104th Constitutional Amendment Act, 2019 was enacted to extend reservation of seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and State Legislative Assemblies, while discontinuing reservation for Anglo-Indians.

Constitutional Provisions Affected

- Article 334 of the Indian Constitution

Main Objectives

1. To extend SC/ST reservation in legislatures for 10 more years
2. To end the nomination of Anglo-Indian members to Lok Sabha and State Assemblies

Key Features

1. Extension of SC/ST Reservation

- Reservation for SCs and STs in:
 - Lok Sabha
 - State Legislative Assemblies
- Extended from 70 years to 80 years
- Now valid up to 2030

2. Removal of Anglo-Indian Reservation

- Earlier:

- 2 members could be nominated to Lok Sabha
- 1 member could be nominated to State Assemblies
- 104th Amendment abolished this provision
- No more nomination of Anglo-Indian members

Reason for the Amendment

- SCs and STs were still socially and economically backward
- Anglo-Indian community was considered adequately represented
- Hence, differential treatment was justified

Significance

- Continues affirmative action for marginalized communities
- Reflects changing social realities
- Strengthens representative democracy

Criticism (for answer enrichment)

- Ending Anglo-Indian nomination raised concerns about minority representation
- Repeated extension questions the goal of temporary reservation

One-Line Exam Answer

The 104th Constitutional Amendment Act, 2019 extended reservation for Scheduled Castes and Scheduled Tribes in legislatures till 2030 and abolished the nomination of Anglo-Indian members.

Qualifications for Membership of Lok Sabha

The qualifications for being a member of the Lok Sabha are laid down in Article 84 of the Indian Constitution and the Representation of the People Act, 1951.

Constitutional Qualifications (Article 84)

A person shall be qualified to be chosen as a member of the Lok Sabha if he/she:

1. Is a citizen of India
2. Has completed 25 years of age
3. Possesses such other qualifications as may be prescribed by Parliament by law

Statutory Qualifications

(Representation of the People Act, 1951)

4. Must be registered as a voter in any Parliamentary constituency
5. Must not be disqualified under any law

Disqualifications (Brief Mention – for exams)

A person is disqualified if he/she:

- Holds an office of profit under Government
- Is of unsound mind
- Is an undischarged insolvent
- Is not a citizen of India
- Is disqualified under the Representation of the People Act, 1951

Reservation & Representation

- Seats are reserved for SC/ST candidates
- Candidate must belong to the concerned category to contest from reserved seats

One-Line Exam Answer

A person must be a citizen of India, at least 25 years of age, and fulfill qualifications prescribed by law to become a member of the Lok Sabha.

OATH

Oath of a Member of Lok Sabha

Constitutional Provision

- Article 99 of the Indian Constitution
- Third Schedule (Forms of oath/affirmation)

Meaning of Oath

An oath is a solemn declaration made by an elected member before taking his seat in Parliament, affirming faith in the Constitution and loyalty to India.

👉 Without taking the oath, a person cannot sit, speak, or vote in the House.

Authority Before Whom Oath is Taken

- President of India
- OR
- A person appointed by the President

Form of Oath / Affirmation

A member of Lok Sabha swears or affirms that he/she:

- Bears true faith and allegiance to the Constitution of India
- Will uphold the sovereignty and integrity of India
- Will faithfully discharge the duties of a Member of Parliament

(Oath may be taken in the name of God or as a solemn affirmation)
