

# LEGISLATURE

## Introduction

India adopted a democratic system of governance. Institutions of democracy in

India in fact had begun to grow during the colonial rule itself. The provisions of

democracy found their place in the Government of India Acts of 1909, 1919, and

1935. Following independence, deliberations in the Constituent Assembly led to

the country becoming Republic with Indian Constitution coming into effect on

January 26th 1950. India opted for the Parliamentary form

of government with

the nation state adapting the principles of sovereign, socialist, secular, democratic

republic.

In a Parliamentary democracy, sovereignty of the nation is upheld by 'legislature'

(Parliament). The Constituent Assembly continued, as the provisional Parliament

of India till a new Parliament was constituted under the provisions of the new

Constitution. The first elected Parliament came into being in May, 1952, after

the first general election was held during that year.

Legislature is a general term, which subsumes specific names like Parliament,

Congress, National Assembly, and such others. It is called by different names in

different countries such as, 'Diet' in Japan, 'Cortes' in Spain, 'Jatiya Sangshad'

in Bangladesh, and such others. In case of India, the legislature at the Union

level is called Parliament. We shall be using the term Parliament in this Unit.

This Unit shall familiarize you with the importance and role of Parliament in the

Indian context. To begin with, we shall be discussing

about the importance of

Parliament in Indian governance.

Importance of Parliament

The importance of legislature has been highlighted by Lord Bryce<sup>1</sup>

(1921) in his

work, 'Modern Democracies'. He found legislatures constituted an indispensable

part of the government machinery in democracies.... Michael Ameller has

emphasized that in a democratic set up, the Parliament lays down basic principles

for the executive to apply in implementing programmes of government and the

Judiciary to use them, as frame of reference. K.R. Narayanan (1992), the former

President of India, acknowledged Parliament and the State Legislatures, as

supreme institutions. He mentioned that "Parliament and legislatures constitute

the head and front of the body-politics in India. They are the institutional

embodiments of the audacious experiment in democracy by the founding fathers

of our republic."

The first elected Parliament came into being in May, 1952, after the first general

election was held during that year. Parliament in India, occupies a position of

preeminence and over the years, it has carved out a niche for itself by becoming

a forum through, which the citizens of the country articulate and realize their

aspirations on one hand and ventilate their grievances and seek solutions to their

problems, on the other. It is the supreme representative body of the people mentioned by Kashyap. Thus, it can be said that among the three organs of the

state, as, legislature takes precedence over the other two.

Our founding fathers made provisions for the working of Parliamentary

democracy by way of Articles 79 to 123 in the Constitution of India. These articles

provide for the composition of the Parliament, the qualifications of members of

the Parliament, the tenure of the two houses, their sessions, prorogation and

dissolution, their officials and their roles, and conduct of business; and the

legislative and financial procedures. The following discussion explains all these

aspects in detail.

## Composition

The Indian Constitution provides for a bicameral Parliament, which has, as its

Executive Head the President of India and two Houses known, as the upper

House(Rajya Sabha) and the House of people (Lok Sabha)<sup>2</sup>

. The Rajya Sabha is

referred, as upper house and Lok Sabha, as lower house of the Parliament. As the

government is federal in nature, there was unanimity among the framers of our



Constitution to achieve a balance between the indirect representation of people

in the lower house; and the representation of federal units, that is, the states in

the upper house. Hence the rationale for having two houses, one representing the

people, as a whole; and other the federal units.

The President is an integral part of the Parliament. The President is elected by

both Houses of Parliament and thereby considered as the Chief Executive and

every business of the government is carried out in the President's name.

We will now discuss the composition of the Rajya Sabha and Lok Sabha

individually.

### Composition of Rajya Sabha

1. Rajya Sabha is composed of not more than 250 members, of whom (a) 12

members shall be nominated by the President; and (b) the remaining (that is

238 members) shall be representatives of the States and the Union Territories

elected by the method of indirect election (Art.80).

2. The 12 nominated members shall be chosen by the President from amongst

persons having 'special knowledge or practical experience in literature,

science, art, and social service'. The Constitution thus adopts the principle

of nomination for giving distinguished persons a place in the upper Chamber.

3. The representatives from each State shall be elected by the elected members

of the Legislative Assembly of the respective State in accordance with the

system of proportional representation by means of the single transferable

vote system.<sup>3</sup>

4. The representatives of the Union Territories shall be chosen in a manner, as

prescribed by the Parliament. Parliament prescribes representatives of Union

Territories to be indirectly elected by members of an electoral college<sup>4</sup>

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