

THE LEGISLATURE

INTRODUCTION

Parliament contained in Part V titled "The Union" provides for the constitution of the Union legislature called Parliament (Samsad) consisting of the President, the Rajya Sabha (Council of States) and the Lok Sabha (House of People) respectively as the upper and lower chambers. The President is an integral part of the Parliament, though he is not a member of any House, for the reason that he summons and prorogues the sessions, may dissolve Lok Sabha, delivers inaugural address and may send messages and finally, places his signatures to authenticate the bills passed by the Parliament. However, the peculiar thing about our Parliament is that while its general pattern is like that of the English Parliament, it is a non-sovereign law-making body like the American Congress.

5.3 CENTRAL LEGISLATURE/UNION PARLIAMENT

The Parliamentary model of the constitution made the parliament a supreme body of the constitution. It occupies a central and pre-eminent position in our country. Part V, Chapter II of the constitution between Articles 79 and 123 deals with the provisions relating to the Union Parliament. The provision of Article 79, states that "there shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People". Here the Council of States is Rajya Sabha, and the House of the people is Lok Sabha. The Lok Sabha was given a distinctive role in the government of the nation since it was an elected chamber when the Constitution's founders decided to create a bicameral legislature. On the other side, the Rajya

Sabha plays a smaller function. Due to constitutional advantages in its favour, the Lok Sabha has been able to solidify its position in cases of confrontation between the two chambers.

5.4 RAJYA SABHA :

The Parliament is a bicameral body. Its upper chamber is the Rajya Sabha. It consists

of 250 members at the most. Out of this 12 members are nominated by the President from

amongst persons distinguished in the field of literature, art, science and social service. The

remaining members are their representatives of the States and Union Territories. The number of

representatives, as specified in IV schedule of the constitution, varies from state to state as the

number of seats allocated to them is based on the factor of population. It is due to this that while

a small state like Nagaland has only one seat, a very big State like the UP has 31 seats. The

members are elected by the members of the State Legislative Assemblies in accordance with

proportional representation with single transferable vote system. The Parliament may make

some other arrangement for the representation of Union Territories. It is due to this that the

party-wise composition of the Rajya Sabha reflects the party-wise composition of Vidhan

Sabhas in the country.

A member of the Rajya Sabha must possess three qualifications. First, he must be a

citizen of India. Second, he must have completed the age of 30 years. Last, he must possess all

other qualifications laid down in an act of Parliament. The conditions that a person contesting

election must ordinarily be a resident of that State has been done away with. Open ballot system

has also been provided now. The disqualifications for the membership of this House are: holding an office of profit under the Government of India of any State except that of a minister

or any other exempted by a law of Parliament, being of unsound mind or an undischarged

insolvent as declared by a competent court, being an alien or a non-citizen, and being

disqualified under any law of the Parliament.

The Rajya Sabha is a continuing chamber. Its one-third members retire after every

second year and elections are held for the vacant seats. Thus, a member of the Rajya Sabha has

six years to serve, but he may be re-elected any number of times. (It applies to the nominated

members as well). A member of the Rajya Sabha may tender his resignation or cease to be its

member in case he incurs some disqualification as provided in Art. 101 of the Constitution.

that is, a member of this House shall forfeit his membership in case he becomes a member of

the Lok Sabha or of any State legislature, or has voluntarily acquired the citizenship of a foreign

State, or is under any acknowledgement of allegiance or adherence to a foreign State, or remains

absent from all meetings of the House and its committees for a period of 60 days without any

reason conveyed to the House, or he is expelled from the membership of the House, or is held

a political defector by the Chairman of the House.