



Sambhav

Day 9

Question 1. Difference between the power of the upper and lower house of the parliament. What are the issues related to the decision making by the presiding authority of Lok Sabha? (250 Words)

Question 2. What are the devices of Parliamentary checks on the Executives in India. Discuss. (250 Words)

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Approach / Explanation / Answer

Answer 1

Approach:

- Start your answer by giving a brief about the Lok Sabha and Rajya Sabha.
- Discuss the dissimilarities in the functions of the Rajya Sabha and Lok Sabha.
- Discuss the problems associated with the Office of Speaker of Lok Sabha.
- Conclude your answer by giving a Way Forward.

Introduction

Both the Lok Sabha and Rajya Sabha are parts of the Indian Parliament. **Lok Sabha represents the people of India and Rajya Sabha represents the states.** Hence, they are known as the **House of People and the Council of States** respectively.

In both houses, laws and bills are presented and voted on. Their major function is to make laws for better governance of the country, voice the concerns of ordinary citizens to the legislators, and so on. Though nearly similar in their functions, there are some major differences between Lok Sabha and Rajya Sabha.

Body

Dissimilarities in the Functions of Rajya Sabha and Lok Sabha

In the following matters, the powers and status of the Rajya Sabha are unequal to that of the Lok Sabha:

- **Passage of Money Bill: A Money Bill can be introduced only in the Lok Sabha** and not in the **Rajya Sabha. Rajya Sabha cannot amend or reject a Money Bill.** It should return the bill

to the Lok Sabha within 14 days, either with recommendations or without recommendations.

- **Financial Bill:** A financial bill, not containing solely the matters of Article 110, also can be introduced only in the Lok Sabha and not in the Rajya Sabha. But, with regard to its passage, both Houses have equal powers.
- **Final Authority over Money Bill:** The final power to decide whether a particular bill is a Money Bill or not is vested in the Speaker of the Lok Sabha.
- **Greater Majority:** The Lok Sabha with a greater number wins the battle in a joint sitting except when the combined strength of the ruling party in both Houses is less than that of the opposition parties.
- **Vote on the Demands for Grants:** Rajya Sabha can only discuss the budget but cannot vote on the demands for grants (which is the exclusive privilege of the Lok Sabha).
- **National Emergency:** A resolution for the discontinuance of the national emergency can be passed only by the Lok Sabha and not by the Rajya Sabha.

Problems Associated with the Office of Speaker of Lok Sabha

- **Delay in Decision Making:** The **Anti-Defection law** does not specify a time period for the Presiding Officer to decide on a disqualification plea. Given that courts can intervene only after the Presiding Officer has decided on the matter, the petitioner seeking disqualification has no option but to wait for this decision to be made.
 - There have been several cases where the Courts have expressed concern about the unnecessary delay in deciding such petitions.
- **More involved in Party Politics:** Although the Anti-Defection law provides that the presiding officer of the house can resign from the post of the party until he acts as the presiding officer and can join his party after the expiration of his term to ensure the impartiality of the office.
 - But in the case of India, he does not resign from his post and continues his membership in the party.
- **Suspension of the MPs:** He often suspends the Members of Parliament (MPs) of the opposition party without any reasonable grounds merely under the influence of his party politics.

Way Forward

- The **Anti-Defection Law should be made stricter** by making suitable amendments to prompt the speaker to take timely and unbiased decisions.
- The **resignation from the Party's post should be made compulsory** after the election of that person as the Presiding Officer of the House to ensure impartiality.
- There should be a separate decision-making authority for keeping in account the behavior of the MPs and there should be specified rules and regulations for the suspension of the MPs for the Speaker.

Answer 2

Approach:

- Start your answer by giving a brief about Executive.
- Discuss the devices of Parliamentary checks on the Executives in India.
- Conclude suitably.

Introduction

The Constitution provides for the Legislature to make laws, Executive to implement laws, and Judiciary to interpret and enforce these laws. While the Judiciary is independent from the other two branches, the Executive (Council of Ministers) is formed with the support of a majority of members in the Legislature.

Therefore, the Executive is collectively responsible to Parliament for its actions. This implies that Parliament can hold the government accountable for its decisions and scrutinize its functioning.

Body

Devices of Parliamentary Checks on the Executives in India:

- **Discussion and Debates:** Issues may be raised in Parliament to examine the functioning of the government through a debate, which entails a reply by the concerned minister, or a motion that entails a vote. The time allocated for discussing some of these debates or Bills is determined by the Business Advisory Committee of the House, consisting of members from both the ruling and opposition parties. Using these methods, MPs may discuss important matters, policies, and topical issues.
- **No Confidence Motion:** As per Article 75 of the Constitution, the council of ministers is collectively responsible to the Lok Sabha. Essentially, it means the ministry will remain in office as long as the majority of Lok Sabha members trust it. In other words, bypassing a no-confidence motion, the Lok Sabha can remove the ministry from office.
 - Opposition parties use it as a tool to put pressure on the government to hold a debate on issues of critical national importance.
- **Committees Surveillance:** Parliamentary committees are responsible for scrutinizing actions of the government. Since Parliament has limited time to discuss a legislation or issues, these committees provide a forum for detailed scrutiny and deliberations. Parliamentary standing committees examine: (i) Bills referred to them, (ii) demands for grant of ministries, or (iii) other subjects.
- **Scrutiny of Financial Business:** Parliament is responsible for scrutinising the finances of the Executive by approving the levy of taxes and expenditure of the government and examining if the approved expenditure has been spent properly. This scrutiny is undertaken during discussions: (i) on the general budget, (ii) on the department-wise demand for grants, and (iii) in parliamentary committees.
- **Question Hour:** During Question Hour, MPs may pose questions to ministers to hold the Executive accountable for implementing laws and policies. While for unstarred questions a written reply is given, starred questions require an oral answer to be given by the concerned minister. MPs are allowed to ask two follow-up questions to the minister based on his answer.

Conclusion

Parliament's oversight of the executive is essential for the smooth functioning of the Indian political system. The effectiveness of parliamentary control over the executive will be improved by steps such as improving the image of the parliament, improving the quality of its members, strengthening the committee system, etc.

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