

# The Lok Sabha

## Its Composition:

The Lok Sabha is Lower House of Indian Parliament. Article 81 of the constitution deals with the composition of this House. It had originally been provided that the Lok Sabha shall consist of not more than 500 members to be directly elected by the electorates from territorial constituencies of the states and not more than 25 members to be elected from the Union Territories.

It had also then been provided that each representative shall not represent less than 5 lakh or more than 7.5 lakh of population. But subsequently as the population increased, there were two alternatives open, namely, either to increase the size of the Lok Sabha or to end the restriction that each representative shall not represent more than 7.5 lakh of population.

In 1953, Second Constitution Amendment Act was passed by which population restriction was done away with.

Now according to Art. 81 of the constitution the House of the People shall consist of not more than 530 members chosen by direct election from territorial constituencies in the states and not more than 20 members to represent the Union Territories chosen in such manner as the Parliament may by law provide. At present membership of the Lok Sabha is 542.

It is also provided in the constitution in Article 81(2) that each state shall be allotted a number of seats in the Lok Sabha in such manner that the ratio between that number and the population of the state, in so far as possible shall be uniform for all the states.

In other words, for allocating number of seats the basis shall be uniform. Obviously in this arrangement the states which have more population shall have more seats, as compared with the states, which have less population.

In order to return the representatives each state shall be divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it, shall as far as possible, be the same throughout the state.

Since the whole arrangement is based on population it was provided that population meant the population as ascertained at the last preceding census of which the relevant figures had been published.

This provision was, however, amended by Forty-Second Constitution Amendment Act by which it was provided that the reference to this clause to the "last preceding census of which relevant figures have been published shall until the relevant figures for the first census taken after the year 2000 have been published", be construed as reference to 1971 census.

The Lok Sabha consists of representatives directly elected by the people, but Article 331 of the constitution provides that in case the President is of the opinion that Anglo-Indian community has not been adequately represented in the Lok Sabha he may nominate not more than two members of that community in the House.

There is no specific nomination of the members of scheduled castes and scheduled tribes, by the President in the Lok Sabha, but from certain constituencies, which are notified in advance by the

Election Commission, the members belonging to the scheduled castes and schedule tribes can only be returned. Thus, these castes and tribes get adequate and proper representation in the Lok Sabha.

Since in India census takes place after every decade and as a result of which population of the states increases necessitating adjustment of seats for the Lok Sabha and delimitation of constituencies, Article 82 of the constitution has, therefore, provided that upon the completion of each census the allocation of seats in the Lok Sabha to the states and division of each state into territorial constituencies shall be readjusted, provided that such readjustment shall have no effect on the representation in the House of the People until the dissolution of the existing House.

Forty-Second Constitution Amendment Act, however, added a provision by which it was provided that such readjustment shall take effect from such date as the President may, by order specify and until such readjustment takes effect, any election to the House may be held on the basis of territorial constituencies existing before such adjustment.

This Act has also provided that until relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the allocation of seats to the states in the Lok Sabha and also the division of each state into territorial constituencies.

Under the existing laws reservation of seats for the members of scheduled castes and scheduled tribes in the Lok Sabha would have come to an end by January 1980. Forty-Fifth Constitution Amendment Act extended this period by another ten years. The government headed by V.P. Singh decided to extend this period by another 10 years i.e., up to the year 2000 A.D.

Since in India there is population explosion, a point has been made out that in case the number of seats in the Lok Sabha is not considerably increased, elected and voter ratio will go on increasing and the Lok Sabha shall not be a true representative body of the people.

In 1971, the then Chief Election Commissioner suggested that the strength of the Lok Sabha should be increased from 545 to 570. According to him this will serve the double purpose. On the one hand the electorates will have more and better chances to contact their members whereas on the other hand the members of Parliament shall have reasonably medium size constituency.

But this argument was countered by Dr. Nagendra Singh, who said that the strength of the Lok Sabha should not be increased. He argued that whether the population of constituency was less or more did not in any way effect the touring of the member.

It is also argued that even if the population increases there is a marginal difference in so far as contact with the masses is concerned, because only few people personally contact Members of the Lok Sabha. But so far the position is that the size of the Lok Sabha has not been increased beyond 545.

### **Qualifications for Membership of Lok Sabha:**

Elections to the Lok Sabha are held on the basis of universal adult franchise in which every citizen of India is eligible to cast his/her vote without sex or property qualifications on the one hand and caste and educational qualifications on the other, provided one possesses the following qualifications:

- (a) He is citizen of India,
- (b) He is not less than 25 years of age,

- (c) He has resided in the constituency for a minimum period as prescribed by law,
- (d) He should not be of unsound mind,
- (e) He should not otherwise be disqualified to become a member of the Lok Sabha,
- (f) He should not hold any office of profit either in the central or in the service of state government,
- (g) He should subscribe that he owes allegiance to the Constitution of India and will uphold country's unity and integrity.

Article 102 of the constitution deals with disqualifications for membership of the Lok Sabha. Sub-clause (a) of this Article provides that a person shall become disqualified to hold membership of either House of Parliament if he holds an 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.

**A person will also disqualify himself of the membership of the House if:**

- (a) He is guilty of corrupt practices in election under Representation of People's Act.
- (b) If he is convicted of an offence resulting in imprisonment of two or more years.
- (c) He has failed to lodge an account for the election offences.
- (d) If he has an interest or share in the contract for supply of goods or any execution of any work or performance of a service to government.
- (e) If he is working as Director or Managing Agent or holding an office of profit in a corporation in which government has 25% shares.
- (f) If he has been dismissed from government service on the charges of corruption or disloyalty to the state.
- (g) If he is a person of unsound mind or a bankrupt declared by a court.
- (h) If he is an alien i.e., not a citizen of India.

This sub-clause of the constitution was amended by Forty-Second Constitution Amendment Act which provided that a person shall disqualify himself for membership provided he holds an office of profit under the Government of India or the State Government as is declared by Parliament by law to disqualify its holders.

In the words of Dr. Singh, "The object of the provision is to secure independence of Members of Parliament and to ensure that Parliament does not contain persons who have received favours or benefits from the executive and who, consequently, being under an obligation to the executive might be amenable to its influence."

The term 'office of profit' has not been defined anywhere in the constitution. But it is by and large accepted that office means a fixed office capable of yielding a profit or from which a person might reasonably be expected to make a profit, but the amount of profit is immaterial.

Article 103 of the constitution deals with authority which is to decide whether a person has disqualified himself/herself for the membership of the House or not.

This Article provides that the question shall be referred for the decision of the President and his decisions shall be final. It is also provided that before giving his decision the President shall obtain the opinion of Election Commission and shall act according to such opinion.

**Forty-Second Constitution Amendment Act modified this and provided that:**

If any questions arises:

(a) As to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (i) of Article 102 or

(b) As to whether a person, found guilty of corrupt practice at an election to a House of Parliament under any law made by Parliament, shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of a House of Legislature of a State, or as to the period for which he shall be so disqualified, or as to the removal of or the reduction of the period of, such disqualification, the question shall be referred for the decision of the President and his decision shall be final.

Before giving any such decision on any such question, the President shall consult Election Commission and the Election Commission may, for this purpose make such enquiry as it thinks fit.

But Forty-Fourth Constitution Amendment Act has again restored the original position and omitted the change made by Forty -Second Constitution Amendment Act in so far as this Article is concerned.

There can be no simultaneous membership. A person who is elected to the Lok Sabha. shall have to vacate his seat of either the Rajya Sabha or any state legislature, of which he might happen to be a member. His seat will be deemed to have become vacant as soon as he ceases to be Indian citizen or has incurred such other disqualification for the membership of the House, as may be prescribed by law.

He can resign his seat any time after writing a letter of resignation to the Speaker of the Lok Sabha. His seat in the House will be treated as vacant if he remains absent from the House continuously for 60 days without obtaining Speaker's permission or he has been found guilty of using corrupt practices in the election.

He will vacate his seat if he has been convicted by a court of law for any offence and sentenced to imprisonment by it for a period of not less than two years.

Under its Representation People's Act 1951, a member of the Lok Sabha shall be required to vacate his seat if he fails to send his election returns within specified period of time or when dismissed for disloyalty to the nation while in service or it has been established that he has interest in government contracts and uses his position to promote his commercial interests.

**Dissolution of the Lok Sabha:**

Article 83 of the constitution has fixed normal life of Lok Sabha at 5 year, unless of course the House is dissolved earlier by the President, when he is satisfied that it is not possible for the country to have a stable government with the present composition of the House or when the Prime Minister has advised the President to dissolve the House.

The House was dissolved on the advice of the Prime Minister before completion of its normal term in 1971 and 1977, whereas in 1979 it had to be dissolved because of instable political conditions. In

1989, Lok Sabha was dissolved in November of that year, whereas its normal term of 5 years was to end in January, 1990.

In 1991, elections for the Lok Sabha had again to be held because ninth Lok Sabha constituted hardly a year earlier had to be dissolved when V.P. Singh government resigned after remaining in power for about 1 year.

With Forty- Second Constitution Amendment Act normal life of the House was increased from 5 to 6 years and it was provided that the life of the then existing House will also stand increased to 6 years. But with the passing of Forty-Four Constitution Amendment Act, the life of the Lok Sabha, including that of the then existing House was reduced to 5 years.

In 1979, when the Lok Sabha was dissolved an unprecedented situation arose. In an Indian State, when the President is satisfied that state administration cannot be run in accordance with the provisions of the constitution, the House is dissolved and the state administration is run by the Governor, as the representative of the President.

In order to assist him some advisers are also appointed. But in 1979 Charan Singh, the then Prime Minister resigned without facing the Lok Sabha and President in turn dissolved the House.

In the constitution there being no provision of the appointing an adviser or such a situation having not arisen earlier a question that arose was who should run the country, till new Lok Sabha is convened. There is of course convention of a care-taker government at the centre, but that is for a very short period.

But in this care the period was sure to be long and the government saddled in authority was to get the elections conducted. The President decided to let Charan Singh and his government continue as care-taker government, till the time new government was installed. It was made clear that the government was not to take any policy decision.

**It evoked a lot of controversy in the political circles, particularly by the opposition on the following grounds:**

(a) How could a person run the government who has not faced the Lok Sabha for even a single day and resigned on the ground that he did not command the majority of the House?

(b) How could it be expected of such a government to arrange free and frank elections in the country, when fortunes of the Prime Minister and his party are at stake, particularly when the country's political situation is very fluid?

(c) Who was to decide what was a policy and non-policy decision and what were the guarantees that policy decisions taken by such a government shall be implemented? In fact, care-taker government took important policy decisions e.g., payment of bonus to railway and postal employees.

(d) What should be the duration of a care-taker government?

In 1989, when the then ruling party leader and Prime Minister Rajiv Gandhi resigned, he was asked by the President to continue as care taker Prime Minister. This time no eye brows were raised because elections for the ninth Lok Sabha has already been held and new government was to be formed within next few days.

On the advise of the Prime Minister, the President summons, prorogues as well as dissolves the Parliament, dissolution of course being in the case of the Lok Sabha alone. But according to Article

85 of the constitution 6 months shall not intervene between its last sitting in one session and date appointed for its first sitting in the next session.

In this connection it may be pointed out that prorogation is different from adjournment, because adjournment' does not end the session but suspends the sittings of the House, whereas proroguing is the act of terminating the parliamentary session. Then whereas the House adjourns with the decision of the House only, it is prorogued by President.

In India each budget session of Parliament begins with an address of the President, who in his budget speech outlines the policies and programmes of the government in the year to come. Such a speech is prepared by the government and at the end if no vote of thanks is passed by the Lok Sabha, for the President for his addressing the joint session, that means a vote of no-confidence against the government.

Article 86 of the Constitution provides that the President may address either or both the Houses of Parliament and can also send messages to either House of Parliament for considering Bill then pending lying with it. It is obligatory on the Part of the Parliament to consider such messages.

### **Powers and Functions of the Lok Sabha:**

#### **Legislative Functions:**

The Lok Sabha being the Lower House of the Parliament and consisting of directly elected representatives of the people has comparatively more powers than the Rajya Sabha which consists of indirectly elected or nominated members.

Both the money as well as non-money bills can be introduced in the Lok Sabha. Though non-money bills can also be introduced in the Rajya Sabha as well but money bills can be introduced only in the Lok Sabha. Whether a Bill is a money or non-money Bill, will be decided by the Speaker of the Lok Sabha, whose decision shall be final.

As already pointed out a money bill, when passed by the Lok Sabha, is sent to the Upper House – which must return it with or without comments within a period of 14 days. In case the Bill is not received back within this specified period, it is treated to have been passed.

In case the Bill is received with some modifications which are not accepted by the Lok Sabha, that need not be sent back to the Rajya Sabha but is sent direct to President for his approval. The procedure about non-money bills, where a joint sittings of both the Houses is to be called to settle the differences, but in money matters Lok Sabha has got absolute powers.

It is' the custodian of national purse and watch keeper of country's income and expenditure.

In this connection it may also be pointed out that India is over centralised federation and the Parliament has powers to enact laws on the subjects mentioned both in the central as well as concurrent lists. In addition, the Parliament is also empowered to legislate on the residuary subjects.

Several times the State Assemblies in India had to be dissolved because of breakdown of constitutional machinery. In such a situation administration of the state, for all practical purposes, during this period is taken over by the Parliament, which in effect means by the Lok Sabha.

#### **Executive Functions:**

Then comes control over the executive. Under the constitution the Council of Ministers is jointly and collectively responsible to the Lok Sabha. It can remain in position and authority only as long as it

enjoys the confidence of the majority of the House. As soon as the confidence is lost the Ministry is supposed to resign.

The Lok Sabha exercises this control in several ways. It keeps the Minister on his toes during the question hour, by raising half an hour discussion, by moving adjournment motions and criticising government's policies and programmes at the time of budget.

But difficult time for the government comes when opposition in the Lok Sabha moves a vote of no-confidence against the government. During the period when the motion of no-confidence is under discussion, the opposition launches frontal attack on the government on ground of failure of policies.

It badly criticises its policies and exposes its weaknesses, faults and faltering's. On its own side the government defends its policies and if at the end the motion is successfully carried the government is forced to resign.

In the history of Indian Parliament votes of no-confidence against the government have been moved several times, but it was only in 1979 when as a result of motion of no-confidence moved by leader of the opposition Y.B. Chavan, the then Desai Government resigned, though formally the motion was not put to vote.

Similarly in Chaudhry Charan Singh as Prime Minister did not face the Lok Sabha when he was sure that vote of no confidence against his government will be passed on the floor of the House.

### **Electoral Functions:**

The Lok Sabha has also electoral functions to perform. In the election of the President the Lok Sabha is an integral part of the electoral college, which is constituted to elect him.

Since the votes of the members of all the State Assemblies for the election of the President have been equated with those of the members of the Parliament therefore, the role of the Lok Sabha in the election process is very important and significant. Similarly, electoral functions of the Lok Sabha also came to focus, when it sits, in a joint sitting, with the members of the Rajya Sabha, for the election of the Vice-President of India.

### **Ventilating of Grievances:**

The Lok Sabha has the important function of removing and ventilating the grievances of the people. The members of the Lok Sabha are supposed to be in contact with their electorates. Several times the constituents individually or collectively approach MPs with their grievances and problems which the constituency in particular and the country in general faces.

It is function of Lok Sabha to express and discuss these on the floor of the House and force the government to face the situation realistically, rather than remaining in the air. Each Ministry has an informal consultative committee attached to it. It is in the meeting of these committees that the members discuss particular problems concerned with that Ministry.

**Other Functions :** Some other important functions of the Lok Sabha, of course, along with the Rajya Sabha are to amend the constitution as and when such a need and necessity arise.

It sits as a court of law when it discusses motion for the removal of judges of Supreme Court and High Courts or disposes of a motion of impeachment against the President of India. Its approval is

also needed for the removal of Vice-President of India and also that of proclamation of emergency made by the President.

Thus, the Lok Sabha has wide and vast functions to perform. It is, however, important duty of the members of this House to politically educate the people and make them conscious of their role and responsibility as citizens of India.

India enters into international treaties from time to time. These treaties cast certain obligations on the people of India. It is the responsibility of the Lok Sabha to take that adequate steps for discharging these obligations. The Lok Sabha can also legislate on a subject which though in the central or state list, but for which a request has been made to it by two or more states.

It enacts laws for the whole country when there is a national emergency. When the Rajya Sabha has passed a resolution that a particular subject may be transferred from state to the central or concurrent list, that empowers the Lok Sabha to legislate on that as well.

Along with the Rajya Sabha, the Lower House can amend the constitution. In fact, all important Constitutional Amendment Bills have so far been introduced in the Lok Sabha. It is after the approval of this House that these are sent to the Rajya Sabha for its approval.

Being custodian of national finances it controls Contingency Fund of India and can borrow money from foreign nations as well as. It empowers the Reserve Bank of India to raise loans from Indian public. Needless to say that this House decides about the taxes which should be levied and those already in force should be reduced or abolished.

The Lok Sabha being an independent House lays down rules of procedure for the conduct of its own business and decides about the way in which it shall see that work goes on unhindered.

### **Powers of the Parliament:**

Combined together both the Houses of Indian Parliament i.e., the Lok Sabha and the Rajya Sabha have thus vast powers. The Indian Parliament can admit into the Union any new state or area and can also change the boundaries of the existing states. In other words it can increase or decrease the area of any of the existing state.

It determines salaries and allowances of Ministers and public servants. It can extend its life by one year during the period of emergency but not exceeding 6 months in any case, after the emergency has ceased to operate.

It is also left to the Parliament to decide under what circumstances should a person or group of persons be detained for a period of more than 3 months.

Under Article 169 of the constitution it is provided that Parliament can abolish Legislative Council of a state or can create one, where it is already not in existence, provided a resolution to that effect is passed by the State Assembly concerned by a majority of not less than two-thirds of the members present and voting.

Under article 105 of the constitution it is the responsibility of the Parliament to define its powers, privileges and immunities until these are codified by law, these should be those which are available to the members of the House of Commons in England. Since at present these have not been codified these remain the same as are those of members of the House of Commons in England.

The Parliament can set up a High Court for any Union Territory and can also set up more additional courts or increase the strength of the judges of Supreme Court and High Courts, if it so feels that for proper administration of justice that is necessary. It can adjudicate on any dispute with respect to the use, control or distribution of waters or in any inter-state river valley dispute.

It decides about the qualifications of the members as well as manner in which Finance Commission should be appointed and the date on which it should start functioning. In the public interest the Parliament is fully empowered to impose restrictions on freedom of trade, or commerce between one state or another or within any part of the territory of India.

On the request of states concerned it can create joint Public Service Commissions and can also pass resolutions for the delimitation of constituencies and preparation of electoral rolls in a manner that constitution of Houses of Parliament becomes both easy as well as the Parliament becomes a more representative body.

It also decides for how long English should continue along with Hindi, in India, for official purposes. It is the responsibility of the Parliament to decide for how long special rights given to scheduled castes and scheduled tribes should be continued and which caste and tribe should be removed from or added to the schedule.

In this connection it may be pointed out that scheduling and de-scheduling is a very difficult problem, because those in the schedule, both as the members of scheduled castes and scheduled tribes, enjoy certain privileges, which are not enjoyed by other citizens of India. Thus, whereas it is the desire of many castes and tribes to join the schedules none is prepared to go out of that.

Powers of Parliament are enjoyed by both the Houses, i.e., both by the Lok Sabha and the Rajya Sabha, collectively. But as already pointed out the Upper House of Parliament is much weaker than the Lower House, particularly in financial matters on the one hand and in exercising effective control over the executive on the other.

But constitution makers did not wish that this House should be as weak as the House of Lords in England or as powerful as the Senate in the U.S.A. The framers of the constitution wanted that both the Houses should have co-equal powers, except in financial matters and as already said the Rajya Sabha has justified its existence fully well.

For the conduct of business the constitution has provided that for a meeting of either House of Parliament there shall be a quorum which shall be 1/10 of the total members of the House. In case there is no quorum at any stage, the presiding officer of the House may suspend the meeting till such time that there is a quorum.

Forty-Second Constitution Amendment Act omitted both these sub-clauses 3 and 4 of Article 100, which dealt with this issue, i.e., quorum of the House. But sub-clauses 3 and 4 of Article 100 have, however, again been restored.

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