

CUET · POLITICAL SCIENCE · CLASS XI · CODE 323

Legislature

CUET unit: Indian Constitution at Work — Legislature (Parliament and State Legislatures)

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Snapshot

- Chapter explains why a representative legislature is indispensable to democracy and why India chose a bicameral Parliament with the Rajya Sabha and Lok Sabha.
- It compares the composition, term, and bases of representation of the two Houses, and lays out the special and exclusive powers of each.
- It walks through the full law-making procedure — from drafting and committee study to passage in both Houses, joint session, and Presidential assent — distinguishing money bills from other bills.
- It details the instruments of parliamentary control over the executive (deliberation, question hour, financial control, no-confidence motion) and the role of parliamentary committees.
- It explains how Parliament regulates itself through presiding officers, parliamentary privilege, and the anti-defection law (52nd and 91st Amendments).

Detailed Notes

2.1 Core concepts

A legislature is "not merely a law-making body"; it is "the centre of all democratic political processes" and is "packed with action and drama." Even though contemporary executives are often described as the dominant branch — especially in countries with strong cabinets and presidents — every such executive must still retain a majority in the legislature and answer to it. Parliament is "the most representative organ"; it gives "the people of the country to choose their representatives"; and it is the body vested with the power "to choose and dismiss the government" — making it the very basis of representative democracy (NCERT §"Why Do We Need a Parliament?", p. 101).

The term '**Parliament**' refers to the national legislature; State-level bodies are called State Legislatures. A legislature with two Houses is called a **bicameral** legislature; in India the two Houses are the **Rajya Sabha (Council of States)** and the **Lok Sabha (House of the People)** (NCERT §"Why Do We Need Two Houses of Parliament?", p. 102). The Constitution gives the States the option of a unicameral or bicameral legislature; at present **only six States** have bicameral legislatures — **Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana and Uttar Pradesh** (NCERT p. 103). The

argument for bicameralism is that "countries with large size and much diversity usually prefer to have two houses of the national legislature to give representation to all sections" and to ensure "every decision that is taken by one house is reconsidered by another house" — a double check on every bill (NCERT pp. 103–104).

The **Rajya Sabha** is described as the Council of States and represents the States in Parliament. It is **indirectly elected**: representatives of each State are elected by the elected MLAs of that State's Legislative Assembly. Unlike the US Senate where each state has equal representation, the Indian Rajya Sabha allots seats by **population as per the Fourth Schedule** — Uttar Pradesh sends 31 members while small Sikkim sends just 1 (NCERT §"Rajya Sabha", pp. 104–105). Members of the Rajya Sabha serve a **six-year term**; one-third of members retire every two years, so the House is never fully dissolved — hence the **permanent House** description. Twelve members are **nominated by the President** from those distinguished in literature, science, art and social service (NCERT pp. 105–106).

The **Lok Sabha** is directly elected by universal adult suffrage from territorial constituencies of roughly equal population. There are at present **543 constituencies**, a number unchanged since the **1971 census**. The term of the Lok Sabha is a **maximum of five years** but it can be dissolved earlier; in an emergency the term may be extended for one year at a time, but not beyond six months after the emergency is over (NCERT §"Lok Sabha", p. 106).

The **functions of Parliament**: (i) **Legislative** — Parliament makes laws on subjects in the Union List and Concurrent List; (ii) **Control of the Executive and ensuring its accountability** — through the various instruments; (iii) **Financial** — controlling the budget, taxation, and expenditure; (iv) **Representation** — bringing diverse social and regional voices into the legislature; (v) **Debating** — the highest forum for discussing national issues; (vi) **Constituent** — Parliament has the power to amend the Constitution by special majority of both Houses; (vii) **Electoral** — both Houses participate in electing the President and Vice-President; (viii) **Judicial** — Parliament considers proposals for the removal of the President, Vice-President, and Supreme Court and High Court judges (NCERT §"What Does the Parliament Do?", pp. 107–109).

Powers of Rajya Sabha and Lok Sabha. The Rajya Sabha is given certain **special powers**: any proposal to legislate on a matter in the State List in the national interest requires a Rajya Sabha resolution; only the Rajya Sabha can initiate the procedure for the **removal of the Vice-President**; and only it can empower Parliament to legislate on State List subjects in certain situations (NCERT §"Powers of Rajya Sabha & Special Powers", pp. 109–110). The Lok Sabha exercises certain **exclusive powers**: the Rajya Sabha **cannot initiate, reject or amend** Money Bills; and the Council of Ministers is responsible only to the Lok Sabha, so the Rajya Sabha can criticise but not remove the government (NCERT §"Powers exercised only by the Lok Sabha", p. 110).

Law-making procedure (§"How Does the Parliament Make Laws?", pp. 111–114). Bills are classified by type — Government Bill (introduced by a minister) vs Private Member's

Bill (introduced by a non-minister); Money Bill vs Non-Money Bill; Ordinary Bill vs Constitution Amendment Bill. A bill is introduced in either House (in the case of non-money bills), referred to a committee, discussed clause-by-clause and voted upon; then sent to the other House; on disagreement a joint session may be called for non-money bills; finally, the President assents and the bill becomes law. A **Money Bill** is special — under **Article 109** it can be introduced **only in the Lok Sabha**; the Rajya Sabha can only suggest changes within **14 days**, and the Lok Sabha may or may not accept them; if Rajya Sabha takes no action within 14 days, the bill is deemed to have been passed (NCERT box, p. 114).

The **instruments of parliamentary control over the executive** (§"Instruments of Parliamentary Control", pp. 115–117): deliberation and discussion through **Question Hour**, **Zero Hour**, half-an-hour discussion, adjournment motion and other devices; approval or refusal of laws; financial control via the budget, the Comptroller and Auditor-General's report, and the Public Accounts Committee; and the **no-confidence motion** — the most powerful weapon — by which the Lok Sabha can dismiss the entire Council of Ministers. **Parliamentary privilege** protects members from action for anything said in the legislature; the presiding officer has final powers in matters of breach of privilege (NCERT p. 115).

Since 1983 India has had a system of departmentally related parliamentary standing committees (over twenty of them); these committees are "miniature legislatures" because they have membership from all parties in proportion to their strength. **Joint Parliamentary Committees (JPCs)** are formed for specific bills or to investigate financial irregularities — they have members from both Houses (NCERT §"What Do the Committees of Parliament Do?", pp. 118–119).

Parliament **regulates itself** (§"How Does the Parliament Regulate Itself?", pp. 120–121). The **presiding officers** (Speaker in the Lok Sabha, Chairman in the Rajya Sabha — the Vice-President) have powers to maintain order. The **Anti-Defection Law** was added by the **52nd Constitutional Amendment in 1985**, and was modified by the **91st Amendment**. The **presiding officer of the House decides defection cases**; a member found to have defected loses both House membership and eligibility for political office such as ministership. Defection means remaining absent when asked by the party to be present, voting against party instructions, or voluntarily leaving the party. The law has empowered party leaders and presiding officers but has not curbed defections (NCERT pp. 120–121).

2.2 Definitions to memorise

Term	Definition	Page
Parliament	The national legislature — bicameral, with Rajya Sabha and Lok Sabha.	102
Bicameral legislature	A legislature with two Houses.	102
Six bicameral States		103

Term	Definition	Page
	Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, Uttar Pradesh.	
Rajya Sabha	Council of States; indirectly elected House representing the States; permanent House.	104–106
Fourth Schedule	Allots Rajya Sabha seats to States in proportion to population.	105
Twelve nominated members	Nominated by the President from literature, science, art and social service.	106
Permanent House	Rajya Sabha — one-third of members retire every two years; never fully dissolved.	105–106
Lok Sabha	House of the People; directly elected by universal adult suffrage; max 5-year term.	106
543 constituencies	Number of Lok Sabha constituencies, unchanged since the 1971 census.	106
Article 109	Special procedure for Money Bills — they can be introduced only in the Lok Sabha.	114
Government Bill	A bill introduced by a minister.	112
Private Member's Bill	A bill introduced by a member who is not a minister.	112
Money Bill	A bill that can be introduced only in Lok Sabha; Rajya Sabha can only suggest amendments within 14 days.	113–114
Joint session	Held to resolve deadlock on a non-money bill — decision has historically favoured the Lok Sabha.	113–114
Question Hour	Daily session-hour in which ministers respond to questions from members.	115
Zero Hour	Time when members are free to raise any matter (ministers not bound to reply).	115
No-confidence motion	Motion by which Lok Sabha can dismiss the government; most powerful instrument of control.	117
Parliamentary privilege	Immunity protecting members from action for anything said in the legislature.	115
Public Accounts Committee	Committee that examines the Comptroller and Auditor-General's report for financial control.	116
Standing Committees	Departmentally related committees (over 20 since 1983) that supervise ministries, budgets and bills.	118
Joint Parliamentary Committee (JPC)	Committee with members from both Houses, set up for a specific bill or investigation.	118–119
Anti-defection law	52nd Amendment (1985), modified by 91st Amendment, disqualifying defecting legislators.	120

Term	Definition	Page
Presiding officer (defection)	Final authority on defection cases.	120
Defection	Remaining absent when asked by party to be present, voting against party instructions, or voluntarily leaving the party.	121

2.3 Diagrams / processes to remember

- **Flowchart of how a bill becomes law** (NCERT chart, p. 111): People's inputs → introduction in either House (for non-money bills) → committee study and report → detailed discussion → voting → sent to the other House → joint session if needed → President's assent → Law.
- **Types of Bills tree** (NCERT figure, p. 112): Government Bill / Private Member's Bill, branching into Money Bill / Non-Money Bill, with Non-Money Bill splitting into Ordinary Bill / Constitution Amendment Bill.
- **Comparative chart of Powers of Lok Sabha vs Powers of Rajya Sabha** (NCERT table, p. 109).
- **Article 109 box** (NCERT, p. 114) reproducing the special procedure for Money Bills — they cannot be introduced in the Council of States.
- **Process of removal of Vice-President**: initiated only by the Rajya Sabha, requires a resolution agreed to by the Lok Sabha.
- **Process of no-confidence motion**: any Lok Sabha member can move; if the motion is admitted by the Speaker, it is debated and voted on; if it carries, the entire Council of Ministers must resign.

2.4 Common confusions / NTA trap points

- **Six bicameral States** — students often substitute J&K, Madhya Pradesh or West Bengal; the correct list is AP, Bihar, Karnataka, Maharashtra, Telangana, Uttar Pradesh (p. 103).
- **Rajya Sabha seat allocation** is by population (Fourth Schedule), NOT equal per state as in the US Senate — a frequent trap (pp. 104–105).
- **Money bills can be introduced ONLY in Lok Sabha**; the Rajya Sabha cannot reject or amend them, only suggest changes within 14 days (pp. 113–114, Article 109).
- **Only the Rajya Sabha can initiate the procedure for removal of the Vice-President**; the Council of Ministers is responsible only to the Lok Sabha (pp. 109–110).
- **Anti-defection law** was inserted by the **52nd Amendment (1985)** and modified by the **91st Amendment** — NTA often swaps 42nd/44th/91st as distractors (p. 120).

- The number **543** of Lok Sabha constituencies has been fixed since the **1971 census**, not since 1951 or 1976 (p. 106).
- **One-third of Rajya Sabha members retire every two years** — distractor may say "every year" or "every three years" (p. 105).
- **12 members are nominated by the President** to the Rajya Sabha — not 14 or 10 (p. 106).
- **Standing Committees have existed since 1983** — distractor often gives 1952 or 1991 (p. 118).
- **Presiding officer (Speaker)** — not the Election Commission or Supreme Court — decides defection cases (p. 120).
- The Council of Ministers is responsible only to the **Lok Sabha** — NTA distractors say "both Houses" or "Rajya Sabha" (p. 110).
- **Joint sittings** are not available for Money Bills or Constitution Amendment Bills — only for ordinary non-money bills on which the two Houses disagree.

2.5 Key Articles / Amendments / Bodies table

#	Article / Amendment / Body	Subject	Page
1	Article 109	Money Bills can be introduced only in Lok Sabha	114
2	Fourth Schedule	Allots Rajya Sabha seats to States by population	105
3	52nd Amendment (1985)	Anti-defection law	120
4	91st Amendment	Modified the anti-defection law	120
5	Speaker (Lok Sabha)	Presiding officer with final power on defection cases	120
6	Chairman (Rajya Sabha)	Vice-President of India as ex-officio Chairman	110 (cross-ref)
7	Rajya Sabha — 6-year term, 1/3 retire every 2 years	Permanent House design	105–106
8	12 nominated members (Rajya Sabha)	Nominated by the President	106
9	543 Lok Sabha constituencies	Fixed since the 1971 census	106
10	Joint session	Held for non-money bills when the two Houses disagree — decision has always favoured Lok Sabha	113–114
11	No-confidence motion		117

#	Article / Amendment / Body	Subject	Page
		Most powerful instrument by which Lok Sabha can dismiss the government	
12	Public Accounts Committee	Financial control mechanism examining the CAG report	116
13	Standing Committees (since 1983)	Over twenty departmentally related committees; "miniature legislatures"	118
14	Joint Parliamentary Committee (JPC)	Members from both Houses; for specific bills or investigations	118–119
15	Removal of Vice-President	Procedure can be initiated only in the Rajya Sabha	110

Practice MCQs

PYQ Alignment

This chapter is a high-frequency CUET source: typically 5–7 MCQs per year, most often on Rajya Sabha vs Lok Sabha powers (especially money bills and removal of the Vice President), the law-making procedure (joint session, Article 109), bicameral States, parliamentary committees, and the anti-defection law (52nd/91st Amendments and the presiding officer's role). Match-the-following and assertion–reason items based on Question Hour vs Zero Hour and the no-confidence motion are also recurring patterns.