

Legislative Procedure in Parliament

- The legislative procedure is identical in both the Houses of Parliament. Every bill has to pass through the same stages in each House.
- A bill is a proposal for legislation and it becomes an act or law when duly enacted.
- Bills introduced in the Parliament are of two kinds: public bills and private bills (also known as government bills and private members' bills respectively).
 - Ordinary bills, which are concerned with any matter other than financial subjects.
 - Money bills, which are concerned with the financial matters like taxation, public expenditure, etc.
 - Financial bills, which are also concerned with financial matters (but are different from money bills).
 - Constitution amendment bills, which are concerned with the amendment of the provisions of the Constitution.

Ordinary Bills (Article 107)

- Every ordinary bill has to pass through the following five stages in the Parliament before it finds a place on the Statute Book:
 - **First Reading**
 - An ordinary bill can be introduced in either House of Parliament.
 - Such a bill can be introduced either by a minister or by any other member.
 - The member who wants to introduce the bill has to ask for the leave of the House.
 - When the House grants leave to introduce the bill, the mover of the bill introduces it by reading its title and objectives.
 - No discussion on the bill takes place at this stage.

- Later, the bill is published in the Gazette of India.
- If a bill is published in the Gazette before its introduction, leave of the House to introduce the bill is not necessary.
- The introduction of the bill and its publication in the Gazette constitute the first reading of the bill.
- **Second Reading**
 - During this stage, the bill receives not only the general but also the detailed scrutiny and assumes its final shape.
 - Hence, it forms the most important stage in the enactment of a bill.
 - In fact, this stage involves three more sub-stages, namely, stage of general discussion, committee stage and consideration stage.
- **Stage of General Discussion**
 - The printed copies of the bill are distributed to all the members.
 - The principles of the bill and its provisions are discussed generally, but the details of the bill are not discussed.
 - **At this stage, the House can take any one of the following four actions:**
 - It may take the bill into consideration immediately or on some other fixed date;
 - It may refer the bill to a select committee of the House;
 - It may refer the bill to a joint committee of the two Houses; and
 - It may circulate the bill to elicit public opinion.
 - A Select Committee consists of members of the House where the bill has originated and a joint committee consists of members of both the Houses of Parliament.
- **Committee Stage**
 - The usual practice is to refer the bill to a select committee of the House.
 - This committee examines the bill thoroughly and in detail, clause by clause.

- It can also amend its provisions, but without altering the principles underlying it.
- After completing the scrutiny and discussion, the committee reports the bill back to the House.
- **Consideration Stage**
 - The House, after receiving the bill from the select committee, considers the provisions of the bill clause by clause.
 - Each clause is discussed and voted upon separately.
 - The members can also move amendments and if accepted, they become part of the bill.
- **Third Reading**
 - At this stage, the debate is confined to the acceptance or rejection of the bill as a whole and no amendments are allowed, as the general principles underlying the bill have already been scrutinised during the stage of second reading.
 - If the majority of members present and voting accept the bill, the bill is regarded as passed by the House.
 - Thereafter, the bill is authenticated by the presiding officer of the House and transmitted to the second House for consideration and approval.
 - A bill is deemed to have been passed by the Parliament only when both the Houses have agreed to it, either with or without amendments.
- **Bill in the Second House**
 - In the second House also, the bill passes through all the three stages, that is, first reading, second reading and third reading.
 - There are four alternatives before this House:
 - It may pass the bill as sent by the first house (ie, without amendments);
 - It may pass the bill with amendments and return it to the first House for reconsideration;

- It may reject the bill altogether; and
- It may not take any action and thus keep the bill pending.
- If the second House passes the bill without any amendments or the first House accepts the amendments suggested by the second House, the bill is deemed to have been passed by both the Houses and the same is sent to the president for his assent.
- On the other hand, if the first House rejects the amendments suggested by the second House or the second House rejects the bill altogether or the second House does not take any action for six months, a deadlock is deemed to have taken place.
- To resolve such a deadlock, the president can summon a joint sitting of the two Houses.
- If the majority of members present and voting in the joint sitting approves the bill, the bill is deemed to have been passed by both the Houses.

Assent of the President (Article 111)

- Every bill after being passed by both Houses of Parliament either singly or at a joint sitting, is presented to the president for his assent.
- There are three alternatives before the president:
 - he may give his assent to the bill; or
 - he may withhold his assent to the bill; or
 - he may return the bill for reconsideration of the Houses.
 - If the president gives his assent to the bill, the bill becomes an act and is placed on the Statute Book.
- If the President withholds his assent to the bill, it ends and does not become an act.
- If the President returns the bill for reconsideration and if it is passed by both the Houses again with or without amendments and presented to the President for his assent, the president must give his assent to the bill.
- Thus, the President enjoys only a “suspensive veto.”

Money Bills (Article 110)

- Article 110 of the Constitution deals with the definition of money bills. It states that a bill is deemed to be a money bill if it contains ‘only’ provisions dealing with all or any of the following matters:
 - The imposition, abolition, remission, alteration or regulation of any tax;
 - The regulation of the borrowing of money by the Union government;
 - The custody of the Consolidated Fund of India or the contingency fund of India, the payment of moneys into or the withdrawal of money from any such fund;
 - The appropriation of money out of the Consolidated Fund of India;
 - Declaration of any expenditure charged on the Consolidated Fund of India or increasing the amount of any such expenditure;
 - The receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money, or the audit of the accounts of the Union or of a state; or
 - Any matter incidental to any of the matters specified above.

However, a bill is not to be deemed to be a money bill by reason only that it provides for:

- The imposition of fines or other pecuniary penalties,
- The demand or payment of fees for licenses or fees for services rendered
- The imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.
- If any question arises whether a bill is a money bill or not, the decision of the Speaker of the Lok Sabha is final.
- His decision in this regard cannot be questioned in any court of law or in the either House of Parliament or even the president.
- When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the president for assent, the Speaker endorses it as a money bill.

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- The Constitution lays down a special procedure for the passing of money bills in the Parliament.
- A money bill can only be introduced in the Lok Sabha and that too on the recommendation of the president.
- Every such bill is considered to be a government bill and can be introduced only by a minister.
- After a money bill is passed by the Lok Sabha, it is transmitted to the Rajya Sabha for its consideration.
- The Rajya Sabha has restricted powers with regard to a money bill. It cannot reject or amend a money bill.
- It can only make the recommendations.
- It must return the bill to the Lok Sabha within 14 days, wither with or without recommendations.
- The Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha.
- If the Lok Sabha accepts any recommendation, the bill is then deemed to have been passed by both the Houses in the modified form.
- If the Lok Sabha does not accept any recommendation, the bill is then deemed to have passed by both the Houses in the form originally passed by the Lok Sabha without any change.
- If the Rajya Sabha does not return the bill to the Lok Sabha within 14 days, the bill is deemed to have been passed by both the Houses in the form originally passed by the Lok Sabha.
- Thus, the Lok Sabha has more powers than Rajya Sabha with regard to a money bill.
- On the other hand, both the Houses have equal powers with regard to an ordinary bill.
- Finally, when a money bill is presented to the president, he may either give his assent to the bill or withhold his assent to the bill but cannot return the bill for reconsideration of the Houses.

- Normally, the president gives his assent to a money bill as it is introduced in the Parliament with his prior permission.

Financial Bills (Article 117):

- Financial bills are those bills that deal with fiscal matters, that is, revenue or expenditure.
- However, the Constitution uses the term ‘financial bill’ in a technical sense.

Financial bills are of three kinds:

- **Money bills—Article 110**
- **Financial bills (I)—Article 117 (1)**
- **Financial bills (II)—Article 117 (3)**
- This classification implies that money bills are simply a species of financial bills.
- Hence, all money bills are financial bills but all financial bills are not money bills.
- Only those financial bills are money bills which contain exclusively those matters which are mentioned in Article 110 of the Constitution.
- These are also certified by the Speaker of Lok Sabha as money bills.
- The financial bills (I) and (II), on the other hand, have been dealt with in Article 117 of the Constitution.
- **Financial Bills (I)** A financial bill (I) is a bill that contains not only any or all the matters mentioned in Article 110, but also other matters of general legislation.
- For instance, a bill that contains a borrowing clause, but does not exclusively deal with borrowing.
- In two respects, a financial bill (I) is similar to a money bill—(a) both of them can be introduced only in the Lok Sabha and not in the Rajya Sabha, and (b) both of them can be introduced only on the recommendation of the president. In all other respects, a financial bill (I) is governed by the same legislative procedure applicable to an ordinary bill.

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- Hence, it can be either rejected or amended by the Rajya Sabha (except that an amendment other than for reduction or abolition of a tax cannot be moved in either House without the recommendation of the president).
- In case of a disagreement between the two Houses over such a bill, the president can summon a joint sitting of the two Houses to resolve the deadlock.
- When the bill is presented to the President, he can either give his assent to the bill or withhold his assent to the bill or return the bill for reconsideration of the Houses.
- **Financial Bills (II)** A financial bill (II) contains provisions involving expenditure from the Consolidated Fund of India, but does not include any of the matters mentioned in Article 110.
- It is treated as an ordinary bill and in all respects, it is governed by the same legislative procedure which is applicable to an ordinary bill.
- The only special feature of this bill is that it cannot be passed by either House of Parliament unless the President has recommended to that House the consideration of the bill.
- Hence, financial bill (II) can be introduced in either House of Parliament and recommendation of the President is not necessary for its introduction.
- It can be either rejected or amended by either House of Parliament.
- In case of a disagreement between the two Houses over such a bill, the President can summon a joint sitting of the two Houses to resolve the deadlock.
- When the bill is presented to the President, he can either give his assent to the bill or withhold his assent to the bill or return the bill for reconsideration of the Houses.

Joint Sitting of Two Houses – Article - 108

- Joint sitting is an extraordinary machinery provided by the Constitution to resolve a deadlock between the two Houses over the passage of a bill.

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- A deadlock is deemed to have taken place under any one of the following three situations after a bill has been passed by one House and transmitted to the other House:
 - If the bill is rejected by the other House;
 - If the Houses have finally disagreed as to the amendments to be made in the bill; or
 - If more than six months have elapsed from the date of the receipt of the bill by the other House without the bill being passed by it.
- In the above three situations, the president can summon both the Houses to meet in a joint sitting for the purpose of deliberating and voting on the bill.
- It must be noted here that the provision of joint sitting is applicable to ordinary bills or financial bills only and not to money bills or Constitutional amendment bills.
- In the case of a money bill, the Lok Sabha has overriding powers, while a Constitutional amendment bill must be passed by each House separately.
- In reckoning the period of six months, no account can be taken of any period during which the other House (to which the bill has been sent) is prorogued or adjourned for more than four consecutive days.
- If the bill (under dispute) has already lapsed due to the dissolution of the Lok Sabha, no joint sitting can be summoned.
- But, the joint sitting can be held if the Lok Sabha is dissolved after the President has notified his intention to summon such a sitting (as the bill does not lapse in this case).
- After the President notifies his intention to summon a joint sitting of the two Houses, none of the Houses can proceed further with the bill.
- The Speaker of Lok Sabha presides over a joint sitting of the two Houses and the Deputy Speaker, in his absence.
- If the Deputy Speaker is also absent from a joint sitting, the Deputy Chairman of Rajya Sabha presides.
- If he is also absent, such other person as may be determined by the members present at the joint sitting, presides over the meeting.

- It is clear that the Chairman of Rajya Sabha does not preside over a joint sitting as he is not a member of either House of Parliament.
- The quorum to constitute a joint sitting is one-tenth of the total number of members of the two Houses.
- The joint sitting is governed by the Rules of Procedure of Lok Sabha and not of Rajya Sabha.
- If the bill in dispute is passed by a majority of the total number of members of both the Houses present and voting in the joint sitting, the bill is deemed to have been passed by both the Houses.
- Normally, the Lok Sabha with greater number wins the battle in a joint sitting.
- **The Constitution has specified that at a joint sitting, new amendments to the bill cannot be proposed except in two cases:**
 - Those amendments that have caused final disagreement between the Houses; and
 - Those amendments that might have become necessary due to the delay in the passage of the bill.
- Since 1950, the provision regarding the joint sitting of the two Houses has been invoked only thrice. The bills that have been passed at joint sittings are:
 - **Dowry Prohibition Bill, 1960.**
 - **Banking Service Commission (Repeal) Bill, 1977.**
 - **Prevention of Terrorism Bill, 2002.**

Budget in Parliament (Article 112):

- The Constitution refers to the budget as the ‘annual financial statement’ (Article 112).
- In other words, the term ‘budget’ has nowhere been used in the Constitution.
- It is the popular name for the ‘annual financial statement’ that has been dealt with in Article 112 of the Constitution.

- The budget is a statement of the estimated receipts and expenditure of the Government of India in a financial year, which begins on 1 April and ends on 31 March of the following year.
- **In addition to the estimates of receipts and expenditure, the budget contains certain other elements. Overall, the budget contains the following:**
 - Estimates of revenue and capital receipts;
 - Ways and means to raise the revenue;
 - Estimates of expenditure;
 - Details of the actual receipts and expenditure of the closing financial year and the reasons for any deficit or surplus in that year; and
 - Economic and financial policy of the coming year, that is, taxation proposals, prospects of revenue, spending programme and introduction of new schemes/projects.
- The Government of India has two budgets, namely, the Railway Budget and the General Budget.
- While the former consists of the estimates of receipts and expenditures of only the Ministry of Railways, the latter consists of the estimates of receipts and expenditure of all the ministries of the Government of India (except the railways).
- The Railway Budget was separated from the General Budget in 1921 on the recommendations of the Acworth Committee.
- The reasons or objectives of this separation are as follows:
 - To introduce flexibility in railway finance.
 - To facilitate a business approach to the railway policy.
 - To secure stability of the general revenues by providing an assured annual contribution from railway revenues.
 - To enable the railways to keep their profits for their own development (after paying a fixed annual contribution to the general revenues).
- In August 2016, the Central Government decided to merge the railway budget into the general budget.

- For this purpose, the Finance Ministry has constituted a five-member committee comprising the officials of both the Finance Ministry and the Railway Ministry to work out the modalities for the merger.
- This move to discard the age-old practice of a separate railway budget is part of Modi government's reform agenda.

Constitutional Provisions

The Constitution of India contains the following provisions with regard to the enactment of budget:

- The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of estimated receipts and expenditure of the Government of India for that year.
- No demand for a grant shall be made except on the recommendation of the President.
- No money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law (Article 114).
- No money bill imposing tax shall be introduced in the Parliament except on the recommendation of the President, and such a bill shall not be introduced in the Rajya Sabha.
- No tax shall be levied or collected except by authority of law.
- Parliament can reduce or abolish a tax but cannot increase it.
- The Constitution has also defined the relative roles or position of both the Houses of Parliament with regard to the enactment of the budget in the following way:
 - A money bill or finance bill dealing with taxation cannot be introduced in the Rajya Sabha—it must be introduced only in the Lok Sabha.
 - The Rajya Sabha has no power to vote on the demand for grants; it is the exclusive privilege of the Lok Sabha.
 - The Rajya Sabha should return the Money bill (or Finance bill) to the Lok Sabha within fourteen days. The Lok Sabha can either

accept or reject the recommendations made by Rajya Sabha in this regard.

- The estimates of expenditure embodied in the budget shall show separately the expenditure charged on the Consolidated Fund of India and the expenditure made from the Consolidated Fund of India.
- The budget shall distinguish expenditure on revenue account from other expenditure.
- The expenditure charged on the Consolidated Fund of India shall not be submitted to the vote of Parliament. However, it can be discussed by the Parliament.

Charged Expenditure

- The budget consists of two types of expenditure—the expenditure ‘charged’ upon the Consolidated Fund of India and the expenditure ‘made’ from the Consolidated Fund of India.
- The charged expenditure is non-votable by the Parliament, that is, it can only be discussed by the Parliament, while the other type has to be voted by the Parliament.
- The list of the charged expenditure is as follows:
 - Emoluments and allowances of the President and other expenditure relating to his office.
 - Salaries and allowances of the Chairman and the Deputy Chairman of the Rajya Sabha and the Speaker and the Deputy Speaker of the Lok Sabha.
 - Salaries, allowances and pensions of the judges of the Supreme Court.
 - Pensions of the judges of high courts.
 - Salary, allowances and pension of the Comptroller and Auditor General of India.
 - Salaries, allowances and pension of the chairman and members of the Union Public Service Commission.

- Administrative expenses of the Supreme Court, the office of the Comptroller and Auditor General of India and the Union Public Service Commission including the salaries, allowances and pensions of the persons serving in these offices.
- The debt charges for which the Government of India is liable, including interest, sinking fund charges and redemption charges and other expenditure relating to the raising of loans and the service and redemption of debt.
- Any sum required to satisfy any judgement, decree or award of any court or arbitral tribunal.
- Any other expenditure declared by the Parliament to be so charged.

Stages in Enactment

The budget goes through the following six stages in the Parliament:

- **Presentation of budget.**
- **General discussion.**
- **Scrutiny by departmental committees.**
- **Voting on demands for grants.**
- **Passing of appropriation bill.**
- **Passing of finance bill.**

Presentation of Budget

- The budget is presented in two parts— Railway Budget and General Budget. Both are governed by the same procedure.
- The introduction of Railway Budget precedes that of the General Budget.
- While the former is presented to the Lok Sabha by the railway minister in the third week of February, the latter is presented to the Lok Sabha by the finance minister on the last working day of February.
- The finance minister presents the General Budget with a speech known as the 'budget speech'.

- At the end of the speech in the Lok Sabha, the budget is laid before the Rajya Sabha, which can only discuss it and has no power to vote on the demands for grants.

General Discussion

- The general discussion on budget begins a few days after its presentation.
- It takes place in both the Houses of Parliament and lasts usually for three to four days.
- During this stage, the Lok Sabha can discuss the budget as a whole or on any question of principle involved therein but no cut motion can be moved nor can the budget be submitted to the vote of the House.
- The finance minister has a general right of reply at the end of the discussion.

Scrutiny by Departmental Committees

- After the general discussion on the budget is over, the Houses are adjourned for about three to four weeks.
- During this gap period, the 24 departmental standing committees of Parliament examine and discuss in detail the demands for grants of the concerned ministers and prepare reports on them.
- These reports are submitted to both the Houses of Parliament for consideration.
- The standing committee system established in 1993 (and expanded in 2004) makes parliamentary financial control over ministries much more detailed, close, in-depth and comprehensive.

Voting on Demands for Grants

- In the light of the reports of the departmental standing committees, the Lok Sabha takes up voting of demands for grants.
- The demands are presented ministry wise.
- A demand becomes a grant after it has been duly voted.
- Two points should be noted in this context.

- One, the voting of demands for grants is the exclusive privilege of the Lok Sabha, that is, the Rajya Sabha has no power of voting the demands.
- Second, the voting is confined to the votable part of the budget—the expenditure charged on the Consolidated Fund of India is not submitted to the vote (it can only be discussed).
- While the General Budget has a total of 109 demands (103 for civil expenditure and 6 for defence expenditure), the Railway Budget has 32 demands.
- Each demand is voted separately by the Lok Sabha.
- During this stage, the members of Parliament can discuss the details of the budget.
- They can also move motions to reduce any demand for grant.
- Such motions are called as ‘cut motion’, which are of three kinds:
 - Policy Cut Motion It represents the disapproval of the policy underlying the demand.
 - It states that the amount of the demand be reduced to Re 1.
 - The members can also advocate an alternative policy.

Economy Cut Motion

- It represents the economy that can be affected in the proposed expenditure.
- It states that the amount of the demand be reduced by a specified amount (which may be either a lumpsum reduction in the demand or Commission or reduction of an item in the demand).

Token Cut Motion

- It ventilates a specific grievance that is within the sphere of responsibility of the Government of India.
- It states that the amount of the demand be reduced by Rs 100.

A cut motion, to be admissible, must satisfy the following conditions:

- It should relate to one demand only.

- It should be clearly expressed and should not contain arguments or defamatory statements.
- It should be confined to one specific matter.
- It should not make suggestions for the amendment or repeal of existing laws.
- It should not refer to a matter that is not primarily the concern of Union government.
- It should not relate to the expenditure charged on the Consolidated Fund of India.
- It should not relate to a matter that is under adjudication by a court.
- It should not raise a question of privilege.
- It should not revive discussion on a matter on which a decision has been taken in the same session.
- It should not relate to a trivial matter.
- **The significance of a cut motion lies in:** facilitating the initiation of concentrated discussion on a specific demand for grant; and
- Upholding the principle of responsible government by probing the activities of the government.
- However, the cut motion do not have much utility in practice.
- They are only moved and discussed in the House but not passed as the government enjoys majority support.
- Their passage by the Lok Sabha amounts to the expressions of want of parliamentary confidence in the government and may lead to its resignation.
- In total, 26 days are allotted for the voting of demands.
- On the last day the Speaker puts all the remaining demands to vote and disposes them whether they have been discussed by the members or not.
- This is known as ‘guillotine’.

Passing of Appropriation Bill

- The Constitution states that ‘no money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law’.

- Accordingly, an appropriation bill is introduced to provide for the appropriation, out of the Consolidated Fund of India, all money required to meet:
 - The grants voted by the Lok Sabha.
 - The expenditure charged on the Consolidated Fund of India.
- No such amendment can be proposed to the appropriation bill in either house of the Parliament that will have the effect of varying the amount or altering the destination of any grant voted, or of varying the amount of any expenditure charged on the Consolidated Fund of India.
- The Appropriation Bill becomes the Appropriation Act after it is assented to by the President.
- This act authorises (or legalises) the payments from the Consolidated Fund of India.
- This means that the government cannot withdraw money from the Consolidated Fund of India till the enactment of the appropriation bill.
- This takes time and usually goes on till the end of April. But the government needs money to carry on its normal activities after 31 March (the end of the financial year).
- To overcome this functional difficulty, the Constitution has authorised the Lok Sabha to make any grant in advance in respect to the estimated expenditure for a part of the financial year, pending the completion of the voting of the demands for grants and the enactment of the appropriation bill.
- This provision is known as the ‘vote on account’.
- It is passed (or granted) after the general discussion on budget is over.
- It is generally granted for two months for an amount equivalent to one-sixth of the total estimation.

Passing of Finance Bill

- The Finance Bill is introduced to give effect to the financial proposals of the Government of India for the following year.

- It is subjected to all the conditions applicable to a Money Bill. Unlike the Appropriation Bill, the amendments (seeking to reject or reduce a tax) can be moved in the case of finance bill.
- According to the Provisional Collection of Taxes Act of 1931, the Finance Bill must be enacted (i.e., passed by the Parliament and assented to by the president) within 75 days.
- The Finance Act legalises the income side of the budget and completes the process of the enactment of the budget.

Other Grants

- In addition to the budget that contains the ordinary estimates of income and expenditure for one financial year, various other grants are made by the **Parliament under extraordinary or special circumstances:**

Supplementary Grant

- It is granted when the amount authorised by the Parliament through the appropriation act for a particular service for the current financial year is found to be insufficient for that year.

Additional Grant

- It is granted when a need has arisen during the current financial year for additional expenditure upon some new service not contemplated in the budget for that year.

Excess Grant

- It is granted when money has been spent on any service during a financial year in excess of the amount granted for that service in the budget for that year. It is voted by the Lok Sabha after the financial year.
- Before the demands for excess grants are submitted to the Lok Sabha for voting, they must be approved by the Public Accounts Committee of Parliament.

Vote of Credit

- It is granted for meeting an unexpected demand upon the resources of India, when on account of the magnitude or the indefinite character of the service, the demand cannot be stated with the details ordinarily given in a budget.
- Hence, it is like a blank cheque given to the Executive by the Lok Sabha.

Exceptional Grant

- It is granted for a special purpose and forms no part of the current service of any financial year.

Token Grant

- It is granted when funds to meet the proposed expenditure on a new service can be made available by reappropriation.
- A demand for the grant of a token sum (of Re 1) is submitted to the vote of the Lok Sabha and if assented, funds are made available.
- Reappropriation involves transfer of funds from one head to another.
- It does not involve any additional expenditure.
- Supplementary, additional, excess and exceptional grants and vote of credit are regulated by the same procedure which is applicable in the case of a regular budget.

Funds:

The Constitution of India provides for the following three kinds of funds for the Central government:

- Consolidated Fund of India (Article 266)
- Public Account of India (Article 266)
- Contingency Fund of India (Article 267)

Consolidated Fund of India

- It is a fund to which all receipts are credited and all payments are debited. In other words,
- All revenues received by the Government of India;
- All loans raised by the Government by the issue of treasury bills, loans or ways and means of advances; and
- All money received by the government in repayment of loans forms the Consolidated Fund of India.
- All the legally authorised payments on behalf of the Government of India are made out of this fund.
- No money out of this fund can be appropriated (issued or drawn) except in accordance with a parliamentary law.

Public Account of India

- All other public money (other than those which are credited to the Consolidated Fund of India) received by or on behalf of the Government of India shall be credited to the Public Account of India.
- This includes provident fund deposits, judicial deposits, savings bank deposits, departmental deposits, remittances and so on.
- This account is operated by executive action, that is, the payments from this account can be made without parliamentary appropriation.
- Such payments are mostly in the nature of banking transactions.

Contingency Fund of India

- The Constitution authorised the Parliament to establish a 'Contingency Fund of India', into which amounts determined by law are paid from time to time.
- Accordingly, the Parliament enacted the contingency fund of India Act in 1950.
- This fund is placed at the disposal of the president, and he can make advances out of it to meet unforeseen expenditure pending its authorisation by the Parliament.

- The fund is held by the finance secretary on behalf of the president.
- Like the public account of India, it is also operated by executive action.

Multifunctional Role of Parliament:

- In the ‘Indian politico-administrative system’, the Parliament occupies a central position and has a multifunctional role.
- It enjoys extensive powers and performs a variety of functions towards the fulfilment of its constitutionally expected role.
- Its powers and functions can be classified under the following heads:
 - **Legislative Powers and Functions**
 - **Executive Powers and Functions**
 - **Financial Powers and Functions**
 - **Constituent Powers and Functions**
 - **Judicial Powers and Functions**
 - **Electoral Powers and Functions**
 - **Other powers and functions.**

Legislative Powers and Functions

- The primary function of Parliament is to make laws for the governance of the country.
- It has exclusive power to make laws on the subjects enumerated in the Union List (which at present has 100 subjects, originally 97 subjects) and on the residuary subjects (that is, subjects not enumerated in any of the three lists).
- With regard to Concurrent List (which has at present 52 subjects, originally 47 subjects), the Parliament has overriding powers, that is, the law of Parliament prevails over the law of the state legislature in case of a conflict between the two.
- The Constitution also empowers the Parliament to make laws on the subjects enumerated in the State List (which at present has 61 subjects, originally 66 subjects) under the following five abnormal circumstances:
 - When Rajya Sabha passes a resolution to that effect.

- When a proclamation of National Emergency is in operation.
- When two or more states make a joint request to the Parliament.
- When necessary to give effect to international agreements, treaties and conventions.
- When President's Rule is in operation in the state. All the ordinances issued by the president (during the recess of the Parliament) must be approved by the Parliament within six weeks after its reassembly.
- An ordinance becomes inoperative if it is not approved by the parliament within that period.
- The Parliament makes laws in a skeleton form and authorises the Executive to make detailed rules and regulations within the framework of the parent law.
- This is known as delegated legislation or executive legislation or subordinate legislation.
- Such rules and regulations are placed before the Parliament for its examination.

Executive Powers and Functions

- The Constitution of India established a parliamentary form of government in which the Executive is responsible to the Parliament for its policies and acts.
- Hence, the Parliament exercises control over the Executive through question hour, zero hour, half-an-hour discussion, short duration discussion, calling attention motion, adjournment motion, no-confidence motion, censure motion and other discussions.
- It also supervises the activities of the Executive with the help of its committees like committee on government assurance, committee on subordinate legislation, committee on petitions, etc.
- The ministers are collectively responsible to the Parliament in general and to the Lok Sabha in particular.

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- As a part of collective responsibility, there is individual responsibility, that is, each minister is individually responsible for the efficient administration of the ministry under his charge.
- This means that they continue in office so long as they enjoy the confidence of the majority members in the Lok Sabha.
- In other words, the council of ministers can be removed from office by the Lok Sabha by passing a no-confidence motion.
- The Lok Sabha can also express lack of confidence in the government in the following ways:
 - By not passing a motion of thanks on the President’s inaugural address.
 - By rejecting a money bill.
 - By passing a censure motion or an adjournment motion.
 - By defeating the government on a vital issue.
 - By passing a cut motion.
- Therefore, “the first function of Parliament can be said to be to select the group which is to form the government, support and sustain it in power so long as it enjoys its confidence, and to expel it when it ceases to do so, and leave it to the people to decide at the next general election.”

Financial Powers and Functions

- No tax can be levied or collected and no expenditure can be incurred by the Executive except under the authority and with the approval of Parliament.
- Hence, the budget is placed before the Parliament for its approval.
- The enactment of the budget by the Parliament legalises the receipts and expenditure of the government for the ensuing financial year.
- The Parliament also scrutinises government spending and financial performance with the help of its financial committees.
- These include public accounts committee, estimates committee and committee on public undertakings.

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- They bring out the cases of illegal, irregular, unauthorised, improper usage and wastage and extravagance in public expenditure.
- Therefore, the parliamentary control over the Executive in financial matters operates in two stages:
 - **Budgetary control**, that is, control before the appropriation of grants through the enactment of the budget; and
 - **Post-budgetary control**, that is, control after the appropriation of grants through the three financial committees.
- The budget is based on the principle of annularity, that is, the Parliament grants money to the government for one financial year.
- If the granted money is not spent by the end of the financial year, then the balance expires and returns to the Consolidated Fund of India.
- This practice is known as the ‘rule of lapse’.
- It facilitates effective financial control by the Parliament as no reserve funds can be built without its authorisation.
- However, the observance of this rule leads to heavy rush of expenditure towards the close of the financial year.
- This is popularly called as ‘March Rush’.

Constituent Powers and Functions

- The Parliament is vested with the powers to amend the Constitution by way of addition, variation or repeal of any provision.
- The major part of the Constitution can be amended by the Parliament with special majority, that is, a majority (that is, more than 50 per cent) of the total membership of each House and a majority of not less than two-thirds of the members present and voting in each House.
- Some other provisions of the Constitution can be amended by the Parliament with simple majority, that is, a majority of the members present and voting in each House of Parliament.

- Only a few provisions of the Constitution can be amended by the Parliament (by special majority) and with the consent of at least half of the state Legislatures (by simple majority).
- However, the power to initiate the process of the amendment of the Constitution (in all the three cases) lies exclusively in the hands of the Parliament and not the state legislature.
- There is only one exception, that is, the state legislature can pass a resolution requesting the Parliament for the creation or abolition of the legislative council in the state.
- Based on the resolution, the Parliament makes an act for amending the Constitution to that effect.
- To sum up, the Parliament can amend the Constitution in three ways:
 - **By simple majority;**
 - **By special majority; and**
 - **By special majority** but with the consent of half of all the state legislatures.
- The constituent power of the Parliament is not unlimited; it is subject to the 'basic structure' of the Constitution.
- In others words, the Parliament can amend any provision of the Constitution except the 'basic features' of the Constitution.
- This was ruled by the Supreme Court in the Kesavananda Bharati case (1973) and reaffirmed in the Minerva Mills case (1980).

Judicial Powers and Functions

- The judicial powers and functions of the Parliament include the following:
 - It can impeach the President for the violation of the Constitution.
 - It can remove the Vice-President from his office.
 - It can recommend the removal of judges (including chief justice) of the Supreme Court and the high courts, chief election commissioner, comptroller and auditor general to the president.
 - It can punish its members or outsiders for the breach of its privileges or its contempt.

Electoral Powers and Functions

- The Parliament participates in the election of the President (along with the state legislative assemblies) and elects the Vice-President.
- The Lok Sabha elects its Speaker and Deputy Speaker, while the Rajya Sabha elects its Deputy Chairman.
- The Parliament is also authorised to make laws to regulate the elections to the offices of President and Vice-President, to both the Houses of Parliament and to both the Houses of state legislature.
- Accordingly, Parliament enacted the Presidential and Vice-Presidential Election Act (1952), the Representation of People Act (1950), the Representation of People Act (1951), etc.

Other Powers and Functions

The various other powers and functions of the Parliament include:

- It serves as the highest deliberative body in the country.
- It discusses various issues of national and international significance.
- It approves all the three types of emergencies (national, state and financial) proclaimed by the President.
- It can create or abolish the state legislative councils on the recommendation of the concerned state legislative assemblies.
- It can increase or decrease the area, alter the boundaries and change the names of states of the Indian Union.
- It can regulate the organisation and jurisdiction of the Supreme Court and high courts and can establish a common high court for two or more states.

Ineffectiveness of parliamentary Control:

- The parliamentary control over government and administration in India is more theoretical than practical.
- In reality, the control is not as effective as it ought to be.
- The following factors are responsible for this:

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- The Parliament has neither time nor expertise to control the administration which has grown in volume as well as complexity.
- Parliament's financial control is hindered by the technical nature of the demands for grants.
- The parliamentarians being laymen cannot understand them properly and fully.
- The legislative leadership lies with the Executive and it plays a significant role in formulating policies.
- The very size of the Parliament is too large and unmanageable to be effective.
- The majority support enjoyed by the Executive in the Parliament reduces the possibility of effective criticism.
- The financial committees like Public Accounts Committee examines the public expenditure after it has been incurred by the Executive.
- Thus, they do post mortem work.
- The increased recourse to 'guillotine' reduced the scope of financial control.
- The growth of 'delegated legislation' has reduced the role of Parliament in making detailed laws and has increased the powers of bureaucracy.
- The frequent promulgation of ordinances by the president dilutes the Parliament's power of legislation.
- The Parliament's control is sporadic, general and mostly political in nature.
- Lack of strong and steady opposition in the Parliament, and a setback in the parliamentary behaviour and ethics, have also contributed to the ineffectiveness of legislative control over administration in India.

Position of Rajya Sabha

The Constitutional position of the Rajya Sabha (as compared with the Lok Sabha) can be studied from three angles:

- Where Rajya Sabha is equal to Lok Sabha.

- Where Rajya Sabha is unequal to Lok Sabha.
- Where Rajya Sabha has special powers that are not at all shared with the Lok Sabha.

Equal Status with Lok Sabha

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

- Introduction and passage of ordinary bills.
- Introduction and passage of Constitutional amendment bills.
- Introduction and passage of financial bills involving expenditure from the Consolidated Fund of India.
- Election and impeachment of the president.
- Election and removal of the Vice-President.
- However, Rajya Sabha alone can initiate the removal of the vice-president.
- He is removed by a resolution passed by the Rajya Sabha by a special majority and agreed to by the Lok Sabha by a simple majority.
- Making recommendation to the President for the removal of Chief Justice and judges of Supreme Court and high courts, chief election commissioner and comptroller and auditor general.
- Approval of ordinances issued by the President.
- Approval of proclamation of all three types of emergencies by the President.
- Selection of ministers including the Prime Minister.
- Under the Constitution, the ministers including the Prime Minister can be members of either House.
- However, irrespective of their membership, they are responsible only to the Lok Sabha.
- Consideration of the reports of the constitutional bodies like Finance Commission, Union Public Service Commission, comptroller and auditor general, etc.

- Enlargement of the jurisdiction of the Supreme Court and the Union Public Service Commission.

Unequal Status with Lok Sabha

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

- 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.
- The Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha.
- In both the cases, the money bill is deemed to have been passed by the two Houses.
- 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 the Houses have equal powers.
- The final power to decide whether a particular bill is a Money Bill or not is vested in the Speaker of the Lok Sabha.
- The Speaker of Lok Sabha presides over the joint sitting of both the Houses.
- The Lok Sabha with greater number wins the battle in a joint sitting except when the combined strength of the ruling party in both the Houses is less than that of the opposition parties.
- Rajya Sabha can only discuss the budget but cannot vote on the demands for grants (which is the exclusive privilege of the Lok Sabha).
- A resolution for the discontinuance of the national emergency can be passed only by the Lok Sabha and not by the Rajya Sabha.
- The Rajya Sabha cannot remove the council of ministers by passing a no-confidence motion.

- This is because the Council of ministers is collectively responsible only to the Lok Sabha.
- But, the Rajya Sabha can discuss and criticise the policies and activities of the government.

Special Powers of Rajya Sabha

Due to its federal character, the Rajya Sabha has been given two exclusive or special powers that are not enjoyed by the Lok Sabha:

- **It can authorise the Parliament to make a law on a subject enumerated in the State List (Article 249).**
- **It can authorise the Parliament to create new All-India Services common to both the Centre and states (Article 312).**
- An analysis of the above points makes it clear that the position of the Rajya Sabha in our constitutional system is not as weak as that of the House of Lords in the British constitutional system nor as strong as that of the Senate in the American constitutional system.
- Except in financial matters and control over the council of ministers, the powers and status of the Rajya Sabha in all other spheres are broadly equal and coordinate with that of the Lok Sabha.
- Even though the Rajya Sabha has been given less powers as compared with the Lok Sabha, its utility is supported on the following grounds:
 - It checks hasty, defective, careless and ill-considered legislation made by the Lok Sabha by making provision of revision and thought.
 - It facilitates giving representation to eminent professionals and experts who cannot face the direct election.
 - The President nominates 12 such persons to the Rajya Sabha.
 - It maintains the federal equilibrium by protecting the interests of the states against the undue interference of the Centre.

Parliamentary Privileges:

Meaning:

- Parliamentary privileges are special rights, immunities and exemptions enjoyed by the two Houses of Parliament, their committees and their members.
- They are necessary in order to secure the independence and effectiveness of their actions.
- Without these privileges, the Houses can neither maintain their authority, dignity and honour nor can protect their members from any obstruction in the discharge of their parliamentary responsibilities.
- The Constitution has also extended the parliamentary privileges to those persons who are entitled to speak and take part in the proceedings of a House of Parliament or any of its committees.
- These include the attorney general of India and Union ministers.
- It must be clarified here that the parliamentary privileges do not extend to the president who is also an integral part of the Parliament.
- Classification Parliamentary privileges can be classified into two broad categories:
 - Those that are enjoyed by each House of Parliament collectively, and
 - Those that are enjoyed by the members individually.

Collective Privileges:

- The privileges belonging to each House of Parliament collectively are:
 - It has the right to publish its reports, debates and proceedings and also the right to prohibit others from publishing the same.
 - The 44th Amendment Act of 1978 restored the freedom of the press to publish true reports of parliamentary proceedings without prior permission of the House. But this is not applicable in the case of a secret sitting of the House.
 - It can exclude strangers from its proceedings and hold secret sittings to discuss some important matters.

- It can make rules to regulate its own procedure and the conduct of its business and to adjudicate upon such matters.
- It can punish members as well as outsiders for breach of its privileges or its contempt by reprimand, admonition or imprisonment (also suspension or expulsion, in case of members).
- It has the right to receive immediate information of the arrest, detention, conviction, imprisonment and release of a member.
- It can institute inquiries and order the attendance of witnesses and send for relevant papers and records.
- The courts are prohibited to inquire into the proceedings of a House or its committees.
- No person (either a member or outsider) can be arrested, and no legal process (civil or criminal) can be served within the precincts of the House without the permission of the presiding officer.

Individual Privileges

The privileges belonging to the members individually are:

- They cannot be arrested during the session of Parliament and 40 days before the beginning and 40 days after the end of a session.
- This privilege is available only in civil cases and not in criminal cases or preventive detention cases.
- They have freedom of speech in Parliament.
- No member is liable to any proceedings in any court for anything said or any vote given by him in Parliament or its committees.
- This freedom is subject to the provisions of the Constitution and to the rules and standing orders regulating the procedure of Parliament.
- They are exempted from jury service.
- They can refuse to give evidence and appear as a witness in a case pending in a court when Parliament is in session.

Breach of Privilege and Contempt of the House

- “When any individual or authority disregards or attacks any of the privileges, rights and immunities, either of the member individually or of the House in its collective capacity, the offence is termed as breach of privilege and is punishable by the House.”
- Any act or omission which obstructs a House of Parliament, its member or its officer in the performance of their functions or which has a tendency, directly or indirectly to produce results against the dignity, authority and honour of the House is treated as a contempt of the House.
- Though the two phrases, ‘breach of privilege’ and ‘contempt of the House’ are used interchangeably, they have different implications.
- ‘Normally, a breach of privilege may amount to contempt of the House.
- Likewise, contempt of the House may include a breach of privilege also.
- Contempt of the House, however, has wider implications. There may be a contempt of the House without specifically committing a breach of privilege’.
- Similarly, ‘actions which are not breaches of any specific privilege but are offences against the dignity and authority of the House amount to contempt of the House’.
- For example, disobedience to a legitimate order of the House is not a breach of privilege, but can be punished as contempt of the House.

Sources of Privileges

- Originally, the Constitution (Article 105) expressly mentioned two privileges, that is, freedom of speech in Parliament and right of publication of its proceedings.
- With regard to other privileges, it provided that they were to be the same as those of the British House of Commons, its committees and its members on the date of its commencement (ie, 26 January, 1950), until defined by Parliament.

- The 44th Amendment Act of 1978 provided that the other privileges of each House of Parliament, its committees and its members are to be those which they had on the date of its commencement (ie, 20 June, 1979), until defined by Parliament.
- This means that the position with regard to other privileges remains same.
- In other words, the amendment has made only verbal changes by dropping a direct reference to the British House of Commons, without making any change in the implication of the provision.
- It should be noted here that the Parliament, till now, has not made any special law to exhaustively codify all the privileges.
- They are based on five sources, namely,
 - Constitutional provisions,
 - Various laws made by Parliament,
 - Rules of both the Houses,
 - Parliamentary conventions, and
 - Judicial interpretations.

Sovereignty of Parliament:

- The doctrine of ‘sovereignty of Parliament’ is associated with the British Parliament.
- Sovereignty means the supreme power within the State.
- That supreme power in Great Britain lies with the Parliament.
- There are no ‘legal’ restrictions on its authority and jurisdiction.
- Therefore, the sovereignty of Parliament (parliamentary supremacy) is a cardinal feature of the British constitutional system.
- According to AV Dicey, the British jurist, this principle has three implications:
 - The Parliament can make, amend, substitute or repeal any law. De Lolme, a British political analyst, said, ‘The British Parliament can do everything except make a woman a man and a man a woman’.

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- The Parliament can make constitutional laws by the same procedure as ordinary laws.
- In other words, there is no legal distinction between the constituent authority and the legislative authority of the British Parliament.
- The Parliamentary laws cannot be declared invalid by the Judiciary as being unconstitutional.
- In other words, there is no system of judicial review in Britain.
- The Indian Parliament, on the other hand, cannot be regarded as a sovereign body in the similar sense as there are ‘legal’ restrictions on its authority and jurisdiction.
- The factors that limit the sovereignty of Indian Parliament are:

Written Nature of the Constitution:

- The Constitution is the fundamental law of the land in our country.
- It has defined the authority and jurisdiction of all the three organs of the Union government and the nature of interrelationship between them.
- Hence, the Parliament has to operate within the limits prescribed by the Constitution.
- There is also a legal distinction between the legislative authority and the constituent authority of the Parliament.
- Moreover, to effect certain amendments to the Constitution, the ratification of half of the states is also required.
- In Britain, on the other hand, the Constitution is neither written nor there is anything like a fundamental law of the land.

Federal System of Government:

- India has a federal system of government with a constitutional division of powers between the Union and the states.
- Both have to operate within the spheres allotted to them.
- Hence, the law-making authority of the Parliament gets confined to the subjects enumerated in the Union List and Concurrent List and does not

extend to the subjects enumerated in the State List (except in five abnormal circumstances and that too for a short period).

- Britain, on the other hand, has a unitary system of government and hence, all the powers are vested in the Centre.

System of Judicial Review

- The adoption of an independent Judiciary with the power of judicial review also restricts the supremacy of our Parliament.
- Both the Supreme Court and high courts can declare the laws enacted by the Parliament as void and ultra vires (unconstitutional), if they contravene any provision of the Constitution.
- On the other hand, there is no system of judicial review in Britain.
- The British Courts have to apply the Parliamentary laws to specific cases, without examining their constitutionality, legality or reasonableness.

Fundamental Rights

- The authority of the Parliament is also restricted by the incorporation of a code of justiciable fundamental rights under Part III of the Constitution.
- Article 13 prohibits the State from making a law that either takes away totally or abrogates in part a fundamental right.
- Hence, a Parliamentary law that contravenes the fundamental rights shall be void.
- In Britain, on the other hand, there is no codification of justiciable fundamental rights in the Constitution.
- The British Parliament has also not made any law that lays down the fundamental rights of the citizens.
- However, it does not mean that the British citizens do not have rights.
- Though there is no charter guaranteeing rights, there is maximum liberty in Britain due to the existence of the Rule of Law.

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- Therefore, even though the nomenclature and organisational pattern of our Parliament is similar to that of the British Parliament, there is a substantial difference between the two.
- The Indian Parliament is not a sovereign body in the sense in which the British Parliament is a sovereign body.
- Unlike the British Parliament, the authority and jurisdiction of the Indian Parliament are defined, limited and restrained.
- In this regard, the Indian Parliament is similar to the American Legislature (known as Congress).
- In USA also, the sovereignty of Congress is legally restricted by the written character of the Constitution, the federal system of government, the system of judicial review and the Bill of Rights.

PARLIAMENTARY COMMITTEES

- Parliamentary committees are an integral component of the workings of the Indian Parliament.
- They are constituted by the House or appointed by the Speaker or Chairman to assist the Parliament in a variety of ways, including scrutinising bills, evaluating budgets, overseeing ministries, and studying particular problems.
- Parliamentary committees aid in improving the quality of legislation, increasing executive responsibility, and strengthening the role of the opposition.

Evolution of Parliamentary Committees:

- The origin of parliamentary committees can be traced back to the British Parliament, which influenced the Indian Constitution.
- The committees in India were formed by the Constituent Assembly to deal with various aspects of drafting the Constitution, such as citizenship, tribal and excluded areas, and fundamental rights.

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- However, a structured committee system was only established in 1993 when 17 department-related standing committees (DRSCs) were created to examine the demands for grants of various ministries and departments.
- Later, more DRSCs were added, bringing the total number to 24.
- These committees cover almost all the ministries and departments of the central government and have 31 members each (21 from Lok Sabha and 10 from Rajya Sabha).
- Apart from DRSCs, other standing committees deal with financial matters, such as the Public Accounts Committee, the Estimates Committee, and the Committee on Public Undertakings.
- These committees examine the accounts, budgets, and performance of various public sector enterprises and government agencies.
- They have 22 or 30 members each, depending on their composition.
- The role and importance of parliamentary committees have increased over time as they provide a platform for detailed discussion, expert consultation, public participation, and consensus building on various matters of national interest.
- They also enhance the accountability and transparency of the executive branch and strengthen the legislative oversight function of Parliament

Types of Parliamentary Committees:

- There are two types of parliamentary committees: Standing or permanent committees and ad hoc committees.
- Standing committees are constituted for a fixed term and work continuously.
- Ad hoc committees are created for a specific purpose and are dissolved after they complete their task.
- There are 6 categories of standing committees: financial committees, departmental standing committees, committees to inquire, committees to scrutinize and control, committees relating to the day-to-day business of the House, and house-keeping or service committees.

- There are 2 categories of ad hoc committees: **inquiry committees and advisory committees.**

Financial committees:

- The Committee on Estimates, the Committee on Public Accounts, the Committee on Public Undertakings, These three fall under the heading of Finance Committees.
- The DRSCs all play a critical role in monitoring government spending and policy formulation.

Estimates Committee:

- It analyses the government's planned expenditure projections in the budget and suggests 'economies' in public spending.
- The Committee on Estimates has 30 members.
- The members are all drawn from the Lok Sabha (Lower House).
- This means that the Rajya Sabha is not represented (Upper House.)
- The committee had 25 members at first, but that number was eventually increased to 30.
- The term of the Committee is one year.
- This Committee does not allow ministers to be elected.
- The Committee looks into matters of special interest that arise or are brought to its attention during the course of its work, or that are specifically referred to it by the House or the Speaker.

Committee on Public Accounts:

- After its first mention in the Government of India Act, 1919, commonly known as the Montford Reforms, the Public Accounts Committee was established in 1921.
- It examines the government's yearly reports and the Comptroller and Auditor General's reports, which are brought before parliament by the President.
- The Lok Sabha elects 15 members and the Rajya Sabha elects 7 members to this committee.

- This Committee does not allow ministers to be elected.
- The Committee has a one-year term.
- The Committee is not concerned in policy debates.
- It is only concerned with the implementation of Parliament's policy and its outcomes.
- Committee on Public Undertakings
- It evaluates public-sector reports and financial statements.
- The Committee on Public Undertakings is made up of 15 Lok Sabha members and 7 Rajya Sabha members.
- This Committee does not allow ministers to be elected.
- The Committee has a one-year term.
- examine the Comptroller and Auditor General's reports on the Public Undertakings, if any exist.
- to investigate whether the Public Undertakings' affairs are handled in accordance with solid business principles and responsible commercial practices in the context of their autonomy and efficiency.
- The Committee, on the other hand, does not look into key government policies or the day-to-day administration of the Undertakings.

Departmental standing committees:

- They are responsible for examining the demands for grants, bills, annual reports, and long-term policies of various ministries and departments.
- There are 24 departmental standing committees covering all the ministries and departments of the central government.

Committees to inquire:

- They are responsible for investigating specific matters of public interest or allegations of wrongdoing.

There are 4 committees to inquire:

- Committee on Petitions
- Committee of Privilege

- Ethics Committee
- Joint Parliamentary Committee

Committees to scrutinize and control:

- They are responsible for monitoring the actions of the executive and ensuring that it follows the rules and procedures laid down by the Parliament.
- There are committees to scrutinize and control:
 - **Committee on Government Assurances**
 - **Committee on Subordinate Legislation**
 - **Committee on Papers Laid on the Table**
 - **Committee on Welfare of SCs and STs**
 - **Committee on Empowerment of Women**
 - **Joint Committee on Offices of Profit.**

Committees relating to the day-to-day business of the House:

- They are responsible for facilitating the smooth conduct of parliamentary proceedings and maintaining order and discipline in the House.

There are 6 committees relating to the day-to-day business of the House:

- **Business Advisory Committee**
- **Committee on Private Members' Bills and Resolutions**
- **Rules Committee**
- **Committee on Absence of Members from Sittings of the House**
- **General Purposes Committee**

House-keeping or service committees:

- They are responsible for providing various amenities and services to the members of Parliament and ensuring their welfare.

There are four house-keeping or service committees:

- House Committee

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- Library Committee
- Joint Committee on Salaries and Allowances of Members.
- Joint Committee on Maintenance of Heritage Character and Development of Parliament House Complex

Ad hoc committees:

- They are formed by either House or both Houses jointly to deal with specific issues that require urgent attention or expert opinion.
- They cease to exist after they submit their reports or when they are discharged by the House.
- Inquiry committees are formed to probe into matters of public importance or allegations of corruption or misconduct.
- Some examples of inquiry committees are Joint Committee on Bofors Contracts (1987), Joint Committee on Stock Market Scam (2001), Joint Committee on 2G Spectrum Allocation (2011), etc.
- Advisory committees are formed to advise the government or the Parliament on policy matters or legislative proposals.
- Some examples of advisory committees are the Select Committee on Prevention of Corruption Bill (2018), the Joint Select Committee on Personal Data Protection Bill (2019), etc.

Standing Committees – Need:

Lawmaking:

- Due to the huge volume of legislation, detailed discussion of all measures in parliament is not possible.
- Committees conduct in-depth discussions and analyses on new laws, ensuring that every law is for the benefit of residents.

Consensus:

- Committees serve as a venue for political parties to reach an agreement.

- The proceedings of the House are broadcast during sessions, and MPs are expected to stick to their party stances on most issues.
- Committees have closed-door sessions where they may openly question and discuss problems in order to reach a consensus.

Scrutiny:

- In order to guarantee that a Bill is thoroughly scrutinised before it is approved, our law-making mechanism allows Bills to be submitted to a standing committee for full study.

Standing Committees – Significance:

Connected:

- They will represent Parliament in a number of interconnected departments and ministries.

Examination of reports/grants/bills:

- They are in charge of investigating the requests for grants made by the ministries/departments in question, as well as examining and reporting to Parliament on relevant bills, annual reports, and long-term plans.
- Committee reports are usually exhaustive and provide authentic information on matters related to governance.

Better informed debates:

- Unlike talks in open Houses, when party positions take primacy, discussions in committee allow members to have a more meaningful exchange of views.
- This enables them to make better policy judgments.

Scrutiny:

- Public finances are scrutinised by the Public Accounts Committees, which examine the government accounts and the report of the Comptroller and Auditor-General of India.

- As a result, the risk of overspending is reduced, and the government's spending data are validated.

Improve legislation and regulations:

- The Committee on Subordinate Legislation investigates and reports to the House on the appropriate exercise of regulations, rules, sub-rules, bye-laws, and other powers bestowed by the Constitution within the boundaries of certain statutes.
- Furthermore, they operate out of the public eye, are less formal than the regulations that govern legislative procedures, and serve as excellent teaching grounds for new and inexperienced members of the House.
- DRSC members consistently strive towards consensus, notwithstanding political differences.
- Such actions are necessary for a functioning democracy.

Standing Committees – Challenges:

- According to PRS Legislative Research, although 60 percent of Bills were referred to DRSCs in the 14th Lok Sabha and 71 percent in the 15th Lok Sabha, this proportion fell to 27 percent in the 16th Lok Sabha.
- Some of Parliament's most significant Acts in recent years, such as the revamping of Article 370, which abolished Jammu and Kashmir's special status and divided the state into two Union Territories, were not processed by any House committee.
- Low MP attendance at meetings, too many ministries under a committee, norms not followed by most political parties when appointing MPs to committees, and the formation of DRSCs for a year gives very little time for specializations are all difficulties hurting the committees' operation.