



SNS COLLEGE OF TECHNOLOGY, COIMBATORE –35 (An Autonomous Institution)



DEPARTMENT OF COMPUTER SCIENCE AND ENGINEERING

Parliament:

The functions of the Parliament are mentioned in the Indian Constitution in Chapter II of Part V. The functions of the Parliament can be classified under several heads. They are discussed below:

Legislative Functions

- The Parliament legislates on all matters mentioned in the Union List and the Concurrent List.
- In the case of the Concurrent List, where the [state legislatures](#) and the Parliament have joint jurisdiction, the union law will prevail over the states unless the state law had received the earlier presidential assent. However, the Parliament can any time, enact a law adding to, amending, varying or repealing a law made by a state legislature.
- The Parliament can also pass laws on items in the **State List** under the following circumstances:
 - If Emergency is in operation, or any state is placed under [President's Rule \(Article 356\)](#), the Parliament can enact laws on items in the State List as well.
 - As per **Article 249**, the Parliament can make laws on items in the State List if the Rajya Sabha passes a resolution by $\frac{2}{3}$ majority of its members present and voting, that it is necessary for the Parliament to make laws on any item enumerated in the State List, in the national interest.
 - As per **Article 253**, it can pass laws on the State List items if it is required for the implementation of international agreements or treaties with foreign powers.
 - According to **Article 252**, if the legislatures of two or more states pass a resolution to the effect that it is desirable to have a parliamentary law on any item listed in the State List, the Parliament can make laws for those states.

Executive Functions (Control over the Executive)

In the parliamentary form of government, the executive is responsible to the legislature. Hence, the Parliament exercises control over the executive by several measures.

- By a **vote of no-confidence**, the Parliament can remove the Cabinet (executive) out of power. It can reject a budget proposal or any other bill brought by the Cabinet. A motion of no-confidence is passed to remove a government from office.
- The MPs (Members of Parliament) can ask questions to the ministers on their omissions and commissions. Any lapses on the part of the government can be exposed in the Parliament.
- **Adjournment Motion:** Allowed only in the Lok Sabha, the chief objective of the adjournment motion is to draw the attention of the Parliament to any recent issue of urgent public interest. It is considered an extraordinary tool in Parliament as the normal business is affected.
- The Parliament appoints a **Committee on Ministerial Assurances** that sees whether the promises made by the ministers to the Parliament are fulfilled or not.
- **Censure Motion:** A censure motion is moved by the opposition party members in the House to strongly disapprove any policy of the government. It can be moved only in the Lok Sabha. Immediately after a censure motion is passed, the government has to seek the confidence of the House. Unlike in the case of the no-confidence motion, the Council of Ministers need not resign if the censure motion is passed.



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- **Cut Motion:** A cut motion is used to oppose any demand in the financial bill brought by the government.

Financial Functions

Parliament is the ultimate authority when it comes to finances. The Executive cannot spend a single pie without parliamentary approval.

- The [Union Budget](#) prepared by the Cabinet is submitted for approval by the Parliament. All proposals to impose taxes should also be approved by the Parliament.
- There are two standing committees (Public Accounts Committee and Estimates Committee) of the Parliament to keep a check on how the executive spends the money granted to it by the legislature. You can also read on [parliamentary committees](#).
- Also see: [Money Bills](#).

Amending Powers

The Parliament has the power to amend the Constitution of India. Both Houses of the Parliament have equal powers as far as amending the Constitution is concerned. Amendments will have to be passed in both the Lok Sabha and the Rajya Sabha for them to be effective.

Read about the important amendments in the Indian Constitution [here](#).

Electoral Functions

The Parliament takes part in the election of the President and the [Vice President](#). The electoral college that elects the President comprises of, among others, the elected members of both Houses. The President can be removed by a resolution passed by the Rajya Sabha agreed to by the Lok Sabha.

Judicial Functions

In case of breach of privilege by members of the House, the Parliament has punitive powers to punish them. A breach of privilege is when there is an infringement of any of the privileges enjoyed by the MPs.

- A privilege motion is moved by a member when he feels that a minister or any member has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts. Read more on [privilege motion](#).
- In the parliamentary system, legislative privileges are immune to judicial control.
- The power of the Parliament to punish its members is also generally not subject to judicial review.
- Other judicial functions of the Parliament include the power to impeach the President, the Vice President, the judges of the [Supreme Court](#), High Courts, Auditor-General, etc.



Other powers/functions of the Parliament

- Issues of national and international importance are discussed in the Parliament. The opposition plays an important role in this regard and ensures that the country is aware of alternate viewpoints.
- A Parliament is sometimes talked of as a 'nation in miniature'.
- In a democracy, the Parliament plays the vital function of deliberating matters of importance before laws or resolutions are passed.
- The Parliament has the power to alter, decrease or increase the boundaries of states/UTs.
- The Parliament also functions as an organ of information. The ministers are bound to provide information in the Houses when demanded by the members.

The Constitution of India which came into force on 26 January 1950, provides for a bicameral Parliament consisting of the President and the two Houses known as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha).

The President

The President of the Republic is elected by an electoral college consisting of the elected members of both Houses of Parliament and the elected members of the Legislative Assemblies (popular Houses) of the States. Though the President of India is a constituent part of Parliament, he does not sit or participate in the discussions in either of the two Houses. There are certain constitutional functions which he has to perform with respect to Parliament. The President summons and prorogues the two Houses of Parliament from time to time. While the Rajya Sabha is a continuing body, the power to dissolve the Lok Sabha vests in the President. His assent is essential for a Bill passed by both Houses of Parliament. When the Parliament is not in Session and he is satisfied that circumstances exist which render it necessary for him to take immediate action, the President can promulgate Ordinances having the same force and effect as laws passed by Parliament.

The Two Houses of Parliament

Composition and Duration

Council of States (Rajya Sabha)

The Rajya Sabha is to consist of not more than 250 members. Of these, 12 are



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nominated by the President for their special knowledge or practical experience in such matters as literature, science, art and social service. The remaining seats are allocated to the various States and Union territories, roughly in proportion to their population; each State is, however, represented by at least one member. The total number of seats in the Rajya Sabha at present is 245, including 12 members nominated by the President.