



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

FEATURES AND FUNCTIONS OF PARLIAMENT

- *Dhruv Vohra*

There shall be parliament for the union which shall consist of the president and two houses to be known respectively as the council of states and the house of people. The council of states shall consist of

1. Twelve members to be nominated by the president in accordance with the provisions
2. Not more than two hundred and thirty –eight representatives of the states and of the union territories.
3. The allocation of seats in the council of states to be filled by the representatives of the states and of the Union territories shall be in accordance with the provisions in that behalf contained in the Fourth schedule.
4. The members to be nominated by the President under sub clause a) of clause 1 shall consist of persons having special knowledge or practical experience in respect of such matters of such matter as as the following namely – literature, science, and social science.
5. The representatives of each state in the council shall be elected by the elected members of legislative Assembly of the state I accordance with the system of proportional representation by means of the single transferrable vote.
6. The representative of the union territories in the council of states shall be chosen in such manner as Parliament may by law prescribe.

COMPOSITION OF THE PARLIAMENT-

- (1) Subject to the provision of article 331, the house of people shall consist of –
 - (a) Not more than five hundred and thirty member chosen by direct election from territorial constituencies in the States and
 - (b) Not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.

- (2) For the purpose of the sub clause (a) of clause (1)-
- (a) There shall be allotted to each state that the ratio between that number and the population of the state is , so far as practicable, the same for all the states, and
 - (b) Each state shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allocated to it is , so far as practicable, the same throughout the state.
- (3) In this article , the expression “population” means the population as ascertained at the last preceding census.

Readjustment after each census-

Upon the completion of each census, the allocation seats in the house of people to the states and the divisions of each state into territorial circumstances shall be readjusted by such authority and in such manner as parliament may by law determine;

Provided further that such readjustment shall take effect from such date as president may, by order , specify and until such readjustment takes effect , any election to the house may be held on the basis of the territorial constituencies existing before such readjustment;

- (i) the allocation of seats in the house of the people to the states as readjusted on the basis of the 1971 census and
- (ii) the divisions of each state into territorial constituencies as may be readjusted on the basis of the 2001 census.

Duration of houses of the Parliament-

(1) The council of states ,1952 shall not be subjected to dissolution , but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by parliament by law

(2) the house of the people, unless sooner dissolved , shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of the five year shall operate as dissolution of the house (cannot be challenged by the court)

Provided by the said period , while a proclamation of emergency is in operation, be extended by parliament by law for a period not exceeding one year at a time and not exceeding in any case beyond a period of six months after the proclamation has ceased to operate.

Qualification for the members of the parliament-

- Is a citizen of the India , and makes and subscribes before some persons authorized in that behalf by the election commission an oath or affirmation according to the form set out for the purpose in the third schedule

- Is , in the case of a seat in the council of states, not less than thirty years of age , in the case of the a seat in the house of the people , not less than twenty – five years of age and
- Possesses other qualifications as a may be prescribed in that behalf by an order any law made by that parliament.

Session of the parliament

Summoning

The president from time to time summons each house of parliament to meet. But, the maximum gap between two session of the parliament cannot be more than six months . In other words the parliament should meet at least twice a year. There are usually three sessions in the year

- The budget sessions (February to May)
- The monsoon sessions (July to September)
- The winter session (November to December)

A “session of parliament is the period spanning between the first sitting of a house and its propagation (or dissolution in the case of the Lok sabhya).

During the session the house meets every day to transact business

The period spanning between the propagation of a house and the reassembly in a new session is called “recess”.

Adjournment

A session of parliament consist of many meetings . Each meetings a day consist of the two sittings that is morning from 11 am to 1 pm and post lunch sitting from 2pm to 6pm.. A sitting of parliament can be terminated by the adjournment or sine die or projection or dissolution (in the case of the Lok Sabhya). An adjournment suspends the work in a sitting for as specified time which may be hours, days or weeks.

Propagation

The presiding officer (speaker or Chairman) declares the house of the adjourn sine die, when the business of session is completed. Within the next few days, the president issue a notification for the propagation of the session. However , the parliament can also prorogue the house while in session.

Dissolution

Rajya Sabhya , being a permanent house, is not subject to dissolution only the Lok Sabhya is subject to dissolution unlike a propagation , a dissolution ends the very life of existing house ,

and a new house is continue after the general elections are held . The dissolution of the Lok Sabha may be take place in either of two ways- automatic Dissolution , that is the on the expiry of its tenure of five years or the terms as extended during a national emergency, or whenever the president decides to dissolve the house which he is authorized to do. Once the Lok Sabhya, is dissolved before the completion of its normal tenure, the dissolution is irrevocable. When the Lok Sabhya is dissolved , all the business including the bills, motions, resolutions , notices , petitions, and 50 on pending before it or its committee lapses. They must be reintroduced in the newly constituted Lok Sabha. However , some pending bills and all pendings assurances that are to be examined by the Committee on Government Assurances that are to be examined by the Committee on Government Assurances do not Lapse on the Dissolution of the Lok Sabha.

Powers , Privileges and Immunities of Parliament and its members

- Subject to provisions of the this constitution and to the rules and the standing orders regulation of the procedure of parliament , there shall be freedom of speech in the parliament
- No member of parliament shall be liable to any proceedings in any court in respect of anything said or any of both by him in parliament or any committee there of , and no persons shall be liable in respect of the publication by any other authority of either House of Parliament of any report, paper, votes, proceedings.
- In other respects, the powers , privileges, and the immunities of each house of the parliament any of the members, and the committee of each house , shall be such as may be from time to tome be defined by parliament by law, and until so defined , (shall be those of the house and of its members and committees immediately before the coming into force of section 15 of the Constitution. (forty –Fourth Amendment,1978.)