

Structure of the Indian Parliament, UPSC Notes

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Structure of the Indian Parliament



What is the Indian Parliament?

The Indian Parliament is the **supreme legislative body of India** at the union level. **Part V** of the Indian constitution deals with the organization, composition, duration, officers, procedures, powers, privileges and so on of the Indian Parliament in **Articles 79 to 122**.

What does the Indian Parliament comprise?

Under the Indian constitution, the parliament of India consists of three parts viz, the President, the Council of States (Rajya sabha) and the House of the people (Lok sabha).

Why is the President an integral part of the Parliament?

The President is not a member of any house but an integral part of the Parliament because

- Without the President's assent, a bill that has been passed by both houses of Parliament cannot be enacted into law.

- The President has the power to summon or prorogue the two houses of Parliament and to address both houses.
- The President addresses the parliament at the commencement of the first session after each general election and the first session of each year.
- The President has the power to issue ordinances when Parliament is not in session.

Bicameral Legislature

The significance of a bicameral legislature in India lies in the fact that the parliamentary system has to deal with complex issue of administering and adequately responding to the tremendous diversity prevalent within Indian polity. Indian Bicameralism divides the Indian Parliament into two houses: the Council of States (Rajya sabha) and the House of the people (Lok sabha).

Features	Lok Sabha	Rajya Sabha
Composition	• Article 81: Total membership to be not more than 550 (530 + 20) • 530 to be chosen by direct election from territorial constituencies in the States • 20 to be chosen in such manner as Parliament may by law provide for the representation of Union territories. • Note: 104th Constitutional Amendment Act removed the reservation of 2 seats for the Anglo-Indian community in the Lok Sabha.	• The Rajya Sabha can hold a maximum of 250 members, of whom 238 are to be representatives of states and union territories elected indirectly, and 12 are nominated by the President. • The Constitution's Fourth Schedule addresses how the states and union territories are assigned seats in the Rajya Sabha.
Duration and dissolution	• Article 83(2): The Lok Sabha shall continue for five years from the date appointed for its first meeting. • However, when a national emergency is in operation, the period can be extended by Parliament for one year at a time for any length of time and not extending in any case beyond a period of six months after the proclamation has ceased to operate. • The President, on the advice of the Prime Minister, may dissolve it before the expiry of five years.	• Article 83(1): The Rajya Sabha shall not be subject to dissolution, but one-third of the members shall retire on the expiration of every second year. • Representation of the People Act (1951): The term of office of a member of the Rajya Sabha shall be six years.

Qualifications of members	Article 84: • A citizen of India. • Should be not less than 25 years of age. Representation of People Act, 1951: • He must be registered as a voter in any constituency in India. • Must belong to the Scheduled Caste or Scheduled Tribe to contest a reserved seat..	Article 84: • A citizen of India. • Should not be less than 30 years of age. Representation of People Act 1951: • Any person who has registered as an electoral for a parliamentary constituency.
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Disqualifications under the Constitution and RPA	Article 102(1): A person can be disqualified for • Holding any office of profit under the Government of India or any State, other than an office declared by Parliament by law. • Unsound mind and stands so declared by a competent court. • Undischarged insolvent. • Not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State. • Disqualified under any law made by Parliament. Article 102(2): • A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule. Representation of People's Act, 1951: • Found guilty of certain election offences or corrupt practices. • A person who has been convicted of an offence resulting in imprisonment for two or more years. However, detention under a preventive detention law is not a disqualification. • Failing to submit an account of election expenses within the required time. • A person has an interest in government contracts, works or services. • A director, managing agent or holds the office of profit in a corporation in which the government owns at least 25 per cent share. • A person has been dismissed from government service for corruption or disloyalty to the State. • Convicted for promoting enmity between different groups or the offence of bribery. • Preaching or practising social crimes such as untouchability, dowry and sati can result in disqualification. • Question of Disqualification: According to Article 103, ◦ If any question arises as to whether a member has become subject to disqualifications, the question shall be referred for the decision of the President, and his decision shall be final. ◦ The President shall obtain the opinion of the Election Commission and shall act according to such opinion.
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Disqualification for defection	Under the Anti-defection Act, 1985, a person can be disqualified if the person: • Voluntarily gives up membership of such a political party. • Votes or abstains from voting in such houses contrary to any direction issued by such a political party. • An independently elected member joins any political party. • A nominated member of a house joins any political party after the expiry of six months from the date on which he takes his seat. • Question of disqualification: shall be decided by the Chairman in the case of Rajya Sabha and the Speaker in the case of Lok Sabha.
Vacation of seat	• Double membership: (under Representation of People Act, 1951) ◦ If elected to both houses: intimate the choice within 10 days, or else the Rajya Sabha seat falls vacant. ◦ If a sitting member is elected to other house: seat in the first house falls vacant. ◦ If elected to two seats: both the seats become vacant if not exercise option for one. ◦ If a person becomes both a member of parliament and state legislature: the seat in parliament becomes vacant if not resign from the state legislature within 14 days. • Disqualification: If subject to any disqualification specified in the constitution or representation of peoples act or on the grounds of defection under the tenth schedule. • Resignation: A member may resign by writing to the presiding officer of the house. • Absence: If absent for all the meetings for 60 days without permission the seat falls vacant. • Other cases: ◦ If election is declared void by the court. ◦ If expelled by the house. ◦ If elected to the office of President. ◦ If appointed to the office of Governor.

Presiding officers	• Article 93: Lok sabha shall choose the Speaker and Deputy Speaker. • If the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member for the same. • Speaker: The presiding officer of Lok Sabha is the Speaker. He remains in office even after Lok Sabha is dissolved till the next House elects a new Speaker. • Deputy speaker: In the absence of the speaker, a Deputy Speaker presides over the meetings. • Article 94: The Speaker and the Deputy Speaker can be removed from office by a resolution of Lok Sabha passed by a majority of all the then members of the House. • Panel of chairpersons of Lok sabha: Under the Rules of Lok sabha, A panel of up to ten chairpersons is appointed by the Speaker from among the members. If the Speaker or the Deputy Speaker is absent, any of these chairpersons can preside over the House and have the same powers as the Speaker when so presiding. ◦ He holds office until a new panel of chairpersons is nominated. In the absence of a member of the panel, the House can select another person to act as the Speaker. ◦ When the office of Speaker or Deputy Speaker is vacant, a member of the panel of chairpersons cannot preside.	• Article 89(1): The Vice President of India shall be ex-officio Chairman of the Council of States. • Article 89(2): Rajya sabha shall choose a member of the council to be Deputy Chairman and, so often as the office becomes vacant, the council shall choose another member to be Deputy Chairman. • The Chairman can only be removed from his office by a resolution passed by a majority of all the then members of Rajya Sabha and agreed to by the Lok Sabha. • The Deputy Chairman can be removed by a majority of all the then members of Rajya Sabha.
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The panel of Chairpersons and Vice- chairpersons	Panel of chairpersons of Lok sabha: • Under the Rules of Lok sabha, a panel of upto ten chairpersons is nominated by the Speaker from among the members. • Any one of them can preside over the House in the absence of the speaker or deputy speaker. • The person has the same powers as the speaker when so presiding. • The person holds office until a new panel of chairpersons is nominated. In the absence of a member of the panel, the House can select another person to act as the Speaker. • When the office of Speaker or Deputy Speaker is vacant, a member of the panel cannot preside. The President appoints a person to perform the duties of the speaker.	Panel of vice-chairpersons of Rajya sabha: • Under the rules of Rajya sabha, the Chairman nominates from amongst the members a panel of vice-chairpersons. • Any one of them can preside over the House in the absence of the Chairman or Deputy Chairman. • The person has the same powers as the Chairman when so presiding. • The person holds office until a new panel of chairpersons is nominated. In the absence of a member of the panel, the House can select another person to act as the chairman. • When the office of chairman or deputy chairman is vacant, a member of the panel cannot preside. The President appoints a person to perform the duties of the chairman.
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