UNION PARLIAMENT

PARLIAMENTARY PROCEDURES

SESSIONS
- The session means a period during which the two House meets to conduct its business. It is called by the President.
- This is subject to condition there shouldn’t be a gap more than 6 months between two consecutive sessions.
- There are normally three sessions: 1) Budget (Feb – May) 2) Monsoon (Jul – Sept) 3) Winter (Nov – Dec)

QUORUM
- A quorum is the minimum number of members require to be present in the House for it to transact its business.
- It is 1/10 of the total membership of either House. If the quorum of a House is not achieved, the Speaker may adjourn the House or suspend the session till Quorum is attained.

QUESTION HOUR
- The first hour of a sitting in both Houses is allotted for asking and answering of questions.
- All questions are addressed to the Chair and once admitted, the Gov is obliged to answer them. A member has to give ten days’ notice for a question. There are three types of questions.
- Starred Questions are those to which a member wants to have an oral answer on the floor of the House. Such question is distinguished by a Supplementary Q, may be asked after replies by the Ministers.
- Unstarred Questions are those to which answers are given in a written form. No supplementary questions can be asked.
- Short Notice Questions relate to matters of urgent imp. Such Q, are asked with a shorter than 10 days notice. The Minister may or may not accept the Q if he can’t reply so fast.

ZERO HOUR
- The time which begins at 12 noon soon after the Question Hour.
- During this, members raise all types of Question without any prior notice or permission.
- This often leads to unruly scenes in the House.

MOTIONS
- A motion is a formal proposal made by a member stating that the House should take up some particular matter which is of public imp.

Adjournment motion
- It means a proposal to lay aside all other business of the House and take up a matter of urgent public imp.
- Such motion interrupts the normal business of the House.
- This type of Motion may be introduced at the time of dacoity, natural calamity, attack on the country, death of several persons etc.

No confidence motions
- It is a proposal expressing lack of Confidence in the Ministry. Only in LS.
- When the ministry doesn’t have majority in the House, this motion is issued.
- The House grants leave to move this motion only when it carries the support of at least 50 members.
- The Motion has to be taken up for discussion with in 10 days from the day on which the leave is granted. On conclusion of the Debate, the Speaker puts the Motion to vote.
- If the Motion is passed, the Gov has to resign.

ADJOURNMENT AND PROROGATION OF THE HOUSE
- An adjournment suspends the sitting of the House by the Speaker.
- Prorogation means termination of the session of Parliament. This power belongs to the President.

LOK SABHA

TERM
- The normal term is 5 years.
- It can be dissolved earlier by the President on the advice of the PM.
- It’s term can be extended by a year during the proclamation of a national
emergency. However, once the emergency is lifted, new LS must be elected within 6 months.

COMPOSITION
- Max strength of LS is 552. Allotment of seats to various States is done on Population basis.
- Not more than 530 members shall represent the States.
- Not more than 20 members shall represent the Union Territories.
- If the President feels that the Anglo Indian Community isn’t adequately represented, he may nominate two members for the same.

QUALIFICATIONS FOR MEMBERSHIP
- Should be an Indian citizen.
- Should be at least 25 years of age.
- Should have his/her name in the electoral rolls in some part of the country.
- Should not be an insolvent.
- Should not hold any office of profit under the Gov.
- Should not be a proclaimed criminal.
- Should not be of unsound mind and stands so declared by a competent court.
- NB: A person can be disqualified from being a member by violation of the 1,4,5,8 rule or if he is disqualified under any law made by the Parliament.

VACATION OF SEATS
- If a member resigns his seat by writing to the Speaker or the chairman
- If a member, without permission of the House, is absent from all meetings for 60 days.
- If a member becomes subject to any disqualification laid down in the Constitution or an Act of Parliament.
- If a person is disqualified on the grounds of Defection under anti defection Law.
- Acc to this law, when a member of House gives up the membership of his party or votes against the direction given by the party to which he belongs, he shall be disqualified provided there's not a split in the Party with at least 1/3 of its members.

SPEAKER
- The Speaker is the Principal presiding officer of the Lok Sabha.
- The Speaker is selected by the House from among its members by a simple majority of members present and Voting.
- The Speaker can be removed from his office by a resolution passed by a majority of all the then Members of the House.
- Deputy Speaker performs the duties of the Speaker when the latter is absent or while the office of Speaker is vacant. Her election and removal is done in the same way as the Speaker.

FUNCTIONS

Business of the House(regulatory)
- The Speaker presides over the meetings of the House. All speeches and remarks are addressed to the Chair.
- She decides the admissibility of questions and all resolutions and motion of adjournment.
- All bills passed by the House are authenticated by his/her signatures before they are sent to the RS for its consideration or to the President for his assent.
- She decides whether a Bill is money bill or not.
- The Speaker doesn’t vote except when the votes on both sides are equal. This type of vote is called Casting Vote.

Administrative
- She receives all petitions in the House.
- She communicates the decisions of the House to the concerned authorities.
- She allows the admission of strangers and Press correspondents to the galleries of the House.

Disciplinary
- The speaker maintains order in the House. She may suspend a member if he becomes unruly or disregards the authority of the Chair.
- If a word or words used in the debate...
are indecent or unparliamentary, she may expunge such word(s) from the proceedings of the House.

- She decides whether there is an attempt to lower the dignity of the House or breach of privilege or contempt.

**Parliamentary**
- She's the ex–officio chairperson of some committees of the House such as the Business Advisory Committee and the Rules Committee.
- She appoints chairpersons of all committees of the House.
- She issues directions to the Chairmen in all matters related to their working and procedure to be followed.

**Miscellaneous**
- She presides over the joint session of the Parliament.
- She nominates, in consultation with the Chairman of the RS, the personnel for Parliamentary Delegations to various countries.
- She presides over the Conference of Presiding Officers of legislative bodies in India.

**Rajya Sabha**

**COMPOSITION**
- RS consists of not more than 250 members.
- They fall into two categories – nominated and elected.

**Nominated Members**
- They're nominated by the President with from among persons having special knowledge in matters such as literature, science, art, and social service.
- The nominated members are 12 in number.

**Elected Members**
- 238 members are elected by the States in the Union.
- The allocation of seats among the States is not equal as this would be undemocratic. Instead, the allocation on the basis of their population.

**ELECTION**
- Representatives of each State in the RS are elected by the elected members of the legislative assembly of each state in accordance with the system of proportional representation by means of a single transferable Vote.

**TERM**
- RS is a permanent body which can't be dissolved.
- 1/3 of its total members retire from the House after every two years. This means, that the tenure of an RS member is 6 years.
- Members can be reelected, if they desire and have the electoral support.

**QUALIFICATIONS**
- Everything is same except for the age criteria which is 30 years for an RS member.
- Disqualifications is same as that for LS.

**PRESIDING OFFICERS**
- The Vice President of India is the ex–officio chairman of the RS. He presides over its meetings and exercises a casting vote in case of a tie.
- The RS elects a Deputy Chairman from amongst its members. In the absence of VP, he performs all functions and duties of the Chairman.

**POWERS AND FUNCTIONS OF THE UNION PARLIAMENT**
- The RS and LS enjoy equal powers in matters like impeachment of President, removal of the VP, Constitutional Amendments and removal of the Judges of the SC and HC.

**LEGISLATIVE POWERS**

**Matters in the Union List**
- The Parliament had exclusive powers to make laws with respect to make laws on all the 97 subjects mentioned in the Union List. Eg– Defense, Communications, Foreign Policy etc.

**Matters in the Concurrent List**
- Both the State Legislatures and the
Parliament has rights to make laws on subjects mentioned in Concurrent List.
• In case of a conflict, the Union Law will prevail.

Matters in the State List
• The Parliament can legislate even on State List subjects. This happens:
• During a proclamation of emergency
• When the RS passes a resolution by 2/3 majority that a subject in the State List has become of national imp.
• When two or more states desire that the Parliament should legislate on a subject given on a State List. Then the Parliament can make an Act to do it but it would be only applicable to the two states.

Residuary Powers
• The Parliament has the power to make laws w.r.t those matters not mentioned in any of the Three Lists – Union, State or Concurrent

Ordinances
• An ordinance is a command or order with an authoritative nature.
• The President may pass it when the Parliament is not in session.
• Ordinances cease to operate at the expiration of 6 weeks from the reassembly of the Parliament unless they are approved by the Houses. That’s why they are temporary.

FINANCIAL POWERS

The Budget
• The parliament passes the Union Budget which contains the estimates of receipts and expenditure of the GOI for a financial year.
• The Budget is presented in two parts– Railway Budget and General Budget.

Supplementary Grants
• If the amount authorized for the current financial year is found to be insufficient, the Government may make a fresh demand known as Supplementary Grant.

Vote on Account
• If a budget is not passed before the beginning of the new Financial Year i.e. 1 April, the Executive will have no money to spend.
• Therefore, there’s a device known as Vote on Account which authorizes the Executive to draw funds from the Consolidated fund until the Budget is passed by the Parliament.
• Consolidated funds consist of the salaries of all dignitaries. It’s power rests with the President. It is not brought for voting in the House.

Salaries
• MP and Ministers receive salaries and allowances as may be determined by Parliament from time to time.

CONTROL OVER EXECUTIVE

Interpellation
• The purpose of the Question Hour is to obtain info on a matter of public imp or to ventilate grievance
• Q hour is a valuable device against the injustice and slackness of the Gov.

Vote of No—confidence
• If a Gov acts unconstitutionally, it can be voted out of office by passing a vote of no—confidence against the PM or the ministry as a whole or any member. Following which, the Gov has to resign.

Adjournment Motion
• Motion for adjournment is aimed at censuring the acts of omission and commission of the Ministers.

Motions of Censure
• The Parliament exercises its control over the Gov by other motions which if passed amount to no—confidence and resignation of the Ministry.
• These include motions of censure against a minster, rejection of a Gov Bill, passing of a pvt member’s Bill against the wishes of the Gov etc.

Monetary Controls
• During a budget, cut motion may be introduced for the reduction of a demand of grant.
• Parliamentary Committee on Public Accounts ensures that Public Money’s
spent in acc with Parliament's decision.

- It examines reports of the Comptroller and Auditor General of India.

**JUDICIAL POWERS**

- The President may be removed from his office through impeachment by the Parliament.
- The President may remove the judges of the SC and HC, CEC, Comptroller and Auditor General Of India, if they’re found guilty of being unconstitutional; only in a joint sitting of both Houses.
- The Parliament can punish a person for obstructing the work of Parliament or showing disrespect for the House.

**ELECTORAL FUNCTIONS**

- The Parliament along with the State Legislatures elect the President of India.
- The VP of India is elected by both the Houses of the Parliament.

**AMENDMENTS OF THE CONSTITUTION**

- Both the Houses can amend the Constitution.
- The Amendment must be passed by each House by a 2/3 majority of total members present and voting.
- In some cases, amendment bills also require the approval of at least half the state legislatures.

**OTHER POWERS**

- The Parliament may rename a state, alter its boundary, merge preexisting territories of States to form a new state of separate a territory from the State.
- It makes laws regarding the composition, jurisdiction, and powers of SC.
- It may establish a common HC, for two or more States.

**EXCLUSIVE POWER**

**Rajya Sabha**

- The RS may pass a resolution by 2/3 majority that the Parliament should make laws with regard to some State List subject wrt national interest.
- RS may declare the creation of a new All India Services in national interest. Thereupon, the Parliament may create new Services.
- RS is a permanent body not subject to dissolution. In times of national emergency, if the LS is dissolved, it takes over the functions of the Parliament.

**Lok Sabha**

- Motions of No-confidence against the Gov can only be introduced and passed in the LS.
- Money bills can only be introduced in the LS. It can be sent to the RS where it can be deliberated upto14 days.
- In case of a deadlock between an ordinary bill, the will of LS normally prevails because it is numerically more than double than the strength of RS.

**THE PRESIDENT AND THE VICE-PRESIDENT**

- The President is the Head of the Executive.
- He's also the head of the state and the First citizen of the country.
- He exercises his powers on the advice of the PM and the Council of Ministers.

1. **QUALIFICATIONS**

- S/he must be a citizen of India
- Must have completed 35 years of age
- Must be qualified to become the member of the Lok Sabha
- Should not hold any office of profit in the GOI
- Should not be an insolvent.
- Should not be a proclaimed criminal or of unsound mind

2. **ELECTION**

- The president is elected indirectly by an electoral college consisting of both, the elected members of both houses of Parliament and the elected members of the Legislative Assemblies of the States.
3. TERM OF OFFICE

- The President shall hold the office for a term of five years from the date on which he enters upon the office.
- S/he shall continue to hold office, regardless of the expiry of his term, until his successor takes charge.

Procedure for Impeachment

- Either house of the Parliament can impeach President. Provided that the resolution is moved after at least 14 days’ notice and is signed by not less than 1/4th of the total members of the House.
- This resolution should be passed by a majority of not less than 2/3 of the total Membership of the House.
- When a charge has been so preferred by either house, the other house will investigate the charge. The president has the right to appear and be represented at such an investigation.
- If the charge is sustained by passing of the resolution of not less than 2/3 of the majority of the investigating House, the President could be removed from the office.

4. POWERS

A. EXECUTIVE POWERS

1. Head of the Union Administration
   - All executive orders are issued in the name of the President.
   - All union officials are his subordinates.

2. Formation of the Council of Ministers
   - The Constitution lays down that the PM is to be appointed by the President.
   - Other Ministers are appointed by the President on the advice of the PM.

3. Power to remove and appoint high dignitaries of the State
   - He appoints the auditor general of India, the judges of the SC and High Court, the Governors and Ambassadors, the attorney general of India, chairman and members of UPSC and EC.

4. Administration of Union Territories
   - The Constitution provides that every Union Territory shall be administered by the President.

5. Control over State Gov
   - Union Gov may give necessary directions to a State.
   - During President’s rule, the control of the Union Gov over States is complete.

B. DIPLOMATIC POWERS

- He has the power to appoint Indian representatives abroad.
- He receives ambassadors, High Commissioners and diplomatic envoyes from other countries.
- All treaties and international agreements are concluded in the name of President.
- He will represent India in International Conference

C. MILITARY POWERS

- The President is the Supreme Commander of the Defence Forces of India.
- He appoints the chiefs of the three wings of the Armed Forces, through Rules and Regulations.
- He has the power as to make declarations of War and Peace on the advice of the Council of Ministers.

D. JUDICIAL POWERS

- He’s not answerable before any Court of Law for the exercise of the powers and duties of his office.
- No criminal suit can be initiated against him during his tenure of office.
- The President has the power to grant Pardons in the following cases:
  a) where the punishment or sentence is by a Court Martial
  b) where the punishment is for
E. LEGISLATIVE POWERS

1. Powers to summon and prorogue the Parliament and dissolve Lok Sabha
   • He has the power to summon and prorogue both the houses of the Parliament.
   • His power to summon the Parliament is on the condition that there should not be a gap of more than 6 months between two sessions of each House.
   • He also has the power to dissolve Lok Sabha

2. Nomination of members
   • He’s entitled to nominate 12 members to the RS having special knowledge or practical experience in these matters – lit, scie, art and social service.
   • He may nominate 2 members from the Anglo-Indian community to the LS in case he thinks they aren’t adequately represented.

3. Right to address and send messages to the Parliament
   • He may address both Houses of Parliament assembled together for the first session after each General Election.
   • He may also do that at the commencement of the first session each year. In this address, he lays emphasis on the policies of the Gov.
   • He also has the right to send messages to either House regarding a bill or other matter.

4. Assent to Bills
   • No bill can become a law without the assent and the signature of the President.
   • He can send the Bill back with some recommendations and if the Bill is passed again he has to give his assent.
   • A money Bill can only be introduced on the recommendation of the President.

5. Power to promulgate Ordinances
   • An ordinance is command or direction with an authoritative nature.
   • It can be promulgated when the President is satisfied that circumstances compel him to take immediate actions.
   • It can be promulgated at a time when both Houses aren’t in session. If one House is there, there’s no bar in issuing it.
   • The Ordinance so promulgated must be laid before both Houses when they reassemble. If it’s not approved, it lapses. If it is, it ceases to operate 6 weeks after the reassembly.
   • It lapses if it is replaced by an Act of Parliament.

6. Assent to State Bills
   • The Governor may reserve some bill passed by State Legislature for the assent of the President.
   • The President can refuse his assent to such a State Bill or can send it back to reconsider.
   • Bills affecting powers of High Court is always reserved for President’s consideration.

F. FINANCIAL
   • Money Bills can only be intro on President’s recommendation.
   • The President shall cause laying the annual budget before both the Houses of Parliament.
   • The Contingency fund is placed at President’s disposal. It enables him to advance some money for the purpose of unexpected expenses.
   • He appoints a Finance Commission after every 5 years. It makes recommendations to the President on financial matters.

G. DISCRETIONARY
   • When no political party seems or no leader seems to enjoy majority support in Lok Sabha, the President shall have freedom to decide who should be appointed as the PM.
   • The President may withhold assent to Bill or may it back for reconsideration, if it’s not money bill.
H. EMERGENCY

It is sudden or unforeseen situation demanding immediate action.

During an emergency, the Head of State assumes extraordinary powers.

1. National/General Emergency

Proclamation

- The President may proclaim this when he feels that the security of India is threatened by external war or external aggression or armed rebellion.
- He can't issue this unless he has the approval in writing of the Union Cabinet.

Duration

- It can't remain in operation for more than six months at a time.
- It'll get a fresh lease of 6 months after being approved by Parliament by a special majority (i.e., majority of total membership of house + majority of not less than 2/3 of members present and voting).

Effects

- Center–state relationship
  - The Parliament can legislate upon any subject even if it is included in the State List.
  - The Union Gov may give directions to States as to how they should exercise their executive authority.
  - The Central Gov gets the power to suspend the financial provisions of the Constitution i.e., alter the distribution of revenues between the Center and the States.

Fundamental Rights

- The Fundamental Rights guaranteed under Article 19 remain suspended.
- He may suspend the right to move any court for the enforcement of such rights, except the Article 20 and 21.

Life of the Lok Sabha and State

Legislatures

- The Parliament may extend the duration of the Lok Sabha and the State legislative Assemblies for a year at a time.

Emergency due to failure of Constitutional Machinery

Circumstances

- If the President, on receipt of a report from the Governor or otherwise, is satisfied that the Gov of a State can't be carried on in accordance with the provisions of the Constitution, he may declare emergency.
- He may assume all or any functions of the Gov of the State.

Duration

- The normal duration of The Proclamation is two months.
- It can be extended to six months only by the ratification of Parliament. After that it'll cease to exist unless it is again ratified or extended by the Parliament.
- It may extend beyond 1 year only on two conditions
  a) There's a Proclamation of Emergency in the whole of India or in any part of the State.
  b) The EC tells it is difficult to conduct elections to the Legislative Assembly of the State.
- No such proclamation shall remain in force for more than 3 years.
- Any such proclamation ceases to exist after 3 years of its issuance.

Effects

- State Legislature may be dissolved and the Council of Ministers may be dismissed.
- The President may vest all executive functions in the Governor.
- The Annual budget of the state is passed by the Parliament.
- The President may suspend the provision of the Constitution relating to any authority of the State except those relating to HC.

Financial Emergency
• If the President feels that a situation has arisen whereby the Financial stability or credit of the nation is threatened, he may declare financial emergency.

Duration
• It is valid for two months.
• The Proclamation should be approved by the Parliament if it’s to continue beyond 2 months.

Effects
• Union Gov may give directions to States to observe certain financial rules.
• The President may appoint a Financial Commission to suggest how to come out of the crisis.
• The President can reduce the salaries and allowances of all or any class of persons including the judges of SC and HC.
• The Union Gov may ask States to reduce salaries of public servants of the State.
• All money bills passed by State Legislatures may be reserved for President’s consideration.

REASONS FOR INDIRECT ELECTION OF THE PRESIDENT
• India has a Constitutional Parliamentary type of Gov. So direct election would make the President rival to the council of Ministers.
• As the membership in the 2 houses was likely to be dominated by 1 party, direct election would make the president a candidate of the ruling party and the States would not be represented.
• The President is elected through electoral college which includes the States as well. This means that he’s elected by the whole Nation.
• A tremendous loss of time, energy and money would be there in direct elections.
• A direct election would place too much power in the hands of mostly illiterate Indians.

Vice President Qualifications
• Citizen of India
• 35 years of age

ELECTION
• An Electoral College consisting of the members of both Houses elects the VP.
• The election is held in accordance with the system of proportional representation by means of a single transferable vote. The Voting is done by Secret Ballot.
• Each nomination paper should be proposed by at least 20 electors and 20 seconders.

TERM OF OFFICE
• The normal term of office of the VP is 5 years
• He may resign before the expiry of his term by writing to the President.
• He may be removed through impeachment.
• He may continue to hold the office until his successor enters upon his office.

POWERS
• His normal function is to act as the ex-officio chairman of the RS and regulate its debates and proceedings.
  a) He decides the admissibility of a resolution or of questions.
  b) He may adjourn or suspend the business of the House in case of disorder.
  c) He issues directions to the chairmen of various committees in all matters relating to their working.
• The VP takes over the office of the President in case of his a) death b) resignation c) removal d) illness or absence due to which he’s not able to discharge his function.
• In such cases, he acts as President until a new President is elected.

Prime Minister and Council of Ministers

The Prime Minister

Appointment
• He’s appointed by the President.
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- The majority party elects from amongst themselves the PM on invitation from the President.
- He's the leader of the party or coalition which commands a majority in the Lok Sabha.

POWERS AND POSITION

With the President
- PM is the link between the Cabinet and the President. He keeps the President informed on all matters and decisions of Gov.
- It's on the advice of PM that the President summons and prorogues Parliament and dissolves the LS.
- The PM may be asked by the President to reconsider any decision taken by a minister who did not discuss it with the Council.
- The PM chooses his Ministers and on his advice, the President appoints or dismisses them.
- He is the Principal advisor of the President on various issues like appointments of judges, Governors, Ambassadors etc.

With the Cabinet
- PM is the leader of the cabinet and has the liberty to decide the appointment of different categories of Ministers.
- He allocates portfolios to the Ministers and reshuffles his council whenever he pleases.
- No person can remain a member of the Council if the PM says that he should be dismissed.
- He coordinates the working of the various departments.
- PM's resignation implies the resignation of the whole Cabinet.

With the Parliament
- It's on his advice that the President prorogues or summons the Parliament and dissolves the LS.
- As he's the leader of the majority party of the Parliament, he's said to be the leader of the House.
- He's the chief spokesperson and defender of the Gov in Parliament.
- When a policy of a Minister comes under attack in the Parliament, he defends the issue involved.
- When there's an ugly situation on the House due to caste wars, reservation, atrocities on women etc., the matter generally ends with the intervention of the PM.

With the Nation
- The PM represents the nation and voices the opinion of public.
- During national crises like war, even the opp supports him.
- PM decides what kind of relations would India have with other countries.
- PM tries to protect the interests of the country in international forums.
- At the time of Gen Election, people vote for the proposed PM.
- He's the ex officio chairman of the Niti Aayog and the Atomic Energy Commission.

RESTRICTIONS
- He needs to ensure the support of his ministers as well as the Party.
- In case of coalition, the PM doesn't enjoy an absolute majority in the LS, his position becomes vulnerable.
- Opp parties always look for a chance to criticize the PM.
- The Press and Public opinion acts as checks on his authority.

COUNCIL OF MINISTERS
- The Ministers are appointed by the President on the Advice of the PM.
- Normally, they are MP. In case they are not, they have to be elected or nominated to the Parliament within 6 months from the date of their appointment falling which, they'll have to resign from the post of the Minister.

Cabinet Ministers
- They are the 25 senior most ministers who hold imp portfolios like Defense, Finance, External Affairs, Railways etc.
- They are the most trusted associates of the PM.

State Ministers
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- They are the second category of Ministers and are not the members of the Cabinet.
- They may or may not be given an independent charge of the ministry.
- The PM may or may not consult them.
- They do not participate in cabinet meetings.

**Deputy Ministers**
- They are the junior ministers and are placed under senior ministers whom they've to assist.
- They take no part in the Cabinet Deliberations.

**POWERS AND FUNCTIONS OF THE CABINET**

**ADMINISTRATIVE**

**Policy Making**
- The Cabinet formulates both external and domestic policies of the Government.
- It takes decision on all major problems – defense, and security needs, energy, economy, health etc. Then the concerned Minister of the department carries out the policy.

**Implementation of Policy**
- Once a policy decision is taken by the Cabinet on any subject, it’s conveyed to the Minister of State and the Deputy Minister of the concerned Ministry.
- They work out the details and pass it out to the civil servants to implement the Policy.

**Coordination of the functioning of the various ministries**
- The Cabinet coordinates the working of various departments for the smooth implementation of Gov policies as normally various departments are involved for the implementation of a policy.

**Appointments**
- All major appointments though made by the President are decided upon by the Cabinet.

**LEGISLATIVE POWERS**

**Introduction of Bills**
- The Cabinet and the departments of admin take initiative in legislation.
- The Cabinet explains the merits of the Bill. It is the one who pilots the Bill through various processes of legislation from intro to the final passage of the Bill.

**Amendment to the Constitution**
- The Cabinet is instrumental in planning and moving the Amendment to the Constitution.

**Summoning of the Houses**
- Although the President summons the Houses, it is the Ministry of parliamentary affairs that takes up this initiative.

**President’s Special address**
- The Cabinet prepares the President’s special Address to the Parliament.
- Thus, it sets forth its legislative programme at the commencement of the first session of LS after each General Election and at the commencement of the first session each year.

**Issuing Ordinances**
- Cabinet also advises the President to issue ordinances when the Parliament is not in session.

**FINANCIAL POWERS**

**Budget**
- Finance Minister prepares the Annual Budget containing the estimates of income and expenditure for the ensuing year.
- The budget is passes by the Parliament and any changes against the wishes of Cabinet can only be made if a vote of No–Confidence Motion is passed, in which case the Ministry must resign.

**Finances of the Government**
- The Cabinet is responsible for the expenditure of the Gov, for presenting the demand of grants and also for raising necessary income by various means including taxation.

**Introduction of Money Bills**
- A money bill can only be introduced in the LS through generally by the Cabinet.

**EMERGENCY POWERS**

- The President can’t declare a Proclamation of General Emergency under Article 352 of the Constitution, without receiving in writing the decision of the Cabinet to this effect.
- Financial Emergency and President’s rule are also decided by the Cabinet.

**COUNCIL OF MINISTERS AND THE CABINET.**

- Council of Ministers consist of all categories of Ministers – Cabinet, State and deputy whereas Cabinet is a smaller group consisting if senior ministers holding imp portfolios such as Defense, Finance, Home etc.
- The PM may or mayn’t consult the ministers below the rank of Cabinet whereas the Cabinet are the trusted colleagues of the PM and he always consults them.
- In day to day working, the Council as a whole rarely meets but the Cabinet determines the policy and program of the Gov so they meet as frequently as possible.
- It is actually the Cabinet which advices the President on behalf of the Council of Ministers.