

Law-Making Powers & Federal Links: Constitutional Traps

A comprehensive collection of the most deceptive constitutional **law** traps covering **parliamentary powers**, budgetary processes, and **federal relationships**. These ultra-platinum level misconceptions test the deepest understanding of India's legislative framework.

Extent of Parliamentary Power - Common Misconceptions

Trap 1

✗ Parliament makes laws only for Union Territories & Union List.

Reality: Parliament can legislate on Union List, Concurrent List, and even State List in special conditions (Arts. 249, 250, 252, 253).

Trap 2

✗ Parliament laws don't apply to J&K after 2019.

Reality: After abrogation of Art. 370, J&K = Union Territory → full parliamentary competence.

Trap 3

✗ Parliament laws have no extraterritorial effect.

Reality: Art. 245(2) → Valid even if laws operate outside India (e.g., crimes on Indian ships abroad).

Trap 4

✗ Parliament cannot legislate for Scheduled Areas.

Reality: Can legislate, but Governor has power to adapt/modify for Scheduled Areas.

State List & Parliamentary Authority

Trap 5

✗ Parliament can legislate on State List anytime with President's permission.

Reality: Only in specific cases (**Art. 249, 250, 252, 253**).

Trap 6

✗ Art. 249 RS resolution needs simple majority.

Reality: Requires 2/3rd of members present & voting.

Trap 7

✗ Law made under Art. 249 is permanent.

Reality: Valid for 1 year; can be renewed annually while resolution remains in force.

Trap 8

✗ Law made under Art. 250 (Emergency) continues permanently.

Reality: Ceases 6 months after **Emergency** ends.

Trap 9

✗ Art. 252 requires Parliament to seek President's approval before legislating.

Reality: Only needs consent/resolutions of two or more **State Legislatures**.

Trap 10

✗ Law made under Art. 252 applies to all States.

Reality: Applies only to consenting **States**; other **States** may adopt later.

Residuary & Concurrent Powers Distribution



Trap 11

✗ Residuary power in India lies with States.

Reality: Residuary power with Parliament (Art. 248).



Trap 12

✗ Residuary power covers taxation only when mentioned.

Reality: Covers all subjects including taxation not in any list.



Trap 13

✗ Concurrent List conflicts are resolved by State Law prevailing.

Reality: Union Law prevails (Art. 254).



Trap 14

✗ State law on Concurrent List automatically void if inconsistent.

Reality: If reserved for Presidential assent → State law prevails (exception under Art. 254(2)).



Trap 15

✗ Union cannot legislate on Concurrent List without States' consent.

Reality: Both Union & State can legislate concurrently.

International Agreements & Treaties

Trap 16

✗ All treaties require ratification by Parliament.

Reality: Executive (Union) concludes treaties; Parliament only if implementation requires law (Art. 253).

Trap 17

✗ Parliament cannot legislate on State List to implement international agreements.

Reality: Art. 253 empowers it even on State List.

Trap 18

✗ Parliament requires President's recommendation before legislating under Art. 253.

Reality: No such requirement.

Trap 19

✗ WTO/GATT commitments automatically become law.

Reality: Need enabling legislation by Parliament.

Trap 20

✗ States can refuse to implement international treaties.

Reality: Once Parliament passes law under Art. 253, binding on States.

Special Situations & Emergency Powers

Trap 21

✗ **During National Emergency, State legislatures can't legislate.**

Reality: They can legislate, but **Union law** prevails (**Art. 250**).

Trap 22

✗ **During President's Rule, only Governor legislates.**

Reality: **Parliament** assumes **State Legislature's** powers (**Art. 356**).

Trap 23

✗ **Under Art. 356, laws made by Parliament are temporary.**

Reality: They continue even after **President's Rule** ends.

Trap 24

✗ **Parliament cannot delegate legislative powers.**

Reality: **Delegated legislation** allowed, subject to **judicial review**.

Trap 25

✗ **Governor can reserve any Bill for President's consideration.**

Reality: Only certain **Bills** (e.g., derogating powers of **HC**, or against larger **national interest**).

Distribution of Powers & Conflicts

Resolution

1

Trap 26

✗ In Union–State conflict, President decides which law prevails.

Reality: Art. 254 → Union law prevails unless State law got Presidential assent.

2

Trap 27

✗ If Union & State laws conflict, both automatically void.

Reality: Union law prevails to extent of repugnancy.

3

Trap 28

✗ Parliament cannot legislate retrospectively.

Reality: It can make retrospective laws (except criminal offences).

4

Trap 29

✗ Both Houses must agree on distribution of subjects.

Reality: Distribution fixed by Constitution; Parliament amends only via Art. 368.

5

Trap 30

✗ Only Union List is exhaustive.

Reality: All three lists are exhaustive; residuary goes to Parliament.

Delegated Legislation & Executive Control

Trap 31

✗ **Delegated legislation = unconstitutional in India.**

Reality: Permitted; controlled by **Parliamentary** committees.

Trap 32

✗ **Executive cannot legislate.**

Reality: **Ordinances (Art. 123, 213) = legislative power of Executive.**

Trap 33

✗ **Parliament cannot repeal delegated legislation.**

Reality: **Parliament** can annul/modify rules framed under its **Acts**.

Trap 34

✗ **Subordinate legislation immune from judicial review.**

Reality: Reviewable by **SC (excessive delegation doctrine)**.

Trap 35

✗ **Ordinances need prior approval of Parliament.**

Reality: Promulgated by **President** when **Parliament** not in session.

Territorial & Extra-Territorial Scope

“

Trap 36

✗ **State laws** valid outside **India**.

Reality: **Parliament** alone can make laws with **extraterritorial effect**.

“

Trap 37

✗ **Union law** automatically applies to all **UTs**.

Reality: **Parliament** decides extent; some **UTs** have **legislatures**.

“

Trap 38

✗ **Union laws** automatically extend to **Schedules Areas/North-East**.

Reality: Require **Presidential assent**/modifications (**Fifth/Sixth Schedules**).

”

“

Trap 39

✗ **Parliament** cannot make laws for subjects under **Panchayats**.

Reality: **Art. 243G** empowers **State**; but **Parliament** can legislate indirectly through **Union List** subjects.

“

Trap 40

✗ **Parliament laws** = supreme under all circumstances.

Reality: Not always; within **State List**, **Parliament** restricted unless under **special provisions**.

”

Budget Basics & Constitutional Framework

Trap 1

✗ **Budget** is defined in **Constitution**.

Reality: **Constitution** calls it **Annual Financial Statement** (**Art. 112**); "Budget" is a convention.

Trap 2

✗ **Budget** can be presented in **Rajya Sabha**.

Reality: Always presented in **Lok Sabha**.

Trap 3

✗ **Budget presentation** = **approval of expenditure**.

Reality: Expenditure authorised only after **Parliament** passes **Appropriation Bill**.

Trap 4

✗ **President** presents **Budget**.

Reality: **Finance Minister** on behalf of **President** (**Art. 112**).

Trap 5

✗ **Budget speech** = **grants automatically approved**.

Reality: No, needs detailed voting in **LS**.

Funds of India - Constitutional Structure

Trap 6

✗ **Consolidated Fund = discretionary fund.**

Reality: All revenues, loans, recoveries → mandatory deposit (**Art. 266**).

Trap 7

✗ **Public Account requires Parliamentary vote.**

Reality: Only **Parliament** discussion; no voting, since Govt acts as trustee.

Trap 8

✗ **Contingency Fund = under Parliament.**

Reality: Under control of **President; Parliament** only authorises increase (**Art. 267**).

Trap 9

✗ **Public Account is part of Consolidated Fund.**

Reality: Separate; includes PF, small savings, insurance, etc.

Trap 10

✗ **Withdrawals from CFI don't need Parliament approval.**

Reality: Mandatory **Parliamentary** authorisation.

Charged vs Voted Expenditure Classification

| | |
|----|--|
| 1 | Trap 11 ✗ Charged expenditure requires voting. Reality: Discussed, but not <u>voted</u> . |
| 2 | Trap 12 ✗ Salaries of all judges of SC & HC are voted. Reality: <u>Charged on CFI</u> . |
| 3 | Trap 13 ✗ Expenditure of UPSC = voted. Reality: <u>Charged</u> . |
| 4 | Trap 14 ✗ Speaker's salary = voted. Reality: <u>Charged</u> . |
| 5 | Trap 15 ✗ Subsidies are charged on CFI. Reality: <u>Voted expenditure</u> . |
| 6 | Trap 16 ✗ Defence pensions are charged. Reality: <u>Voted</u> . |
| 7 | Trap 17 ✗ Interest on debt = voted. Reality: <u>Charged</u> . |
| 8 | Trap 18 ✗ Salaries of Ministers = charged. Reality: <u>Voted</u> . |
| 9 | Trap 19 ✗ EC expenditure = voted. Reality: <u>Charged</u> . |
| 10 | Trap 20 ✗ CAG expenditure = voted. Reality: <u>Charged</u> . |

Budgetary Devices & Parliamentary Procedures

1 Trap 21

✗ Vote on Account = for full year's expenditure.

Reality: Temporary (2 months, sometimes more).

2 Trap 22

✗ Vote on Credit = same as Vote on Account.

Reality: For unforeseen expenditure (war, calamity).

3 Trap 23

✗ Exceptional Grant = part of Budget.

Reality: Voted separately, not in budget.

4 Trap 24

✗ Token Grant = for symbolic purposes only.

Reality: Used to meet expenditure not covered by current demand.

5 Trap 25

✗ Supplementary Grant = needs no approval.

Reality: Requires LS approval.

6 Trap 26

✗ Excess Grant = voted in LS before CAG audit.

Reality: After CAG certifies excess expenditure.

7 Trap 27

✗ Appropriation Bill is an Ordinary Bill.

Reality: Classified as Money Bill.

8 Trap 28

✗ Finance Bill always a Money Bill.

Reality: Finance Bill (I) = Money Bill; Finance Bill (II) ≠ Money Bill.

9 Trap 29

✗ Appropriation Bill can be amended.

Reality: No amendment allowed → only for withdrawal.

10 Trap 30

✗ Appropriation Bill introduced in RS.

Reality: Only in LS.

Demands for Grants & Cut Motions

O1

Trap 31

✗ **Demands for Grants** are voted by **RS**.

Reality: Only **LS** votes.

O3

Trap 33

✗ **Grants once passed cannot be reduced.**

Reality: **Cut motions** reduce specific demands.

O5

Trap 35

✗ **Economy Cut** = reduces demand to ₹1.

Reality: All **cut motions** reduce to ₹1, but reason differs (**economy, policy, token**).

O7

Trap 37

✗ **Token Cut Motion** = increases allocation by ₹100.

Reality: Reduces by ₹100, to highlight specific demand.

O9

Trap 39

✗ **Rajya Sabha can reject Cut Motions.**

Reality: **RS** cannot vote on Demands at all.

O2

Trap 32

✗ **Each ministry = only one Demand for Grant.**

Reality: Can present multiple demands.

O4

Trap 34

✗ **Cut Motions exist in both Houses.**

Reality: Only in **LS**.

O6

Trap 36

✗ **Disapproval of Policy Cut Motion** = reduces amount by 10%.

Reality: Reduces to ₹1.

O8

Trap 38

✗ **Guillotine** = rejecting **Budget**.

Reality: All pending **Demands for Grants** put to vote at once, without discussion.

O10

Trap 40

✗ **Failure of Appropriation Bill** ≠ fall of Govt.

Reality: **Appropriation Bill** is a **Money Bill** → defeat = Govt collapse.

Parliament Miscellaneous - Quorum & Sessions



Trap 1

✗ Quorum = majority of members present.

Reality: Quorum = 1/10th of total membership ([Art. 100](#)).



Trap 2

✗ If quorum not met, Speaker can continue House.

Reality: Speaker must adjourn/suspend House until quorum.



Trap 3

✗ Parliament must meet at least thrice a year.

Reality: Constitution only says not more than 6 months between two sessions ([Art. 85](#)).



Trap 4

✗ Constitution fixes duration of Budget Session.

Reality: Duration is convention, not constitutional.



Trap 5

✗ Joint Sitting is routine.

Reality: Rare — only 3 times in history (1961, 1978, 2002).

Speaker's Powers & Authority

Trap 6

1

✗ **Speaker cannot be removed during LS term.**

Reality: Can be removed by **effective majority (Art. 94)**.

Trap 7

2

✗ **Speaker decides all disqualification cases.**

Reality: Only under **10th Schedule**; other disqualifications → **President (Art. 103)**.

Trap 8

3

✗ **Speaker's certification of Money Bill = absolute.**

Reality: Reviewable by **SC (Aadhaar Case, 2018)**.

Trap 9

4

✗ **Speaker cannot suspend a member.**

Reality: Can suspend, but not **expel (House** expels).

Trap 10

5

✗ **Pro tem Speaker = oldest MP automatically.**

Reality: **President** appoints; often **senior-most**, not always **oldest**.

Anti-Defection Law (10th Schedule)

1

Trap 11

✗ Defection disqualification decided by President.

Reality: Speaker/Chairman decides.

2

Trap 12

✗ Speaker's decision is final.

Reality: Subject to judicial review (Kihoto Hollohan, 1992).

3

Trap 13

✗ Expulsion = disqualification under 10th Schedule.

Reality: Expulsion ≠ disqualification; expelled member can recontest.

4

Trap 14

✗ Merger of party requires 2/3rd of MLAs + Speaker's approval.

Reality: Speaker only certifies; merger automatic if 2/3rd support.

5

Trap 15

✗ Defection law applies to nominated members from day one.

Reality: Only after 6 months in House.

6

Trap 16

✗ Defection law applies to presiding officers.

Reality: They can resign party membership on election; exempt from disqualification.

7

Trap 17

✗ Independent members can join any party anytime.

Reality: If they join after election → disqualified.

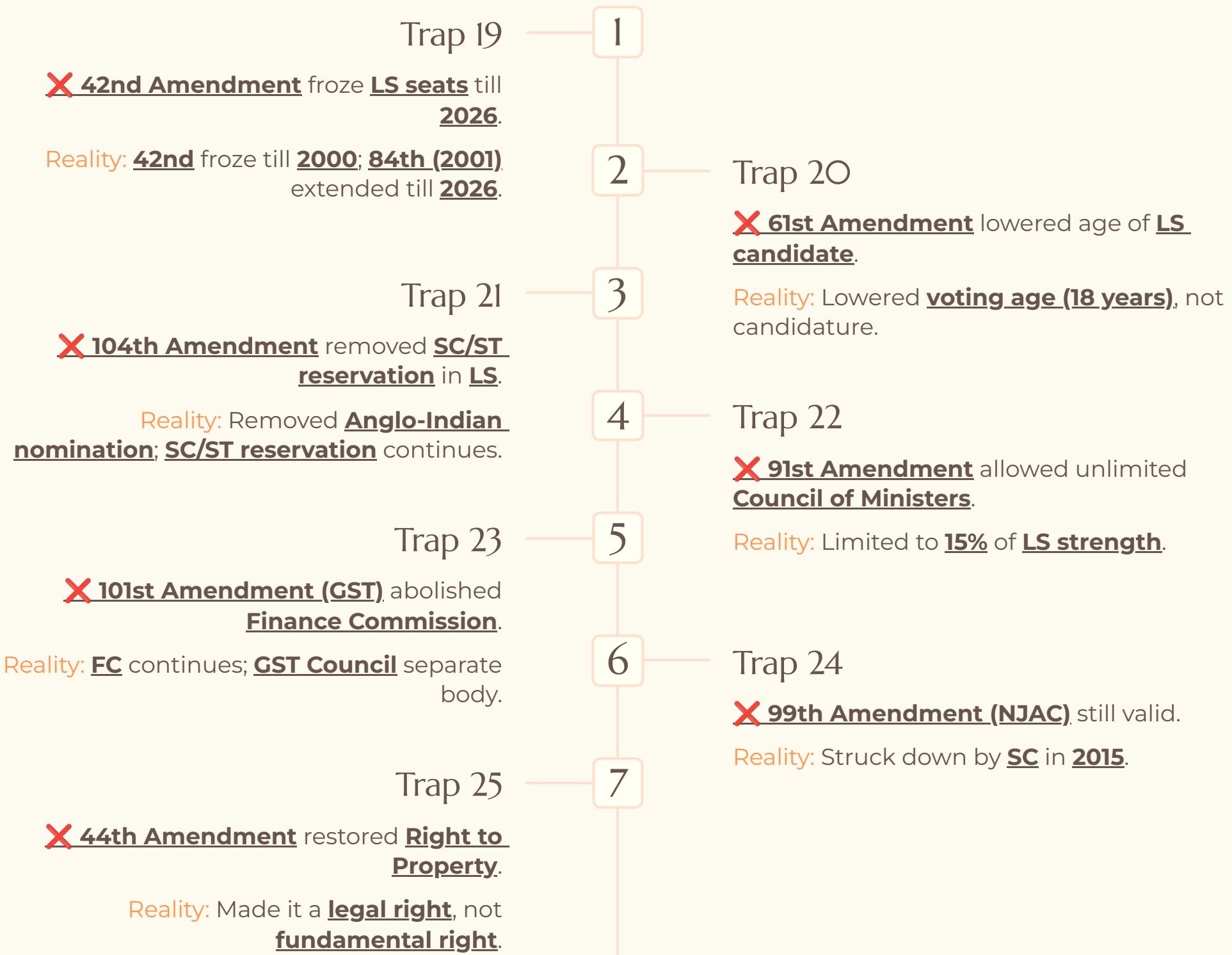
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Trap 18

✗ Anti-defection applies to Rajya Sabha.

Reality: Applies to both Houses equally.

Constitutional Amendments & Key Provisions



Landmark Cases on Parliamentary Powers

Trap 26

✗ Kesavananda Bharati (1973) held Parliament supreme.

Reality: Parliament not supreme → subject to Basic Structure Doctrine.

Trap 28

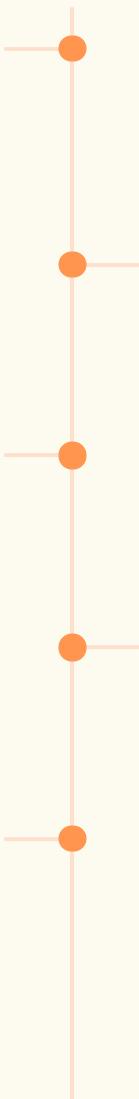
✗ Raja Ram Pal (2007) barred Parliament from expelling members.

Reality: Upheld Parliament's expulsion powers, but subject to review.

Trap 30

✗ Kihoto Hollohan (1992) made Speaker's decision immune.

Reality: Made it judicially reviewable.



Trap 27

✗ Indira Gandhi v Raj Narain (1975) upheld Parliament's unlimited amending power.

Reality: Struck down 39th Amendment; reaffirmed Basic Structure limits.

Trap 29

✗ Searchlight Case (1959) gave absolute privilege to Parliament.

Reality: SC ruled parliamentary privilege subject to fundamental rights.

Membership & Disqualification Rules

Trap 31

✗ **Office of profit** defined in **Constitution**.

Reality: Not defined; decided by **Parliament** & **courts**.

Trap 33

✗ **RPA** disqualifies **MPs** for **corruption charges**.

Reality: Only on **conviction**, not on **charges**.

Trap 35

✗ **Nominated MPs** cannot join **political parties**.

Reality: They can join within **6 months**; otherwise **disqualified** under **10th Schedule**.

Trap 32

✗ **Convicted MPs** disqualified only after **President's order**.

Reality: **Immediate disqualification (Lily Thomas v UOI, 2013)**.

Trap 34

✗ **Dual membership (both Houses)** allowed.

Reality: Must resign from one within **14 days**.

Parliamentary Procedures & Bill Processing



Trap 36

✗ Ordinary Bill can be introduced in LS only.

Reality: In either House.



Trap 37

✗ RS can reject Appropriation Bill.

Reality: RS cannot reject; Money Bills = LS supremacy.



Trap 38

✗ President can return CA Bill.

Reality: Must give assent (Art. 368).



Trap 39

✗ President must return Ordinary Bill within 14 days.

Reality: No time limit in Constitution.



Trap 40

✗ Ordinances cease the moment Parliament meets.

Reality: Continue for 6 weeks from reassembly, unless disapproved earlier.

Mixed Constitutional Traps - Composition



Sessions & Quorum - Advanced Traps

Trap 6

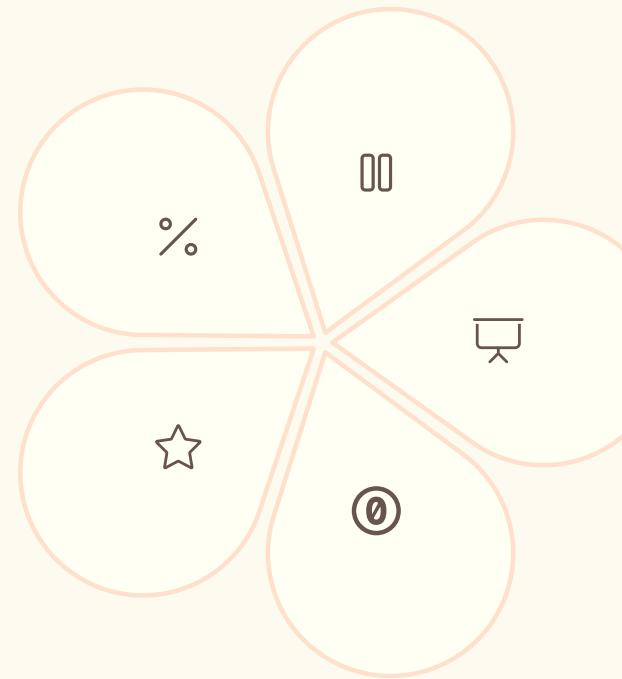
✗ Quorum = 50% members.

Reality: 1/10th.

Trap 10

✗ Budget Session duration fixed by Constitution.

Reality: Convention only.



Trap 7

✗ Adjournment ends session.

Reality: Adjournment = break; session ends with prorogation.

Trap 8

✗ President summons Parliament at will.

Reality: On advice of Council of Ministers.

Trap 9

✗ Zero Hour in Constitution.

Reality: Innovation, not mentioned.

Presiding Officers - Authority & Powers

11

Trap 11

✗ Speaker ceases when LS dissolves.

Reality: Continues till new **Speaker**.

12

Trap 12

✗ Speaker can expel members.

Reality: Only **House** can; **Speaker** suspends.

13

Trap 13

✗ Chairman of RS = elected by RS.

Reality: **VP** ex-officio **Chairman**.

14

Trap 14

✗ Deputy Chairman removed by President.

Reality: Removed by **RS** by majority.

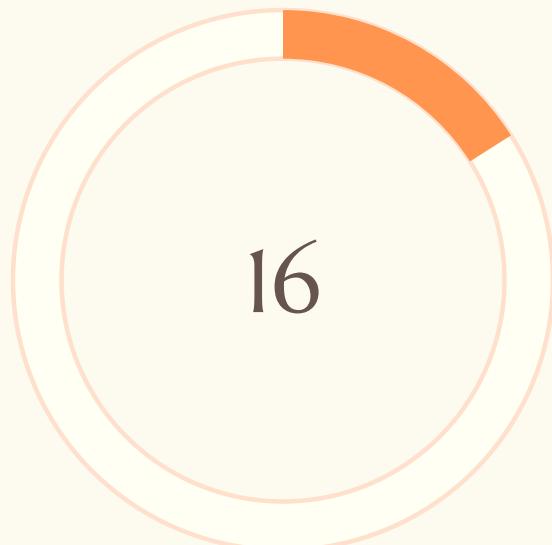
15

Trap 15

✗ Joint Sitting presided by RS Chairman.

Reality: **LS Speaker** presides.

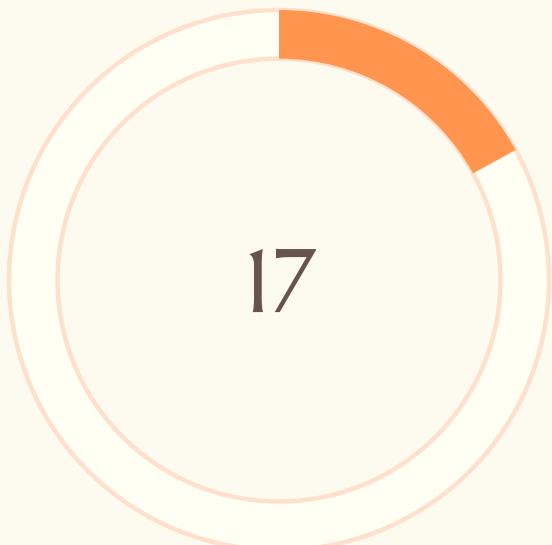
Bills & Legislative Process Complexities



Trap 16

✗ Money Bill can be introduced in **RS**.

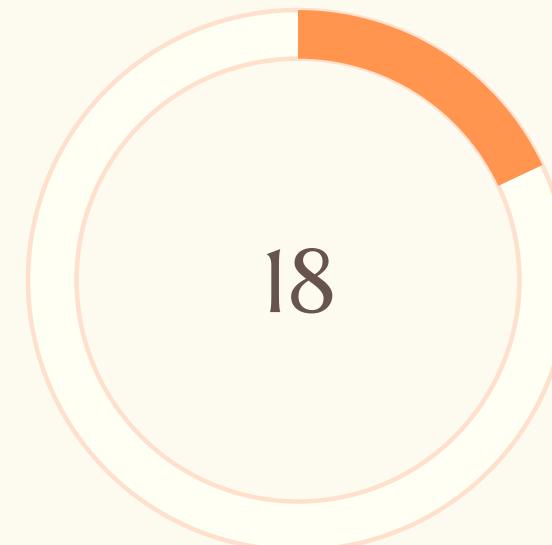
Reality: Only **LS**, with **President's** recommendation.



Trap 17

✗ Speaker's Money Bill certification absolute.

Reality: **Judicially reviewable** (**Aadhaar**).



Trap 18

✗ CA Bill lapses with **LS** dissolution.

Reality: Does not lapse.



Trap 19

✗ Joint Sitting for **CA Bill** possible.

Reality: No (**Art. 368**).



Trap 20

✗ President can **veto CA Bill**.

Reality: Must give **assent**.

Budget & Finance - Advanced Misconceptions



Trap 21

~~✗~~ **Public Account** = under **Parliamentary vote**.
Reality: No **voting**.



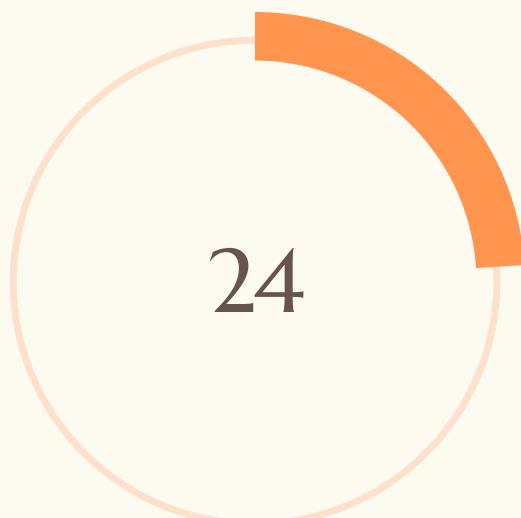
Trap 22

~~✗~~ **Contingency Fund** = under **Parliament control**.
Reality: Controlled by **President**.



Trap 23

~~✗~~ **Salaries of judges voted**.
Reality: Charged on **CFI**.



Trap 24

~~✗~~ **Subsidies** = **charged**.
Reality: **Voted**.



Trap 25

~~✗~~ **Appropriation Bill** = **Ordinary Bill**.
Reality: **Money Bill**.

Motions & Parliamentary Oversight



Trap 26

✗ Censure Motion = No-Confidence Motion.

Reality: Different targets.



Trap 27

✗ Cut Motions possible in RS.

Reality: Only in LS.



Trap 28

✗ Short Duration Discussion ends with vote.

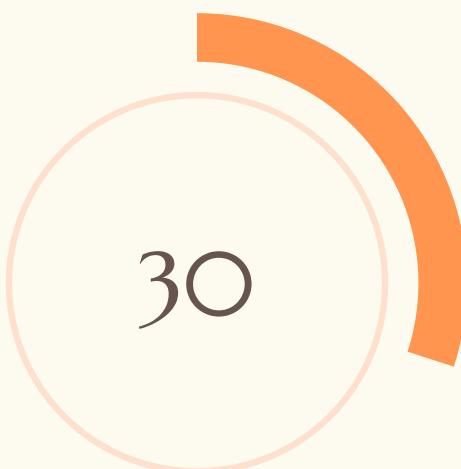
Reality: No voting.



Trap 29

✗ Vote of Thanks always passed.

Reality: Can be amended/rejected.

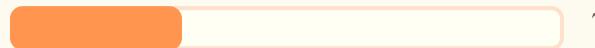


Trap 30

✗ No-Confidence Motion mentioned in Constitution.

Reality: In Rules only.

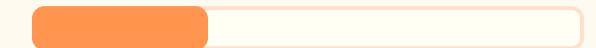
Privileges & Immunities Framework



Trap 31

✗ Privileges = Fundamental Rights.

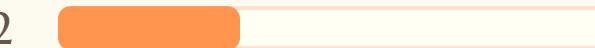
Reality: Separate (Art. 105).



Trap 32

✗ MPs' immunity covers crimes.

Reality: Only speeches/votes in House.



Trap 33

✗ Arrest of MP not possible anytime.

Reality: Possible in criminal matters, not civil during sessions.



Trap 34

✗ Media always immune for reporting debates.

Reality: Qualified privilege only.

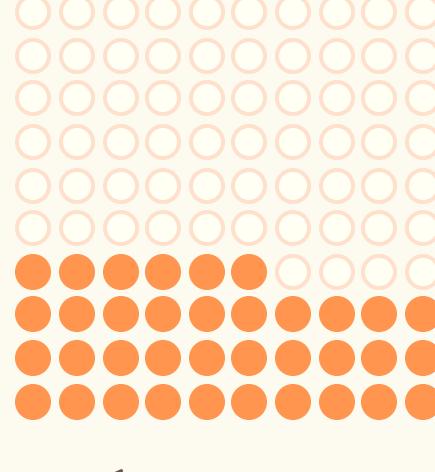


Trap 35

✗ Expulsion = permanent disqualification.

Reality: Member can recontest.

Federal Powers & Constitutional Amendments

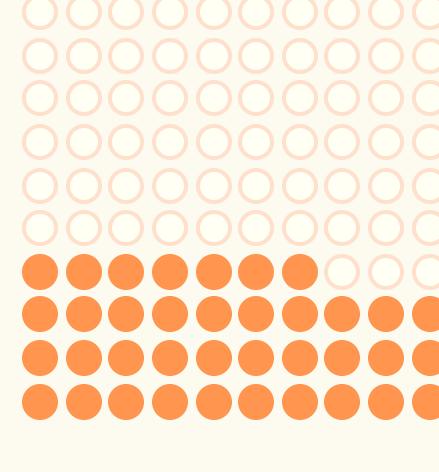


36

Trap 36

✗ Residuary power with States.

Reality: With Parliament.

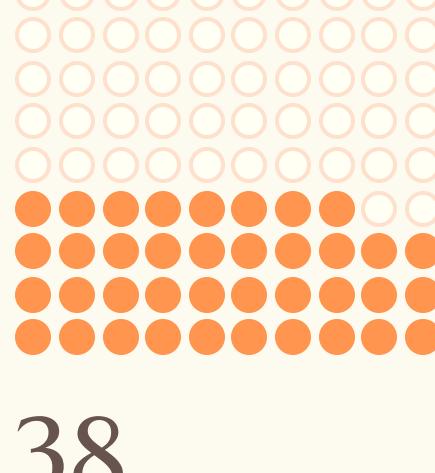


37

Trap 37

✗ Art. 249 resolution = simple majority.

Reality: 2/3rd present & voting.

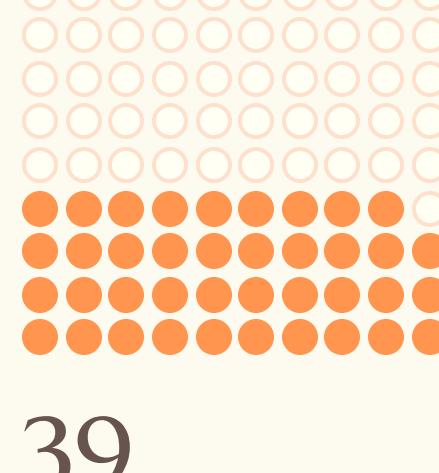


38

Trap 38

✗ Law under Art. 250 (Emergency) valid forever.

Reality: Till 6 months post-Emergency.

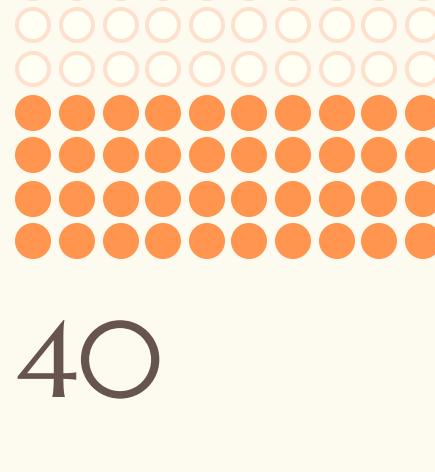


39

Trap 39

✗ Treaties require state ratification.

Reality: Parliament can legislate under Art. 253.

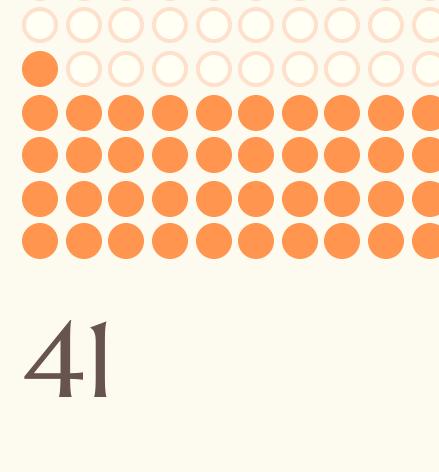


40

Trap 40

✗ WTO rules automatically binding.

Reality: Need enabling law.



41

Trap 41

✗ 42nd Amendment froze seats till 2026.

Reality: Only till 2000; extended by 84th.



42

Trap 42

✗ 99th Amendment (NJAC) is valid.

Reality: Struck down by SC (2015).

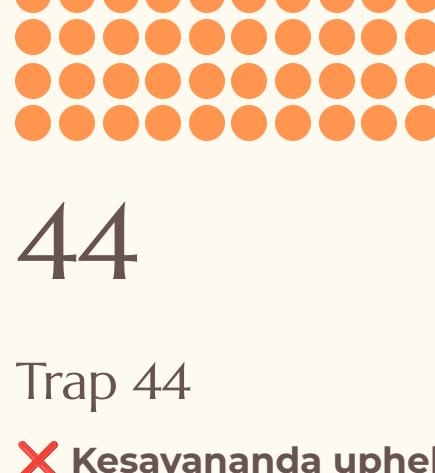


43

Trap 43

✗ 44th Amendment restored Right to Property as FR.

Reality: Made it legal right only.

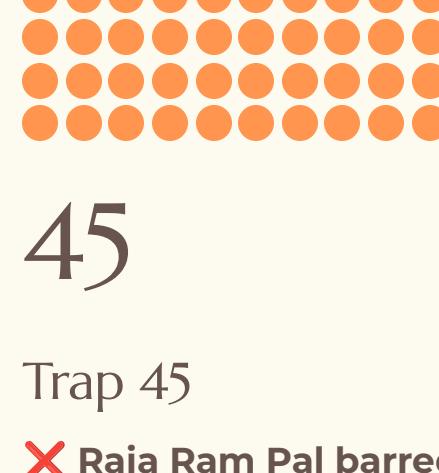


44

Trap 44

✗ Kesavananda upheld unlimited amending power.

Reality: Limited by Basic Structure.



45

Trap 45

✗ Raja Ram Pal barred expulsion of MPs.

Reality: Upheld Parliament's power to expel.

Final Oddball Constitutional Traps

●●○○○ 46

Trap 46

✗ **Private Member's Bill** never became law.

Reality: 1 **CA Bill** passed (1971).

●●○○○ 49

Trap 49

✗ **Finance Commission** abolished by **GST**.

Reality: Still exists.

●●○○○ 47

Trap 47

✗ **President cannot pocket veto.**

Reality: He can (**Postal Bill 1986**).

●●○○○ 48

Trap 48

✗ **Independent MPs** can join party anytime.

Reality: **Disqualified** if they do after election.

●●●○○ 50

Trap 50

✗ **Parliament** can't reduce **voting age**.

Reality: Did (**61st Amendment**, 1988).