

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

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.

O2

Trap 32

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

Reality: Can present multiple demands.

O3

Trap 33

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

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

O4

Trap 34

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

Reality: Only in **LS**.

O5

Trap 35

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

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

O6

Trap 36

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

Reality: Reduces to ₹1.

O7

Trap 37

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

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

O8

Trap 38

✗ **Guillotine = rejecting Budget.**

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

O9

Trap 39

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

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

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

1

Trap 6

✗ Speaker cannot be removed during LS term.

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

2

Trap 7

✗ Speaker decides all disqualification cases.

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

3

Trap 8

✗ Speaker's certification of Money Bill = absolute.

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

4

Trap 9

✗ Speaker cannot suspend a member.

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

5

Trap 10

✗ 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.

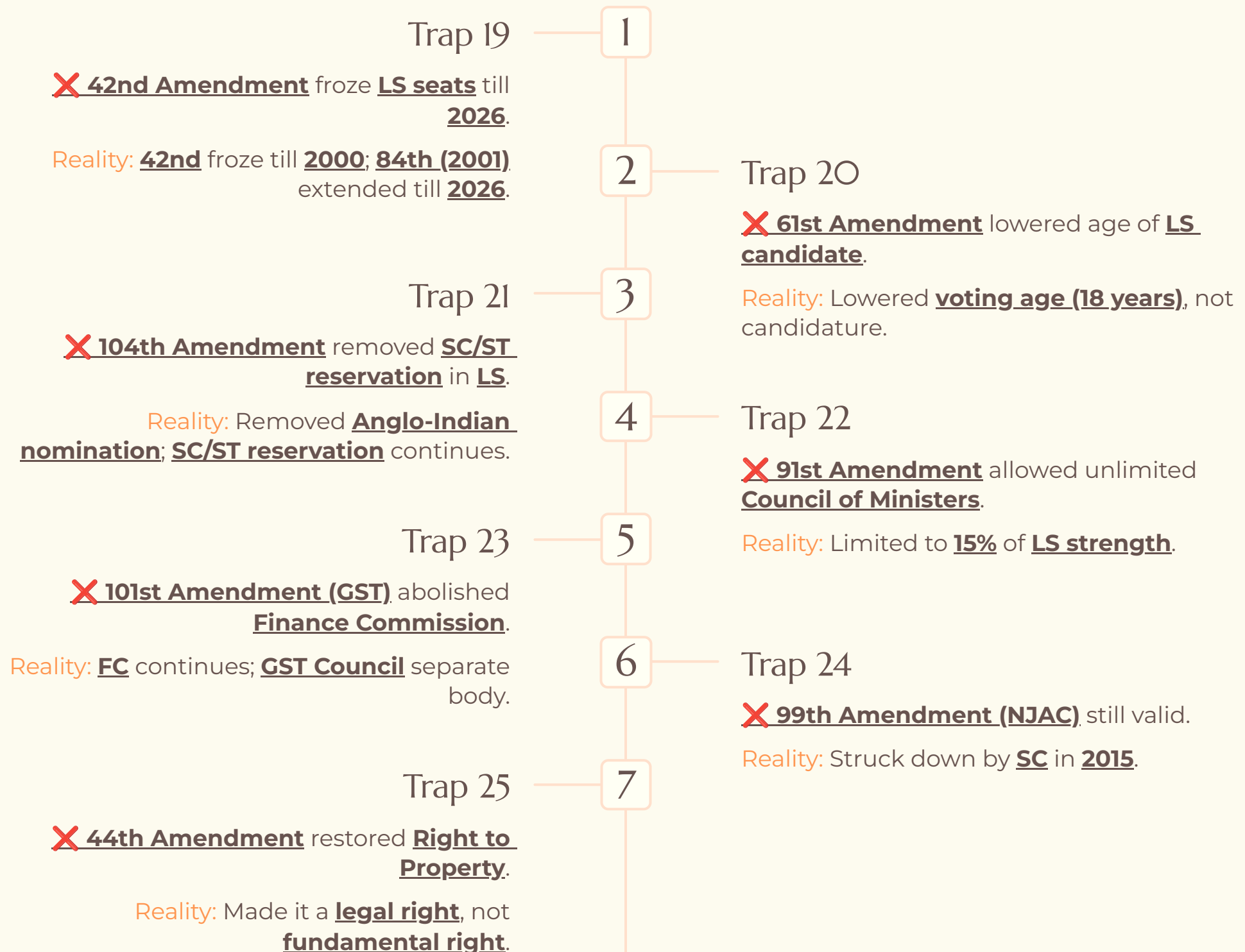
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Trap 18

✗ 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 32

✗ Convicted MPs disqualified only after President's order.

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

Trap 33

✗ RPA disqualifies MPs for corruption charges.

Reality: Only on conviction, not on charges.

Trap 34

✗ Dual membership (both Houses) allowed.

Reality: Must resign from one within 14 days.

Trap 35

✗ Nominated MPs cannot join political parties.

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

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.

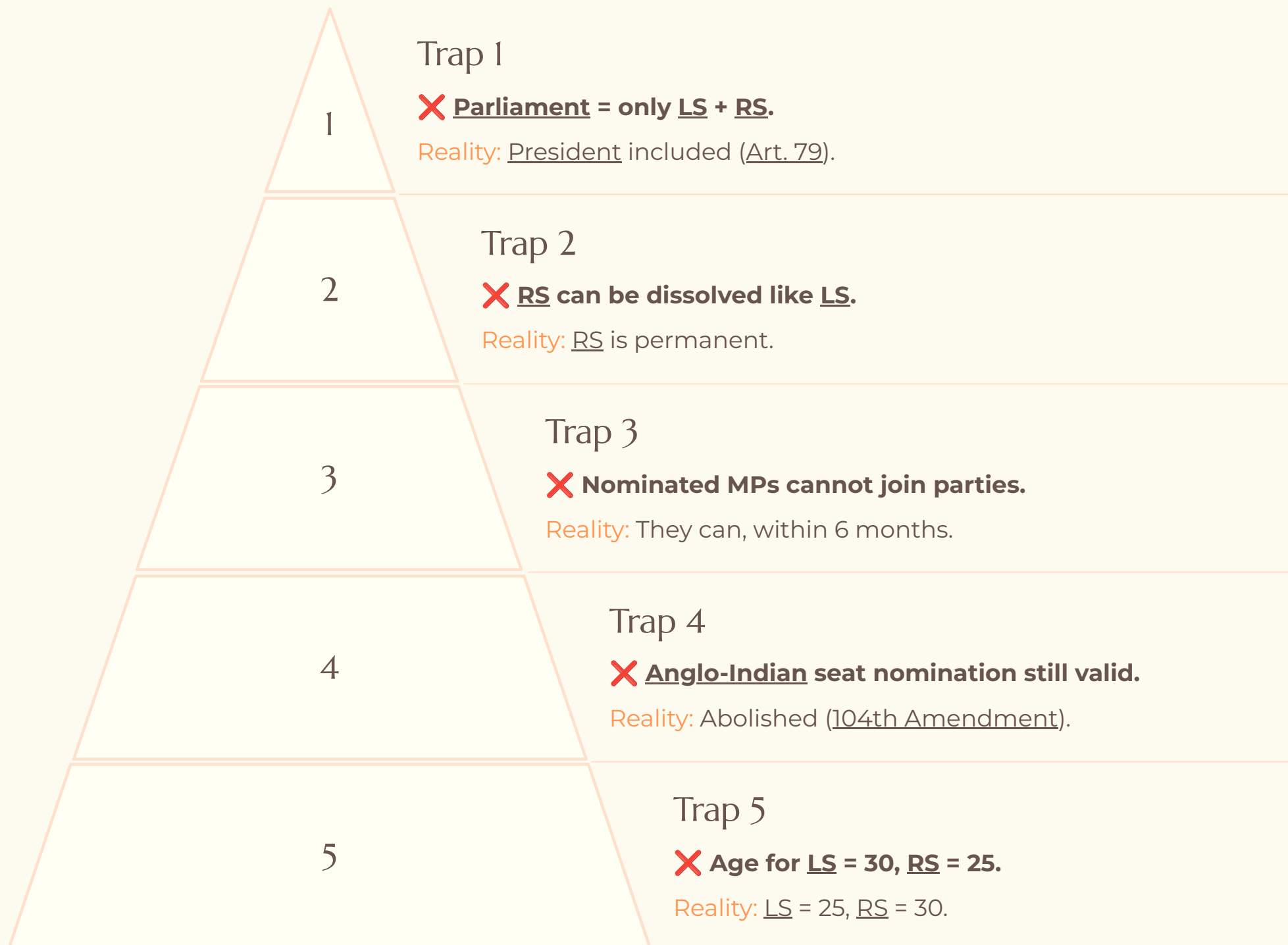


Trap 40

✗ 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

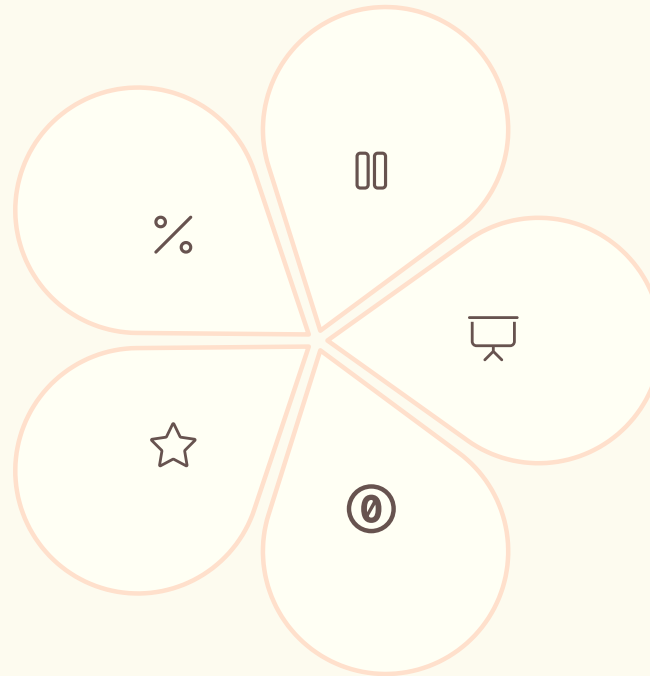
✗ **Quorum = 50% members.**

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



16

Trap 16

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

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



17

Trap 17

✗ Speaker's Money Bill certification absolute.

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



18

Trap 18

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

Reality: Does not lapse.

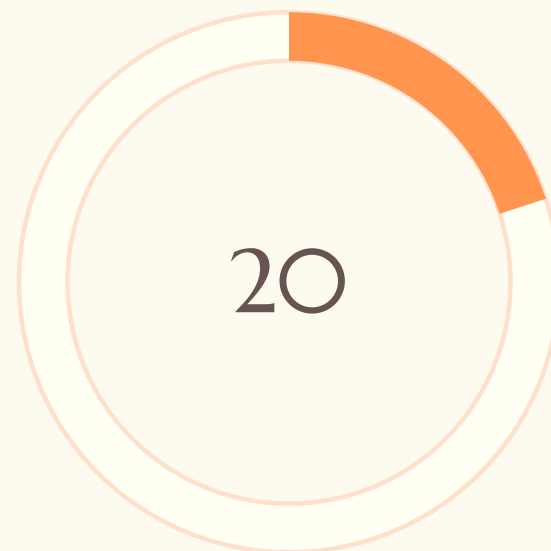


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Trap 19

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

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



20

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



31

Trap 31

✗ Privileges = Fundamental Rights.

Reality: Separate (Art. 105).



32

Trap 32

✗ MPs' immunity covers crimes.

Reality: Only speeches/votes in House.



33

Trap 33

✗ Arrest of MP not possible anytime.

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



34

Trap 34

✗ Media always immune for reporting debates.

Reality: Qualified privilege only.



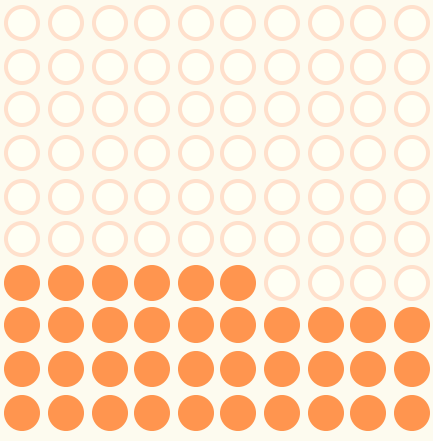
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Trap 35

✗ Expulsion = permanent disqualification.

Reality: Member can recontest.

Federal Powers & Constitutional Amendments

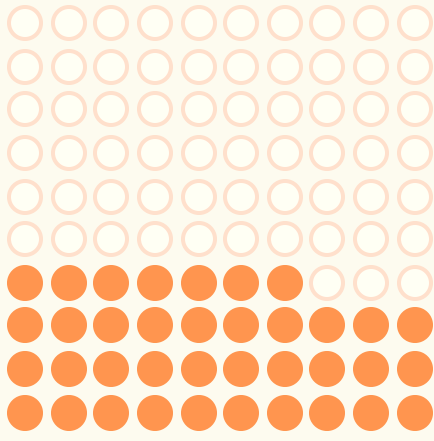


36

Trap 36

✗ Residuary power with States.

Reality: With Parliament.

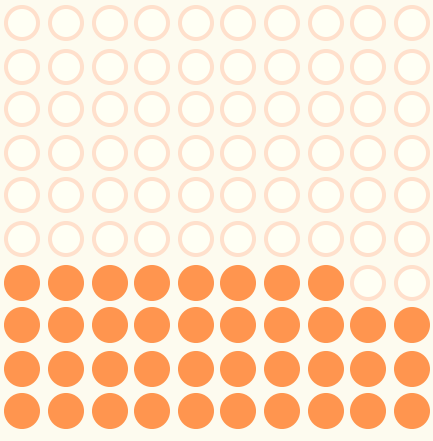


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Trap 37

✗ Art. 249 resolution = simple majority.

Reality: 2/3rd present & voting.

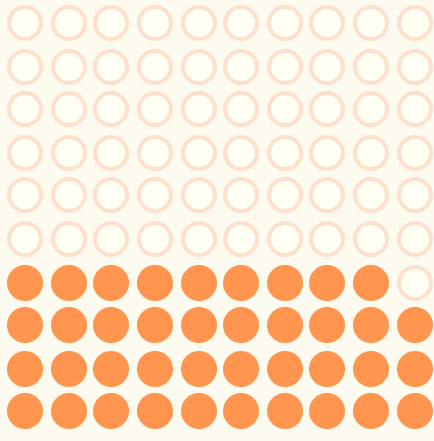


38

Trap 38

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

Reality: Till 6 months post-Emergency.

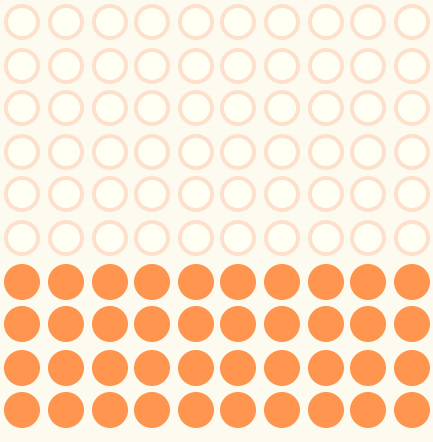


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Trap 39

✗ Treaties require state ratification.

Reality: Parliament can legislate under Art. 253.

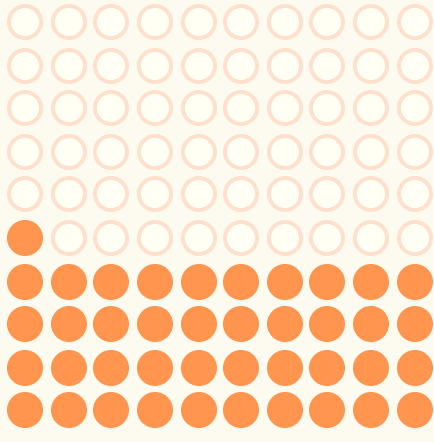


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Trap 40

✗ WTO rules automatically binding.

Reality: Need enabling law.

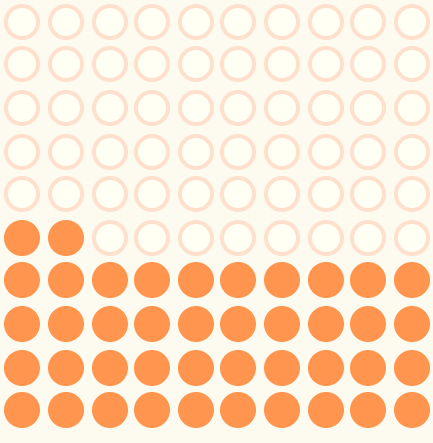


41

Trap 41

✗ 42nd Amendment froze seats till 2026.

Reality: Only till 2000; extended by 84th.

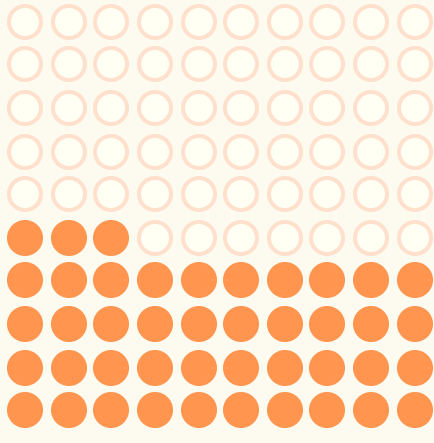


42

Trap 42

✗ 99th Amendment (NJAC) is valid.

Reality: Struck down by SC (2015).

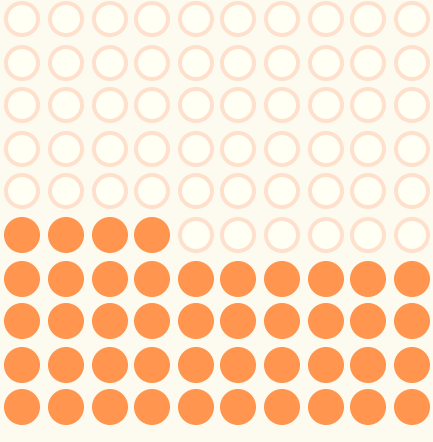


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Trap 43

✗ 44th Amendment restored Right to Property as FR.

Reality: Made it legal right only.

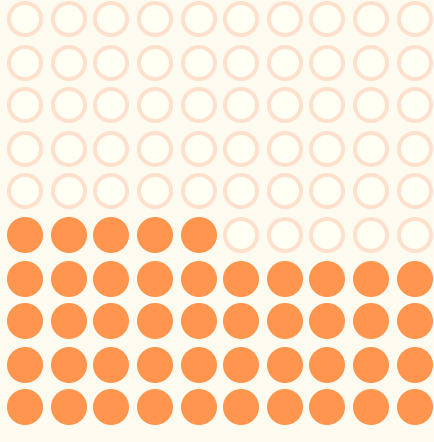


44

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).

●●○○○○ 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.

●●○○○○ 49

Trap 49

✗ Finance Commission abolished by GST.

Reality: Still exists.

●●●○○○ 50

Trap 50

✗ Parliament can't reduce voting age.

Reality: Did (61st Amendment, 1988).