

Name: Manisha Naik

Std : F.Y.LL.M. (Semester - II)

College: G.R. Kare College of Law

Roll No: 12

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Parliamentary Procedures
for passing an ordinary bill

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INTRODUCTION

India is a federal country, therefore laws can be made separately at different levels, by the Union Government (Federal Government) for the entire country and by the State Governments for their respective states. The **legislative procedure in India** for the Union Government requires that proposed bills pass through the two legislative houses of the Indian Parliament. The legislative procedure for states with bicameral legislatures requires that proposed bills be passed firstly in the state's Vidhan Sabha (Lower House) and then in the State Vidhan Parishad (Upper House). In states with unicameral legislatures, laws and bills need only be passed in the state's Vidhan Sabha, for there is no Vidhan Parishad.

MEANING

What is a Bill?

A Bill is a draft statute which becomes law after it is passed by both the Houses of Parliament and assented to by the President. All legislative proposals are brought before Parliament in the forms of Bills.

Types of Bills and their Specific Features

(i) Bills may be broadly classified into Government Bills and Private Members' Bills depending upon their initiation in the House by a Minister or a Private Member.

(ii) Content wise, Bills are further classified into

(a) Original Bills which embody new proposals, ideas or policies,

(b) Amending Bills which seek to modify, amend or revise existing Acts,

(c) Consolidating Bills which seek to consolidate existing law/enactments on a particular subject,

(d) Expiring Laws (Continuance) Bills which seek to continue Acts which, otherwise, would expire on a specified date,

(e) Repealing and amending Bill to cleanse the Statute Book,

(f) Validating Acts to give validity to certain actions,

(g) Bills to replace Ordinances,

(h) Money and Financial Bills, and

(i) Constitution Amendment Bills.

(iii) However, procedurally, the Bills are classified as

(i) Ordinary Bills

(ii) Money Bills and Financial Bills

(iii) Ordinance Replacing Bills and

(iv) Constitution Amendment Bills.

(iv) Money Bills are those Bills which contain only provisions dealing with all or any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 of the Constitution.

Financial Bills can be further classified as Financial Bills Categories A and B. Category A Bills contain provisions dealing with any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 and other matters and Category B Bills involve expenditure from the Consolidated Fund of India.

Except Money Bills and Financial Bills, Category A, which can be introduced only in the Lok Sabha, a Bill may originate in either House of Parliament. As per the provisions of article 109 of the Constitution, the Rajya Sabha has limited powers with respect to Money Bills. A Money Bill after having been passed by the Lok Sabha, and sent to Rajya Sabha for its recommendations, has to be returned to Lok Sabha by the Rajya Sabha, within a period of fourteen days from the date of its receipt, with or without recommendations. It is open for the Lok Sabha, to either accept or reject all or any of the recommendations of the Rajya Sabha. If the Lok Sabha accepts any of the recommendations of the Rajya Sabha, the Money Bill is deemed to have been passed by both Houses with the amendments recommended by the Rajya Sabha and accepted by the Lok Sabha. If the Lok Sabha does not accept any of the recommendations of the Rajya Sabha, the Money Bill is deemed to have been passed by both Houses in the form in which it was passed by the Lok Sabha without any of the amendments recommended by the Rajya Sabha. In case a Money Bill is not returned by the Rajya Sabha to the Lok Sabha within a period of fourteen days from the date of its receipt, it is deemed to have been passed by both Houses in the form in which it was passed by the Lok Sabha after the expiry of said period.

(v) Financial Bill Category A can only be introduced in the Lok Sabha on the recommendation of the President. However once it has been passed by the Lok Sabha, it is like an ordinary Bill and there is no restriction on the powers of the Rajya Sabha on such Bills.

(vi) Financial Bill Category B and Ordinary Bills can be introduced in either House of Parliament.

(vii) Ordinance replacing Bills are brought before Parliament to replace an Ordinance, with or without modifications, promulgated by the President under article 123 of the Constitution of a subject. To provide continuity to the provisions of the Ordinance, such a Bill has to be passed by the Houses of Parliament and assented to by the President within six weeks of the reassembly of Parliament.

(viii) As per the procedure laid down in the Constitution, Constitution Amendment Bills can be of three types *viz.*,

(i) requiring simple majority for their passage in each House;

(ii) requiring special majority for their passage in each House *i.e.*, a majority of the total membership of a House and by a majority of not less than two-thirds of the members of that House present and voting (article 368); and

(iii) requiring special majority for their passage and ratification by Legislatures of not less than one-half of the States by resolutions to that effect passed by those Legislatures (proviso

to clause (2) of article 368). A Constitution Amendment Bill under article 368 can be introduced in either House of Parliament and has to be passed by each House by special majority.

(ix) Under provisions of article 108 of the Constitution, if after a Bill passed by one House and transmitted to the other House:-

(a) is rejected by the other House; or

(b) the Houses have finally disagreed as to the amendments to be made in the Bill; or

(c) more than six months elapse from the date of its receipt by the other House without the Bill being passed by it,

the President may, unless the Bill has elapsed by reason of a dissolution of the Lok Sabha, summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill.

If at the joint sitting of the two Houses, the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Houses present and voting, it shall be deemed to have been passed by both Houses. However there is no provision of joint sittings on a Money Bill or a Constitution Amending Bill.

(x) After the dissolution of Lok Sabha all Bills except the Bills introduced in the Rajya Sabha and pending therein, lapse.

A Bill becomes an Act of Parliament after being passed by both the Houses of Parliament and assented to by the President.

Procedure relating to an ordinary bill in the Parliament

There are three stages through which a bill has to pass in one house of the Parliament. The procedure is similar for the State Assemblies.

First reading - introduction stage

Any member, or member-in-charge of the bill seeks the leave of the house to introduce a bill.

If the bill is an important one, the minister may make a brief speech, stating its main features.

After the bill has been introduced, the first reading is deemed to be over. Therefore, in the first stage, only the principles and provisions of the bills are discussed.

Second reading - discussion stage

This stage concerns the consideration of the bill and its provisions and is further divided into three stages.

First stage

On a date fixed for taking up consideration of the bill, there takes place a general discussion when only the principles are taken up for discussion. At this stage, three options are open to the house. The bill may be straightaway be taken into consideration or it may be referred to any of the Standing Committees or it may be circulated for the purpose of eliciting general opinion thereon

Second stage, that is, discussion on the report

The next stage consists of a clause-by-clause consideration of the bill as reported by the committee. When all the clauses have been put to vote and disposed of, the second reading of the bill is over.

Third stage

Changes or amendments to the bill can be made only in this stage. Amendments become a part of a bill if they are accepted by a majority of the members present and voting.

Third reading - voting stage

The next stage is the third reading. The debate on the third reading of a bill is of a restricted character. It is confined only to arguments either in support of the bill or for its rejection as a whole, without referring to its details. After the bill is passed, it is sent to the other house. If the number of votes in favour and against the bill are same, then the Presiding officer (Speaker of the Lok Sabha or the Chairman of the Rajya Sabha or anyone who is acting on their behalf) of the house get a chance to cast his/her vote which is referred to as a Casting Vote Right. If the number of votes against the bill is greater, the house/government will dissolve.

Bill in the other house

After a bill, other than a money bill, is transmitted to the other house, it goes through all the stages in that house as that in the first house. But if the bill passed by one house is amended by the other house, it goes back to the originating house. If the originating house does not agree with the amendments, it shall be that the two houses have disagreed. The other house can keep a money bill for 14 days and ordinary bill for three months. If it fails to return the bill within the fixed time then the bill is deemed to be passed by both the houses and then the bill is sent for president's approval.

Joint-session of both houses

Case law

Main article: Joint session

In case of a deadlock between the two houses or in a case where more than six months lapse in the other house, the President may summon, though is not bound to, a joint session of the two houses which is presided over by the Speaker of the Lok Sabha and the deadlock is resolved by simple majority. Until now, only three bills: the *Dowry Prohibition Act* (1961), the *Banking Service Commission Repeal Bill* (1978) and the *Prevention of Terrorist Activities Act* (2002) have been passed at joint sessions.

President's approval

When a bill has been passed, it is sent to the President for his approval. The President can assent or withhold his assent to a bill or he can return a bill, other than a money bill which is recommended by president himself to the houses, with his recommendations. If the President gives his assent, the bill is published in The Gazette of India and becomes an Act from the date of his assent. If he withholds his assent, the bill is dropped, which is known as pocket veto. The pocket veto is not written in the constitution and has only been exercised once by President Zail Singh: in 1986, over the postal act where the government wanted to open postal letters without warrant. If the president returns it for reconsideration, the Parliament must do so, but if it is passed again and returned to him, he must give his assent to it. In the case of a Constitutional Amendment Bill, the President is bound to give his assent. In case of the State Governments, the consent of the State's Governor has to be obtained.

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