

LAW MAKING PROCESS IN INDIA

All administrative proposals are brought before the Parliament as Bills. A Bill is a resolution in the draft. It must be in a legitimate configuration bearing such issues as long and short titles, instituting formula, date of initiation, degree of utilization, etc. It is isolated into conditions, sub-provisions and things. It might likewise contain plans, and so forth. Other than these standard and general issues, a Bill must be joined by—(i) a Statement of Objects and reasons giving the points and motivations behind the proposed enactment; (ii) update with respect to designated enactment, showing the appointment of capacity to a subordinate position to make rules, and so on; (iii) monetary notice containing the money related part of the Bill, whenever sanctioned. On the off chance that the Bill contains in excess of 25 conditions, a game plan of statements is additionally added. It is, nonetheless, not important to affix a course of action of provisos in the event that a Bill containing in excess of 25 conditions is a revising Bill.

Introduction stage or The First Reading

The process of law making starts with the introduction of the Bill, also called the First Reading, in either house of parliament. A bill can be introduced by the minister or the member other than the minister. Usually a seven day notice has to be given in writing and copies of the Bill has to be circulated two days before the introduction of the Bill. In most cases the Bill is published in the Gazette of India after the First Reading is done.

Discussion stage or The Second Reading

The Discussion Stage or The Second Reading consists of two sub stages. In the first substage, the principles and the provisions of the Bill are discussed; or the Bill is referred to the Departmentally Related Standing Committees; or the Bill is referred to a Select Committee of one house; or Joint Committee of both Houses; or the Bill maybe circulated for public opinion.

In the second substage the House discusses the bill clause by clause. Each clause and any amendments made to it are accepted through majority votes of present members. The Second Reading is considered complete when all the clauses, the schedules (if any), the Enacting Formula, and the Long Title of the Bill have been voted on and accepted by the House.

Voting Stage or The Third Reading

In this stage, debates are restricted to arguments in support or rejection of the Bill, as amended, without going into more details than required by the argument being presented. Only formal, verbal or consequential amendments are allowed at this stage. The Bill is put to vote and after its passed by the first House, it is sent to the other House for consideration. While other Bills can be passed with a simple majority, a Constitution Amendment Bill has to be passed with two-third majority of all the members of the House.

Bills in the other House

After the Bill has been passed in one House, it goes to the other House for their concurrence. Thereafter, the Bill goes through the same three stages as the first House. If both the Houses concur on the Bill, it is sent to the President for his assent. However, a Money Bill or any Bill relating to sub-clauses (a) to (f) of clause (1) of article 110, can only be introduced in Lok Sabha first and only with prior recommendation of the President.

Joint Session

If the two Houses do not concur on a Bill, or more than 6 months have lapsed on the receipt of the Bill by the second House without it passing the Bill (unless the Lok Sabha has dissolved in this period), the President may call a Joint session of the two Houses to solve this deadlock. The Bill, then, is passed through majority voting of the total present members from both houses. A Joint sitting cannot be called for a Money or a Constitution Amendment Bill.

Presidential Assent

When the Bill is passed by both the Houses it is sent to the President as per the Article 111. The President can withhold a Bill or return any Bill other than a Money Bill. They cannot withhold a Constitutional Amendment Bill duly passed by the parliament. If the President returns the Bill then the parliament has to discuss it again. If the Houses pass the Bill again with or without amendments, the President has to give his assent to the Bill.

Thus, at the end of the above procedure, a Bill becomes an Act.

References:

1. 'Passage of legislative proposals in Parliament.' Parliament of India Lok Sabha House of the People, Lok Sabha Secretariat, loksabha.nic.in/Legislation/Legislation.aspx
2. 'Handbook for Members of Rajya Sabha.' Parliament of India Rajya Sabha Council of States, Rajya Sabha Secretariat, rajyasabha.nic.in/rsnew/handbook/content.asp
3. 'Indian Parliament and Law making process.' Advocatanmoy Law Library, advocatatanmoy.com/indian-parliament-law-making-process/