



HOW A BILL BECOMES AN ACT?



HOW A BILL BECOMES AN ACT?

A Bill is the draft of a legislative proposal which has to pass through various stages before it becomes an Act of Parliament.

First Reading

The legislative process starts with the introduction of a Bill in either House of Parliament – Lok Sabha or Rajya Sabha. A Bill can be introduced either by a Minister or by a Private Member. In the former case, it is known as a Government Bill and in the latter case it is called a Private Member's Bill.

It is necessary for a Member-in-charge of the Bill to ask for leave to introduce the Bill. If leave is granted by the House, the Bill is introduced. This stage is known as the First Reading of the Bill. If the motion for leave to introduce a Bill is opposed, the Speaker may, allow a brief explanatory statement to be made by the Member who opposes the motion and the Member-in-charge who moved the motion. Where a motion for leave to introduce a Bill is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon. Thereafter, the question is put to the vote of the House. However, the motion for leave to introduce a Finance Bill or an Appropriation Bill is forthwith put to the vote of the House.

Publication in Gazette

After a Bill has been introduced, it is published in the Official Gazette. Even before introduction, a Bill might, with the permission of the Speaker, be published in the Gazette. In such cases, leave to introduce the Bill in the House is not asked for and the Bill is straightway introduced.

Reference of Bill to Standing Committee

After a Bill has been introduced, the presiding Officer of the house concerned can refer the Bill to the Standing Committee concerned for examination and make report thereon. [w.e.f. fourth session of Fourteenth Lok Sabha, a time limit of three months for presentation of report is normally prescribed while referring a Bill to the Standing Committee].

If a Bill is referred to the Standing Committee, the Committee shall consider the general principles and clauses of the Bill referred to them and make report thereon. The Committee can also take expert opinion or the opinion of the general public who are interested in the measure. After the Bill has thus been considered, the Committee submits its report to the House. The report of the Committee, being of persuasive value, shall be treated as considered advice given by the Committee.

Second Reading

The Second Reading consists of consideration of the Bill which is in two stages:

First Stage: The first stage consists of general discussion on the Bill as a whole when the principle underlying the Bill is discussed. At this stage, it is open to the House to refer the Bill to a Select Committee of the House or a Joint Committee of the two Houses or to circulate it for the purpose of eliciting opinion thereon or to straightaway take it into consideration.

If a Bill is referred to a Select/Joint Committee, the Committee considers the Bill clause-by-clause just as the House does. Amendments can be moved to various clauses by Members of the Committee. The Committee can also take evidence of associations, public bodies or experts who are interested in the measure. After the Bill has thus been considered, the Committee submits its report to the House which considers the Bill again as reported by the Committee.

If a Bill is circulated for the purpose of eliciting public opinion thereon, such opinions are obtained through the Governments of the States and Union territories. Opinions so received are laid on the Table of the House and the next motion in regard to the Bill must be for its reference to a Select/Joint Committee. It is not ordinarily permissible at this stage to move the motion for consideration of the Bill.

Second Stage : The second stage of the Second Reading consists of clause-by-clause consideration of the Bill as introduced or as reported by Select/Joint Committee. Discussion takes place on each clause of the Bill and amendments to clauses can be moved at this stage. Amendments to a clause which have been moved but not withdrawn are put to the vote of the House before the relevant clause is disposed of by the House. The amendments become part of the Bill if they are accepted by a majority of members present and voting. After the clauses, the Schedules, if any, clause 1, the Enacting Formula and the Long Title of the Bill have been adopted by the House, the Second Reading is deemed to be over.

Third Reading

Thereafter, the Member-in-charge can move that the Bill be passed. This stage is known as the Third Reading of the Bill. At this stage, the debate is confined to arguments either in support or rejection of the Bill without referring to the details thereof further than that are absolutely necessary. Only formal, verbal or consequential amendments are allowed to be moved at this stage.

In passing an ordinary Bill, a simple majority of Members present and voting is necessary. But in the case of a Bill to amend the Constitution, a majority of the total membership of the House and a majority of not less than two-thirds of the Members present and voting is required in each House of Parliament.

Bill in the other House

After the Bill is passed by one House, it is sent to the other House for concurrence with a message to that effect, and there also it goes through the stages described above, except the introduction stage.

Money Bills

Bills which exclusively contain provisions for imposition and abolition of taxes, for appropriation of moneys out of the Consolidated Fund, etc., are certified as Money Bills. Money Bills can be introduced only in Lok Sabha. Rajya Sabha cannot make amendments in a Money Bill passed by Lok Sabha and transmitted to it. It can, however, recommend amendments in a Money Bill, but must return all Money Bills to Lok Sabha within fourteen days from the date of their receipt. It is open to Lok Sabha to accept or reject any or all of the recommendations

of Rajya Sabha with regard to a Money Bill. If Lok Sabha accepts any of the recommendations of Rajya Sabha, the Money Bill is deemed to have been passed by both Houses with amendments recommended by Rajya Sabha and accepted by Lok Sabha and if Lok Sabha does not accept any of the recommendations of Rajya Sabha, the Money Bill is deemed to have been passed by both Houses in the form in which it was passed by Lok Sabha without any of the amendments recommended by Rajya Sabha. If a Money Bill passed by Lok Sabha and transmitted to Rajya Sabha for its recommendations is not returned to Lok Sabha within the said period of fourteen days, it is deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by Lok Sabha.

Consideration of the Bill at a Joint Sitting

If a Bill passed by one House is rejected by the other House, or, the Houses have finally disagreed as to the amendments to be made in the Bill, or more than six months elapse from the date of the receipt of the Bill by the other House without the Bill being passed by it, the President may call a joint sitting of the two Houses to resolve the deadlock. If, at the joint sitting of the Houses, the Bill is passed by a majority of the total number of Members of both the Houses present and voting, with the amendments, if any, accepted by them, the Bill is deemed to have been passed by both the Houses.

There cannot be a joint sitting of both Houses on a Constitution Amendment Bill.

Assent of the President

When a Bill is passed by both Houses, the Secretariat of the House which is last in possession of the Bill obtains the assent of the President. In the case of a Money Bill or a Bill passed at a joint sitting of the Houses, the Lok Sabha Secretariat obtains assent of the President. The Bill becomes an Act only after the President has given assent to it.

The President may give assent or withhold assent to a Bill. The President may also return the Bill (except a Money Bill) with recommendations to the Houses for reconsideration, and if the Houses pass the Bill again with or without amendments the President cannot withhold assent to the Bill. The President, however, is bound to give assent to a Constitution Amendment Bill passed by the Houses of Parliament by the requisite special majority and, where necessary, ratified by the States.

LOK SABHA SECRETARIAT
NEW DELHI
MAY, 2019
LARRDIS/No.30/1/2019/PPR