

LEGISLATIVE PROCEDURE IN PARLIAMENT

Law-making is one of the primary functions of the legislature. At Union level, Legislature is our Parliament while for states, this function is performed by State Legislatures. The **Legislative Procedure in Parliament** refers to the constitutional process through which a proposal becomes a law. A proposed law is called a **Bill**. A bill is introduced in Parliament and after being passed by Parliament and receiving the assent of the President of India, it becomes an **Act of Parliament**. The Act is implemented by the Union Government with effect from a date as decided by the government and notified through a Gazette notification.

The legislative procedure is primarily governed by:

- **Articles 107-111** of the Constitution (Ordinary Bills)
- **Articles 109-110** (Money Bills)
- **Article 117** (Financial Bills)

The process of Law-making is very cumbersome and time consuming. First of all, to make a law, a bill is introduced in one house of the Parliament and that bill undergoes the following stages.

- (a) First Reading
- (b) Second Reading
- (c) Committee Stage
- (d) Report Stage
- (e) Third or Final Reading
- (f) Voting

If the bill is passed by the house the same is introduced in another house. After its passage by both houses of Parliament, the bill is sent for **assent of the President** and after getting assent of the President, **the bill** becomes an **act** and can be implemented by the Union Government from a specific date.

Bills broadly can be classified under four categories—

- (1) **Ordinary Bill**
- (2) **Money Bill**
- (3) **Financial Bill**
- (4) **Constitution Amendment Bill**

(1) Ordinary Bill

Ordinary Bills are of two types—

- (a) **Government Bill:** These can be introduced in either house of Parliament by Union Ministers.
- (b) **Private Member Bill:** These can be introduced in either house of Parliament by any Member of Parliament.

Ordinary Bill is concerned with matters of General importance other than money matters, financial matters and amendment in our Constitution. Ordinary Bill can be introduced in either house of Parliament and after its passage by both houses of Parliament is sent for the assent of the President. After getting the assent of the President, the bill becomes an act. **The President has the power to return the Ordinary Bill to the Parliament for reconsideration once**, but if the same is again sent for assent of the President, then he is bound to give his assent on that bill.

In case of deadlock between Lok Sabha and Rajya Sabha on passing of an Ordinary Bill, Joint Sitting of the Parliament can also be held to pass an Ordinary Bill.

The Joint Session of Parliament is **called by the President** and is **presided by the Speaker of Lok Sabha**. Till now three Ordinary Bills have been passed by our Parliament by using this system *i.e.* by Joint sitting of Parliament—

- (i) **The Dowry Prohibition Bill, 1961**
- (ii) **The Banking Service Commission Repeal Bill, 1978**
- (iii) **The Prevention of Terrorism Bill, 2002**

(2) Money Bill (Article 110)

Money Bill deals with borrowings of Government of India, maintenance of Consolidated fund of India, maintenance of Contingency fund of India, Public Account of India, Audit of Accounts of Union Government and State Governments, Tax Laws, Public Expenditures, Law against Black Money, etc. It also deals with imposition and abolition of tax.

Money Bill can be introduced in Lok Sabha only with prior permission of the President. Rajya Sabha is powerless on Money Bill. If Rajya Sabha does not approve a money bill within 14 days, it is presumed that Rajya Sabha has passed the Bill. So the maximum power of Rajya Sabha is that it can delay passage of a money bill by fourteen days.

In case of any dispute the decision of the speaker shall be final to decide whether a bill is a money bill or not.

(3) Financial Bill (Article 117)

A Financial Bill is basically a money bill with some ordinary bill features. The Proposals of the Government for levy of New Taxes, modification of existing tax structure or continuance of the existing tax structure beyond the period approved by parliament etc are submitted to Parliament by this bill. A Financial Bill can be introduced in **Lok Sabha** only with prior permission of the President. **Rajya Sabha** is equally powerful as **Lok Sabha** on passage of the Financial Bill. **The decision of the speaker shall be final to decide whether a bill is a financial bill or not.**

(4) Constitution Amendment Bill

To make any amendment in provisions of the Constitution, a Constitution Amendment Bill is introduced in Parliament. **Article 368** in our Constitution states the Procedure of Amendment in our Constitution. **The Constitution Amendment Bill has to be passed by both houses of Parliament separately. Joint Sitting of Parliament can not be held to pass a Constitution Amendment Bill. A Constitution Amendment Bill can be introduced in either house of the Parliament. The President cannot send back any Constitution Amendment Bill passed by our Parliament for reconsideration of Parliament. He has to give his assent to the Constitution Amendment Bill after its passage by Parliament.** Till date **131 Constitution Amendment Bills** have been introduced in Parliament and **106 amendments** have been made in the Constitution.

Majority Required for Different Bills -

- **Ordinary Bill** - Passed by a Simple Majority (majority of members present and voting).
- **Money Bill** - Passed by a Simple Majority.
- **Financial Bill** - Passed by a Simple Majority.
- **Constitution Amendment Bill** - Passed by a Special Majority, i.e., a majority of the total membership of each House and not less than two-thirds of the members present and voting. Certain amendments also require ratification by at least half of the State Legislatures by their simple majority.

Veto Power Of The President (Article 111) -

In legislative terms, Veto Power of the President refers to the **authority of an executive head**, such as the President or a Governor, to withhold approval of a bill passed by the legislature. Under **Article 111**, the President may give assent, withhold assent, return certain Bills for reconsideration, or keep a Bill pending.

Types of Veto -

Absolute Veto is the power of the President to **withhold assent** to a Bill, causing it to lapse and preventing it from becoming an Act. It is generally exercised in the case of **Private Members' Bills** or **Government Bills when the Council of Ministers has resigned** before the President grants assent and the new Council advises the President not to approve the Bill.

Suspensive Veto is the power of the President to **return** an Ordinary Bill to Parliament for **reconsideration**. If Parliament passes the Bill again, with or without amendments, by a simple majority, the President is constitutionally bound to give assent, thereby allowing Parliament to override the veto.

Pocket Veto is the power of the President to **neither give assent nor return a Bill**, thereby keeping it pending for an indefinite period. Since the Constitution does **not prescribe any time limit** for the President to act on a Bill, the President may effectively delay the Bill indefinitely by taking no action.

In the case of an **Ordinary Bill**, the President may **give assent, return the Bill for reconsideration (Suspensive Veto), withhold assent (Absolute Veto), or exercise Pocket Veto**. In the case of a **Money Bill**, the President may **give assent, withhold assent, or exercise Pocket Veto**, but **cannot return the Bill for reconsideration**. For a **Financial Bill** under Article 117, the President enjoys powers similar to those over an Ordinary Bill and may give assent, return the Bill, withhold assent, or exercise Pocket Veto. However, in the case of a **Constitutional Amendment Bill** under Article 368, the President **must give assent** and cannot return the Bill, withhold assent, or exercise Pocket Veto.

Significance of the President's Veto Power

The veto power serves as an important **constitutional check** on the legislative process. The **Suspensive Veto** promotes legislative scrutiny by allowing Parliament to review a Bill before it becomes law, while the **Pocket Veto** provides the President with time in exceptional situations where immediate assent may not be appropriate.

Examples

- **Indian Post Office (Amendment) Bill, 1986:** President **Giani Zail Singh** exercised the **Pocket Veto** by withholding action on the Bill proposed during the government of **Prime Minister Rajiv Gandhi**. The Bill contained provisions that raised concerns about wider government powers over postal articles. By keeping the Bill pending, the President allowed greater public debate, political scrutiny, and awareness regarding the proposed legislation. The Bill eventually lapsed.

- **Absolute Veto:**

- **1954-** President **Dr. Rajendra Prasad** exercised the Absolute Veto by withholding assent to the **PEPSU Appropriation Bill** after the President's Rule in PEPSU (Patiala and East Punjab States Union) had been revoked while the Bill was pending, making it unnecessary.
- **1991-** President **R. Venkataraman** exercised the Absolute Veto by withholding assent to the **Salary, Allowances and Pensions of Members of Parliament (Amendment) Bill, 1991**, as it had been passed without the mandatory prior recommendation of the President under the Constitution.