

Part 4

*Passage of Bills &
Parliamentary
Committees*

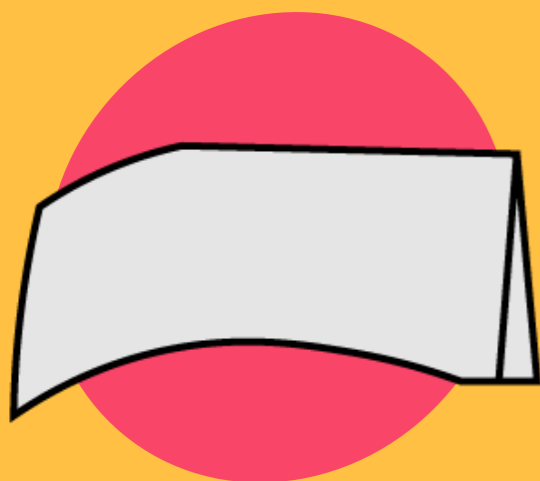


Part 4: Passage of Bills & Parliamentary Committees

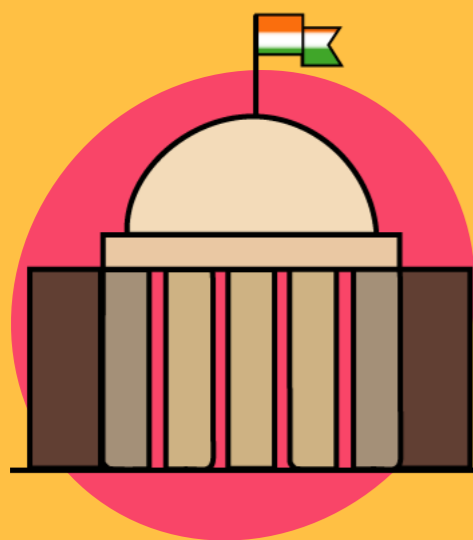
Parliament is the law-making body at the National level. This is one of its most important functions. One or both Houses (depending on the type of bill) are involved in the passage of a bill.

Government Bill vs Private Member Bill

Bills can be distinguished based on who introduces it in Parliament.



a) Government Bills: Bills introduced in either House by a Minister



b) Private Member Bills: Bills introduced in either House by an MP who is not a Minister

Types of Bills



Ordinary Bill

Pertain to subjects falling in the Union List or the Concurrent List of the Constitution.



Finance Bill

Bills that are concerned with financial matters.



Constitutional Amendment Bill

Bills that amend the Constitution.



Money Bill

- Specific subset of Finance Bills
- Pertain to matters delineated under Article 110 of the Constitution.

Procedures to Pass an Ordinary Bill (Government Bill)

1. Drafting of the bill

A bill is drafted by the relevant Ministry in conjunction with the Ministry of Law and Justice.

As per the Pre-Legislative Consultative Policy, 2014 formulated for the purpose of increased transparency and better-informed decisions, it is recommended that a draft legislation be placed in the public domain for a minimum period of 30 days.

2. Introduction of Bill in Lok Sabha or Rajya Sabha

- A Government Bill is always introduced by a Minister.
- The Minister has to give 7 days' notice of intention to introduce the bill.
- It cannot be introduced in any house until after copies of the bill have been made available to the members at least 2 days in advance.
- The Presiding Officer may permit the introduction of a bill without meeting the aforementioned condition.

3. First Reading

- The Minister asks for the leave of the House to introduce the bill.
- The bill is introduced and its title and objectives are read out.
- Then the bill is published in the Gazette of India.
- Introduction and publication in the Gazette constitute the First Reading.

4. Committee Stage

- The Presiding Officer can refer the bill to the relevant Department Related Standing Committee, if such a motion is passed.
- The Committee meets outside proceedings, to deliberate on the bill, invite expert opinions and, finally, presents its report.
- After the report of the Committee, the government may:-
 - » Introduce official amendments to the bill
 - » May withdraw the bill and replace it with a new iteration
 - » Ignore the recommendations

5. Second Reading

- Stage 1 of the Second Reading

- There is a general discussion of the overarching principles enshrined in the bill.
- The House may also refer it to a Select Committee or a Joint Committee of both Houses.
- If it is referred to a Select/Joint Committee, then the Committee will examine the bill, clause by clause, and it may suggest amendments and submit a report containing these recommendations.

- Stage 2 of the Second Reading

- There is a clause-by-clause discussion on the bill.
- MPs can move amendments to the bill in this stage.
- Each clause and proposed amendments to each clause are voted upon.

6. Third Reading

Consideration of the bill as a whole and a vote upon it.

For Ordinary Bills, a simple majority (more than 50%) of members present and voting is required for the bill to be passed.

7. Transmitting to the other House

The bill is then transmitted to the other House, where the same procedure is followed, except for the stage of Introduction. Here,

- The second House may pass the bill as sent by the first House (i.e., without amendments). Then the bill is deemed to have been passed by both Houses.
- It may pass the bill with amendments and return it to the first House for reconsideration; in such a case, if the House where the bill originated accepts the amendments made, then the bill is deemed to be passed.
- It may pass the bill with amendments and return it to the first House for reconsideration; in such a case, if the House where the bill originated rejects the amendments made, then the bill is in a deadlock.
- It may reject the bill leading to a deadlock.
- It may not take any action and thus keep the bill pending.

In the last three cases, the President is empowered by the Constitution to call a Joint Sitting of the two Houses which requires a simple majority to be passed at that stage.

8. President's Assent

The following are the courses of action available to the President when presented with a bill passed in both Houses:

- Give assent to it
- Withhold assent to it, in which case the bill ends
- Return the bill with recommendations to the Houses for reconsideration. In such a case, if both Houses pass the bill again with or without amendments, the President must give it their assent

As there is no prescribed time limit for the President to give their assent, in India Presidents have exercised, on occasion, what is called a 'Pocket Veto' whereby they take no action on a bill and keep it pending indefinitely.

9. Subordinate Legislation

This refers to Rules, Regulations, Orders, Schemes, and By-laws framed under an Act.

Differences in Procedure with respect to Constitution Amendment Bill

Ordinary Bill	Constitution Amendment Bill
<ul style="list-style-type: none">• Simple majority needed to pass (more than 50% of members present and voting)	<ul style="list-style-type: none">• Special Majority needed i.e. more than two-third of the members present and voting and a 50% majority of the total membership
<ul style="list-style-type: none">• A Joint Sitting can be called in case of a deadlock	<ul style="list-style-type: none">• A Joint Sitting cannot be called in case of a deadlock
<ul style="list-style-type: none">• The President may give their assent, withhold or return the Bill.	<ul style="list-style-type: none">• The President must give his/her assent to and cannot withhold it or return the bill for reconsideration

If a Constitution Amendment Bill seeks to amend the federal provisions of the Constitution, it must also be ratified by the legislatures of half of the states by a simple majority.

Differences in Procedure with respect to Money Bills and Finance Bills

Money Bill	Finance Bill (Category 1)	Finance Bill (Category 2)
<ul style="list-style-type: none">Covers matters covered by Article 110	<ul style="list-style-type: none">Contains not only any or all the matters mentioned in Article 110, but also other matters of general legislation	<ul style="list-style-type: none">Contains provisions involving expenditure from the Consolidated Fund of India but does not include any of the matters mentioned in Article 110
<ul style="list-style-type: none">Introduced only in Lok Sabha	<ul style="list-style-type: none">Introduced only in Lok Sabha	<ul style="list-style-type: none">Introduced in Lok Sabha or Rajya Sabha
<ul style="list-style-type: none">The Rajya Sabha cannot reject or amend it. It makes recommendations and returns it to the Lok Sabha, and it must do so within 14 days	<ul style="list-style-type: none">Rajya Sabha can reject or amend the Bill	<ul style="list-style-type: none">Rajya Sabha can reject or amend the Bill

Money Bill	Finance Bill (Category 1)	Finance Bill (Category 2)
<ul style="list-style-type: none"> • Speaker has authority to endorse a Bill as Money Bill 	<ul style="list-style-type: none"> • Not applicable 	<ul style="list-style-type: none"> • Not applicable
<ul style="list-style-type: none"> • Must be recommended for introduction by the President 	<ul style="list-style-type: none"> • Must be recommended for introduction by the President 	<ul style="list-style-type: none"> • Recommendation not required
<ul style="list-style-type: none"> • President may either give their assent to the bill or withhold assent to the bill but cannot return the bill for reconsideration of the Houses 	<ul style="list-style-type: none"> • No restriction on powers of President 	<ul style="list-style-type: none"> • No restriction on powers of President

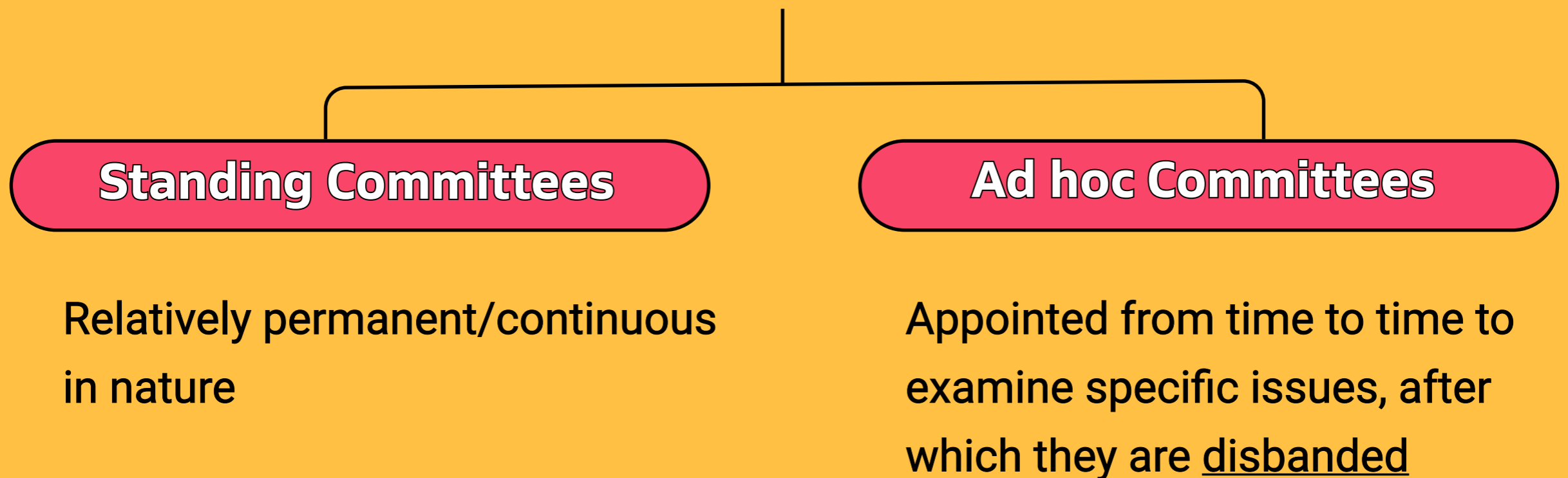
Consolidated Fund of India: It can be understood as the main bank account of the government in which it receives its incomes and from which it makes its expenses.

Committees

Parliamentary Committees are smaller groups of MPs set up by the Presiding Officer that are formed to carry out specified work:

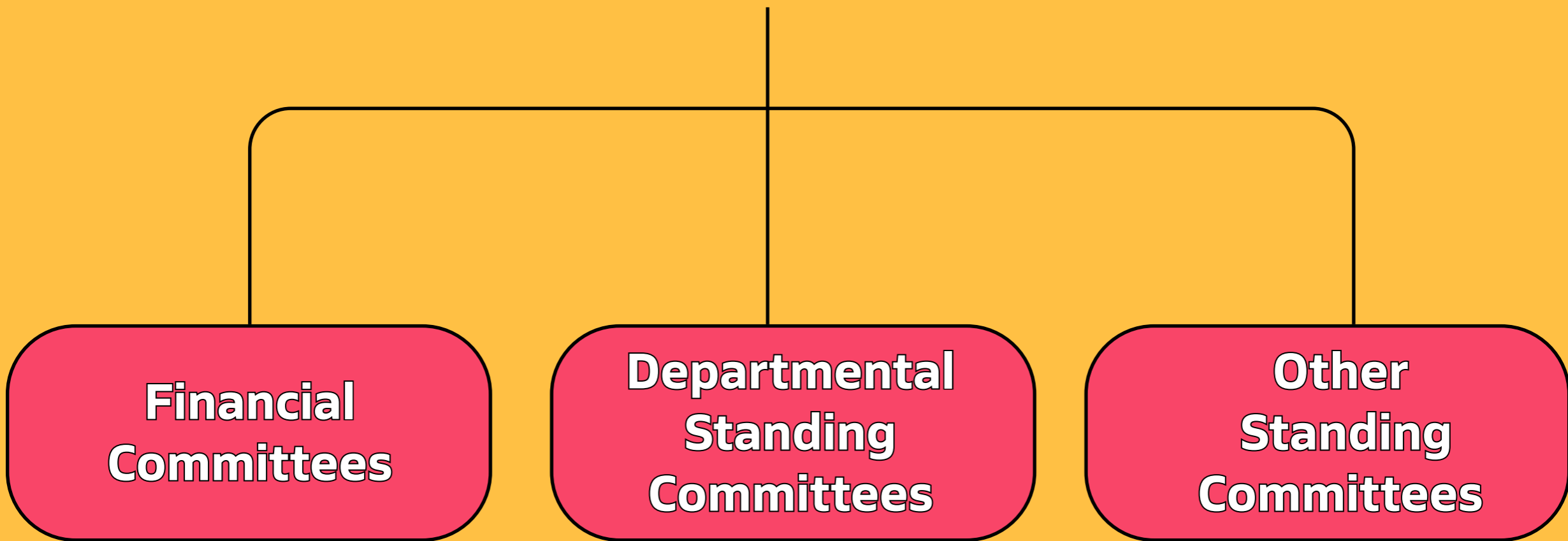
- Examining bills
- Examining budgets
- Investigate nationally important matters and so on

Broadly, Committees in the Indian parliamentary System are classified as



Standing Committees

Standing Committees consist of the following:



- Public Accounts Committee
- Estimates Committee
- Committee on Public Undertakings

Department Related Standing Committees are assigned certain Ministries and/or Departments and examine issues within the parameters of a subject/domain, such as Agriculture, Defence, Railways and so on.

Some examples include:

- Committee on Absence of Members from Sittings of the House
- Business Advisory Committee
- Committee on Empowerment of Women
- General Purposes Committee

Ad Hoc Committees

Ad Hoc Committees can be understood under two rubrics:

Committees related to Bills

- Make recommendations on Bills
- Joint Committee has members from both Houses

Other Ad Hoc Committees

- Look into matters other than bills
- Inquiry Committees constituted to inquire into and report on matters
- Investigative Joint Parliamentary Committees (JPC) constituted to look into controversial matters

For instance, in 2013, a JPC was set up to look into allegations of corruption in the allocation of telecom licenses (also known as the 2G scam).