



## Bringing a Law into Force

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### Why in News

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The farmers have **rejected the government's offer of keeping the three contentious farm laws on hold** for one to one-and-a-half years. Farmers insist that the laws be repealed.

Over the years, **Parliament has repealed several laws** and there have also been precedents of the **government not bringing a law into force for several years** after it has been passed.

### Key Points

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- **Bringing/Repealing a Law:**
  - **Parliament has the power to make a law and to remove** it from the statute books (a law can be struck down by the judiciary if it is unconstitutional).
  - A **Bill is a draft proposal**, which needs to be **passed in the Lower and Upper House**, and only after the **President gives his assent, it becomes an Act**.
  - **Repeal** means to **revoke, abrogate or cancel particularly a statute**. Any statute may repeal any Act in whole or in part, either expressly or impliedly by enacting matters contrary to and inconsistent with the prior legislation.
- **President's Assent:**
  - **Article 111 of the Constitution** specifies that the **President can either sign off on the Bill or withhold his consent**.
  - A **Bill is sent to Parliament for reconsideration** if the President withholds his assent on it. And if Parliament sends it back to the President, he has no choice but to approve it. Thus, the **President enjoys only a 'suspensive veto'**.

- **Making Law Operational:**
  - **Rules & Regulation: Parliament gives the government the responsibility** of making rules and regulations for efficient functioning of the Act.
    - The government not only has the power to make rules but **can also suppress rules** made by it earlier.
    - If the government does not make rules and regulations, **a law or parts of it will not get implemented.**
    - **The Benami Transactions Act of 1988** is an **example** of a **complete law remaining unimplemented** in the absence of regulations.
  - **Time Period:** Parliament has recommended that the government make rules **within six months of passing a law.**
    - A parliamentary committee has observed that this recommendation is **“being followed in breach by various ministries”**.

### Veto Power of the President

- **Three Types of Veto Power:** Absolute veto, Suspensive veto and Pocket veto.
- **Exception:** The President has **no veto power** when it comes to the **constitutional amendment bills.**
- **Absolute Veto:**
  - **Meaning:** It refers to the power of the President to **withhold his assent to a bill** passed by the Parliament. The **bill then ends and does not become an act.**
  - **Generally Used in Following Two Cases:**
    - When the bill passed by the Parliament is a **Private Member Bill.**
    - **When the cabinet resigns** before the President could give his assent to the bill. The new cabinet may advise the President to not give his assent to the bill passed by the old cabinet.
- **Suspensive Veto:**
  - **Meaning:**
    - The President uses a suspensive veto when he **returns the bill to the Indian Parliament for its reconsideration.**
    - If the Parliament **resends the bill with or without amendment** to the President, he **has to approve the bill without using any of his veto powers.**
  - **Exception:** The President **cannot exercise his suspensive veto** in relation to Money Bill.

- **Pocket Veto:**

**Meaning:** The **bill is kept pending by the President for an indefinite period** when he exercises his pocket veto.

- He **neither rejects the bill nor returns the bill for reconsideration.**
- **Unlike the American President who has to resend the bill within 10 days, the Indian President has no such time-rule.**

- **Veto over State Bills:**

- The **governor is empowered to reserve certain types of bills passed by the state legislature for the consideration of the President.**

- The President **can withhold his assent to such bills not only in the first instance but also in the second instance.**

Thus, the President **enjoys absolute veto (and not suspensive veto) over state bills.**

- Further, the President **can exercise pocket veto** in respect of state legislation also.

**Source:IE**