



# Repealing a Law

## Why in News

Recently, the Prime Minister of India announced that the [three contentious farm laws](#) that were passed in 2020 would be repealed in the upcoming winter session of [Parliament](#).

## Key Points

- **Article 245 of the Constitution gives Parliament** the power to make laws for the whole or any part of India, **and state legislatures** the power to make laws for the state.
  - Parliament draws its **power to repeal a law** from the same provision.
  - For repeal, the power of Parliament is the same as enacting a law under the Constitution.
  - A law **can be repealed either in its entirety, in part**, or even just to the extent that it is in contravention of other laws.
- **Sunset Clause:** Legislation can also have a “**sunset**” clause, a particular date after which they cease to exist.
  - For example, the anti-terror legislation **Terrorist and Disruptive Activities (Prevention) Act 1987**, commonly known as TADA, had a sunset clause, and was allowed to lapse in 1995.
- **Repealing:** For laws that do not have a sunset clause, **Parliament has to pass another legislation to repeal the law.**
  - Laws can be repealed in two ways - either through an [ordinance](#), or through **legislation**.
  - **Ordinance:** In case an ordinance is used, it would need to be replaced by a law passed by Parliament within six months.
    - If the ordinance lapses because it is not approved by Parliament, the repealed law can be revived.
  - **Repealing through Legislations:** The government will have to pass the legislation to repeal the farm laws in both Houses of Parliament, and receive the President’s assent before it comes into effect.
    - All three farm laws can be repealed through a single legislation.
    - Usually, Bills titled **Repealing and Amendment** are introduced for this purpose. It is passed through the same procedure as any other Bills.
    - The last time the **Repealing and Amending provision** was invoked was in 2019 when the Union government sought to repeal 58 obsolete laws and make minor amendments to the Income Tax Act, 1961 and The Indian Institutes of Management Act, 2017.

[Source: IE](#)

PDF Refernece URL: <https://www.drishtias.com/printpdf/repealing-a-law>