



## Parliament (Part-III)

### [Parliament \(Part-I\)](#)

### [Parliament \(Part-II\)](#)

## Legislative Procedure in Parliament

- **About:** The **legislative procedure** is identical in both the Houses of Parliament. Every bill has to pass through the same stages in each House.
- **Bill:** A bill is a **proposal for legislation that** becomes an act or law when duly enacted.
  - **Types of Bills:** Bills introduced in the Parliament are of two kinds; **public bills** (government bills) **and private bills**.
  - **Classification:** The bills introduced in the Parliament can be classified into four categories:
    - **Ordinary bills:** concerned with any matter other than financial subjects.
    - **Money bills:** concerned with financial matters like taxation, public expenditure, etc.
    - **Financial bills:** concerned with financial matters (but are different from money bills).
    - **Constitution Amendment Bills:** concerned with the amendment of the provisions of the Constitution.

Types of Bills	
Public Bill	Private Bill
It is <b>introduced in the parliament by a minister.</b>	It can be introduced <b>by any member</b> of the parliament <b>other than a minister.</b>
It <b>reflects the policies of the government</b> (ruling party).	It <b>reflects the mood of the political party</b> on public matters.
It has a <b>greater chance to be passed</b> by parliament.	It is <b>less likely to be passed</b> by the parliament.
Its introduction in the house <b>requires 7 days notice.</b>	Its introduction in the house <b>requires a prior notice of one month.</b>
It is <b>drafted by the concerned department</b> in consultation with the Law department.	Its drafting is the <b>responsibility of the members concerned.</b>

## Classification of Bills

### Ordinary Bills

- **About:** Every ordinary bill has to pass through the following five stages in the Parliament before it

finds a place on the Statute Book.

- **First Reading:** It can be **introduced in either House of Parliament** either by a minister or by any other member. The bill is **published in the Gazette of India**.
  - The introduction of the bill and its publication in the Gazette constitute the **first reading of the bill**.
- **Second Reading:** It is the most important stage in the enactment of a bill and involves three more sub-stages:
  - **Stage of General Discussion:** At this stage, the House can take any one of the following four actions:
    - It may take the bill into consideration immediately or on some other fixed date.
    - It may refer the bill to a select committee of the House.
    - It may refer the bill to a joint committee of the two Houses
    - It may circulate the bill to elicit public opinion.
  - **Committee Stage:** This committee examines the bill thoroughly and in detail, clause by clause.
    - It can also amend its provisions, but without altering the principles underlying it.
  - **Consideration Stage:** The House, after receiving the bill from the selected committee, considers the provisions of the Bill clause by clause.
    - Each clause is discussed and voted upon separately.
- **Third Reading:** At this stage, the **debate is confined to the acceptance or rejection of the bill**.
  - If the majority of the members present and voting accept the bill, the bill is regarded as passed by the House.
    - A bill is deemed to have been passed by the Parliament only when both the Houses have agreed to it, either with or without amendments.
- **Bill in the Second House:** In the **second House**, the bill passes through all the three stages. The second House may:
  - **Pass the bill as sent by the first house** (i.e., without amendments).
    - In such a case, the bill is deemed to have been passed by both the Houses and is sent to the president for his assent.
  - **Pass the bill with amendments and return it to the first House for reconsideration.**
  - **Reject the bill altogether.**
  - **Not take any action and thus keep the bill pending.**
    - If the second House rejects the bill altogether or does not take any action for six months; a deadlock is deemed to have taken place for which the **president can summon a joint sitting of the two Houses**.
- **Assent of the President:** Every bill after being passed by both Houses of Parliament either singly or at a joint sitting is presented to the **President** for his assent. The President may:
  - **Give his assent to the bill.**
  - **Withhold his assent to the bill.**
  - **Return the bill for reconsideration of the Houses.** Thus, the President enjoys only a “suspensive veto.”

### Money Bills & Financial Bills

Characteristics	Money Bills	Financial Bills	
		Financial Bill-I	Financial Bill-II
Constitutional	Article 110 deals with	Article 117(1) deals	Article 117(3) deals

<b>Provisions:</b>	money bills.	with Finance Bill	with Finance Bills-II
	Deals ' <b>only</b> ' with the provisions of Article 110.	Also deals with matters of general legislation (along with provisions of article 110).	Contains <b>provisions involving expenditure</b> from <b>Consolidated Fund of India</b> but are not included in Article 110.
<b>Certification of Speaker:</b>	S/He <b>decides</b> whether a bill is a money bill or not.	<b>No Certification</b> required.	<b>No Certification</b> required.
<b>Introduced in:</b>	Only in <b>Lok Sabha</b> .	Only in <b>Lok Sabha</b> .	In <b>both houses</b> .
<b>President's Recommendation:</b>	Needed to introduce them.	Required	Not required
<b>Bills in Rajya Sabha:</b>	<b>Cannot be amended</b> or rejected.	<b>Can be amended</b> or rejected.	<b>Can be amended</b> or rejected.
<b>President's Power:</b>	<b>Can either accept or reject</b> a money bill but cannot return it for reconsideration.	<b>Can return</b> it for reconsideration.	<b>Can return</b> it for reconsideration.
<b>Joint Sitting of the Houses:</b>	<b>No provision</b> to resolve the deadlock.	The President can <b>summon</b> .	The President can <b>summon</b> .

### Constitutional Amendment Bills

- **About:** As per the Constitution of India, **Constitution Amendment Bills** can be of **three types** requiring:
  - **A Simple majority** for their passage in each House.
  - **A Special majority** for their passage in each House
  - **A Special majority** for their passage and ratification by Legislatures of **not less than one-half of the States** by resolutions to that effect passed by those Legislatures.
- **House of Introduction:** Under article 368, it can be introduced in either House of Parliament and has to be passed by each House by special majority.
  - There is no provision of joint sittings on a Constitution Amending Bill (or in a Money Bill).

### Joint Sitting Of Two Houses

- **About:** **Joint sitting** is extraordinary machinery provided by the Constitution to **resolve a deadlock between the two Houses** over the passage of a bill.
- **Conditions of Deadlock:** A deadlock is deemed to have taken place under any one of the following three situations:
  - If the **bill is rejected by the other House**.
  - If the **Houses have finally disagreed** as to the amendments to be made in the bill.
  - If **more than six months have elapsed from the date** of the receipt of the bill by the other House without the bill being passed by it.
- **Applicability:** The provision of joint sitting is applicable to ordinary bills or financial bills only and **not to money bills or Constitutional amendment bills**.
  - In the case of a money bill, the Lok Sabha has overriding powers, while a Constitutional amendment bill must be passed by each House separately.
- **Role of Speaker:** The **Speaker of Lok Sabha presides over a joint sitting** of the two Houses and the Deputy Speaker, in his absence.
  - If both are absent, the Deputy Chairman of Rajya Sabha presides.
- **Quorum:** The **quorum to constitute a joint sitting is one-tenth of the total number of members** of the two Houses.
- **Instances of Joint Sittings:** Since 1950, the provision regarding the joint sitting of the two

Houses has been **invoked only thrice**. The bills that have been passed at joint sittings are:

- **Dowry Prohibition Bill, 1960.**
- **Banking Service Commission (Repeal) Bill, 1977.**
- **[Prevention of Terrorism Bill, 2002.](#)**

## Parliamentary Privilege

- **About:** [Parliamentary privileges](#) are certain rights and immunities enjoyed by members of Parliament, individually and collectively, so that they can “**effectively discharge their functions**”.
  - When any of these rights and immunities are disregarded, the offence is called a breach of privilege and is punishable under law of Parliament.
- **Privileges in the Constitution:** The Constitution (**Article 105 for Parliament and Article 194 for State Assemblies**) mentions two privileges, i.e. freedom of speech in Parliament and right of publication of its proceedings.
- **Provisions in the Rule Book: Rule No 222** in Chapter 20 of the **Lok Sabha Rule Book** and correspondingly **Rule 187** in Chapter 16 of the **Rajya Sabha rulebook** governs the parliamentary privileges.

PDF Refernece URL: <https://www.drishtias.com/printpdf/parliament-part-iii>