



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

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

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

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.

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