Process of Converting a Bill into a Law

Why in news?

Recently government announced that the three contentious farm laws will be on hold for one to one-and-a-half years.

Does a law automatically come into force after the bill is passed by the parliament?

- Parliament has the power to make a law and to remove it from the statute books.
- Over the years, Parliament has repealed several laws & there are precedents where after it has been passed, it has not been in force for several years.
- Passing the bill does not mean that it will start working from the next day rather 3 steps are involved to become a functioning law.

What is the 1st step in this process?

- The first step is the President giving his or her assent to the bill & most of them receive assent in a few days.
- Article 111 of the Constitution specifies that the President can either sign off on the bill or withhold his consent and rarely he withholds his assent to the bill.
- The last time it happened was in 2006 when President A P J Abdul Kalam refused to sign a bill protecting MPs from disqualification for holding an office of profit.
- If a bill is sent to Parliament for reconsideration & if Parliament sends it back to the President, he or she has no choice but to approve it.
- In 1986, President Zail Singh made use of a loophole in the Constitution which does not specify a time limit for the President to approve a bill.
- A bill which was criticised for violating the privacy of personal correspondence was sent to him & he decided not to take any action on the bill until his term ends.
- Today President Ram Nath Kovind signed the three farm bills into law within a week of their passing in September 2020.

What is the 2nd step in this process?

- The next step is deciding the date on which the law comes into effect & in many cases Parliament delegates power to government to determine this date.
- The bill state that the law "shall come into force on such date when government may by notification in the Official Gazette appoint & different dates may be appointed for different provisions of Act".
- For example, Parliament passed the **Recycling of Ships Act** in December 2019 & in October 2020 government brought Section 3 of the law into force.
- This section empowers the government to designate an officer to supervise all ship recycling activities in India.

How is the date of implementation decided?

- A bill specifies the exact date on which it will come into effect & bills which replace ordinances mostly do that.
- In such cases, the bill sets the date on which the President signed the ordinance as the day the law will come into force.
- Similarly the three farm bills replacing their ordinances came into force on June 5, 2020.
- There are also instances when the government does not bring a law into force for many years.
- **National Environment Tribunal Act** was never brought into force which were passed in 1995 and cleared by the President.

What is the 3rd step in this process?

- A bill passed by Parliament is the outline of a law & to come into effect, individuals need to be recruited or given the power to administer it.
- The implementing ministry also needs to finalise forms to gather information and provide benefits or services & these day-to-day operational details are called rules and regulations.
- Parliament gives the government the responsibility of making them & these regulations are critical for the functioning of law.
- In the case of farm laws, the government has made some rules in October 2020.
- If the government does not make rules and regulations, a law or parts of it will not get implemented & **Benami Transactions Act of 1988** went unimplemented due to absence of regulations.
- Parliament has recommended that the government has to make rules within six months of passing a law but parliamentary committees observed that this recommendation is breached.
- The government not only has the power to make rules but can also suppress rules made by it earlier.

Source: The Indian Express

