

Notes

Bill Lapse in Indian Parliament



When Does a Bill Lapse in Indian Parliament?

We sometimes read news about lapsed bills with respect to the Indian Parliament as well as State Legislatures. But when does a bill lapse? Normally, bills lapse in connection with the dissolution of Lok Sabha or State Legislative Assembly. But there are multiple sub-cases regarding this. In this post, we discuss the different cases of lapsing of bills in detail.

Please remember that only the Lok Sabha and the Legislative Assemblies are subject to dissolution (and there is no dissolution for Rajya Sabha and State Legislative Council).

When the Lok Sabha is dissolved, all businesses including bills, motions, resolutions, notices, petitions and so on pending before it or its committees lapse. They must be reintroduced in the newly-constituted Lok Sabha to be pursued further. Articles 107 and 108 of the Indian Constitution deals with these provisions. The position with respect to lapsing of bills is as follows:

Cases when a bill lapse:

1. A bill originated in the Lok Sabha but pending in the Lok Sabha – **lapses**.
2. A bill originated and passed by the Rajya Sabha but pending in Lok Sabha – **lapses**.
3. A bill originated and passed by the Lok Sabha but pending in the Rajya Sabha – **lapses**.
4. A bill originated in the Rajya Sabha and returned to that House by the Lok Sabha with amendments and still pending in the Rajya Sabha on the date of the dissolution of Lok Sabha- **lapses**.

Cases when a bill does not lapse:

1. A bill pending in the Rajya Sabha but not passed by the Lok Sabha **does not lapse**.
2. If the president has notified the holding of a joint sitting before the dissolution of Lok Sabha, **does not lapse**.
3. A bill passed by both Houses but pending assent of the president **does not lapse**.
4. A bill passed by both Houses but returned by the president for reconsideration of Rajya Sabha **does not lapse**.
5. Some pending bills and all pending assurances that are to be examined by the Committee on Government Assurances do not lapse on the dissolution of the Lok Sabha.

When Does a Bill Lapse in State Legislative Assembly?

The legislative council, being a permanent house, is not subject to dissolution. Only the legislative assembly is subject to dissolution. The position with respect to lapsing of bills on the dissolution of the assembly is mentioned below:

Cases when a bill lapse:

1. A bill originated in the Assembly but pending in the Assembly – **lapses**.
2. A bill originated and passed by the Council but pending in Assembly – **lapses**.
3. A bill originated and passed by the Assembly but pending in the Council – **lapses**.

Cases when a bill does not lapse:

1. A bill pending in the Council but not passed by the Assembly **does not lapse**.
2. A bill passed by one or both Houses, but pending assent of the Governor **does not lapse**.
3. A bill passed by one or both Houses but returned by the president for reconsideration of the Council **does not lapse**.

Points to note

1. Adjournment (of a sitting) does not affect the bills or any other business pending before the House and the same can be resumed when the House meets again.
2. Prorogation (of a session) does not affect the bills or any other business pending before the House.
 - However, all pending notices (other than those for introducing bills) lapse on prorogation and fresh notices have to be given for the next session.
3. When Lok Sabha is dissolved, all business including bills, motions, resolutions, notices, petitions and so on pending before it or its committees lapse.
4. A bill becomes an act only after passing through various legislative stages.
5. 68 bills lapsed at end of the 15th Lok Sabha.
 - Examples include –
 - (1) The Constitution (108th Amendment) Bill to reserve 50 percent of seats in Parliament and the legislatures for women.
 - (2) The Constitution (110th Amendment) Bill for reserving half the seats in panchayats for women.
 - (3) The Constitution (112th Amendment) Bill reserving one-third of elected seats in municipalities for women.

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