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WHERE DEMOCRACY BECOMES LAW- THE LOK SABHA

-Spandan Shrivastava

India, recognized as the world's largest democracy, embodies its core ideals like the horizontal distribution of power between the legislature, judiciary and the executive. Though often labelled as a 'bag of borrowings', the makers of the globe's longest constitution extensively worked to make it a masterpiece of mindful selection, well-adapted to the Indian plethora. The heart of Indian Democracy rests in its bicameral legislature, comprising the House of the People and the Council of States, or the Lok Sabha and the Rajya Sabha, established in 1952 post the first general elections as per Article 79 of the Constitution.¹

Lok Sabha stands upon the voice of the people and fits the standards of democracy set by Abraham Lincoln. Its members are directly elected by the citizens of the nation through universal adult suffrage. It is based on the First Past the Post mechanism, under which the candidate with plurality is elected from the constituency, reflecting the 'Winner-takes-all' character. Article 81, entails the maximum strength of the Lower House as 550 members, with 543 members elected at present.²

LAW MAKING PROCEDURE

The law-making process of the Lok Sabha is methodical and is based on the Rules of Procedure and Conduct of Business. To illustrate the legislative procedure, the section traces each phase of law making through the enactment of the Waqf (Amendment) Act, 2025. The process begins with the introduction of the bill in the house. Bill is draft legislation, that needs to be passed by both the Houses of the Parliament and gain assent by the President in order to be enforced. Bills introduced by a minister or an MP other than a minister, are called

¹ M.P. Jain, Indian Constitutional Law 26 (8th ed. 2018).

² M.P. Jain, Indian Constitutional Law 30 (8th ed. 2018).

Government bill and Private Member Bill respectively. The latter requires a one-month prior notice to the speaker.

Two bills namely, “Waqf (Amendment) Bill 2025, and the Mussalman Wakf (Repeal) Bill, 2024” were introduced in the Lower House, dated August 8, by the then Minority Affairs Minister, Kiren Rijju.³

The next procedure is the ‘first reading’ under which the bill is formally introduced by reading of title and objective. The bill is published in the Gazette to ensure that it is available in the public domain. The Presiding Officer may refer it to the Joint Parliamentary Committee (JPC), for detailed examination of the bill and to make a report including its suggestions. The JPC includes members of both the ruling and the opposition and experts in the particular subject area of the proposed bill.

After enlisting the core features and objectives of the Waqf (Amendment) Bill 2025, it was referred to the JPC chaired by Mr. Jagdambika Pal, comprising 31 MPs (21 Lok Sabha, 10 Rajya Sabha) to review the proposed changes through the amendment on August 9, 2024. It submitted its report to the Speaker on 31st January, which was subsequently presented on 13th February, 2025.⁴

The ‘second reading’ follows after the report is submitted by the JPC. It involves detailed deliberation and clause by clause scrutiny in the House. Ministers may introduce amendments to the bill, based on the recommendations submitted by the JPC, but they are not obligatory.

The ‘third reading’, includes the voting on the bill. A bill may be required to be passed by a special or simple majority based on its nature. Ordinary Bill and Money bill, need simple majority of all members present and voting, whereas Constitutional Amendment is passed with special majority.⁵ A bill needs to be passed in both the houses, post which it is presented before the President for assent.

³ Press Information Bureau, Gov’t of India, Waqf (Amendment) Act, 2025 (Apr. 4, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2118763>.

⁴ Press Information Bureau, Gov’t of India, Waqf (Amendment) Act, 2025 (Apr. 4, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2118763>.

⁵ PRS Legislative Research, Money Bills vs. Other Bills (Dec. 22, 2015), <https://prsindia.org/theprsblog/money-bills-vs-other-bills>.

On April 3, 2025, The Waqf (Amendment) Act, 2025 was passed in Lok Sabha with 288 members voting for the bill and 232 against. Rajya Sabha passed the bill on April 4, 2025 with 128 MPs voting in favour of the proposed amendment.⁶

The President may return the bill for re consideration, but if re-passed, they are bound to give assent. This showcases the extensive deliberation involved in the law-making process, ensuring that each act is in the benefit of the citizens of the country.

President Draupadi Murmu gave her assent to the Waqf (Amendment) Act, 2025 on April 5, 2025, making it an enforceable law across India.⁷

Apart from the legislative procedures, The Constitution grants certain special powers to the Lower House of the Parliament. Article 109 (1) grants it the exclusive power to introduce a money bill, which cannot be amended or rejected by the Rajya Sabha⁸. It can return the bill within 14 days with its recommendations, post which it is deemed to have passed. Rajya Sabha does not have the power to vote on the demands for grants. The Council of Ministers is only accountable to the Lower House, as the members are directly elected by the people, and thus, the 'No confidence Motion' can be introduced only in Lok Sabha. Resolution on discontinuation of Emergency can be passed exclusively by the House of People.

CRITICAL APPRAISAL AND CONCLUSION

Lok Sabha is an integral part of the law-making process of India. It represents the people's needs and demands at national level, to ensure that laws are made for the public good. The tedious legislative procedure ensures that laws are well crafted and deliberated before enforcement. But present instances showcase erosion of the constitutional procedure. Ordinance provision under Article 123, allows the immediate enforcement of acts, subjected to parliamentary scrutiny within 6 weeks.⁹ The excessive utilization of ordinance powers has led to concentration of power in the hands of the executive.¹⁰ The Legislative Productivity

⁶ President Droupadi Murmu Gives Assent to Waqf (Amendment) Act, 2025, News on Air (Apr. 6, 2025), <https://www.newsonair.gov.in/president-droupadi-murmu-gives-assent-to-waqf-amendment-act-2025/>.

⁷ President Droupadi Murmu Gives Assent to Waqf (Amendment) Act, 2025, News on Air (Apr. 6, 2025), <https://www.newsonair.gov.in/president-droupadi-murmu-gives-assent-to-waqf-amendment-act-2025/>.

⁸ M.P. Jain, Indian Constitutional Law 69 (8th ed. 2018).

⁹ M.P. Jain, Indian Constitutional Law 83 (8th ed. 2018).

¹⁰ Unnecessary Passing of Ordinance Bill by Parliament Raises Concerns, Juris Centre (Oct. 14, 2023), <https://juriscentre.com/2023/10/14/unnecessary-passing-of-ordinance-bill-by-parliament-raises-concerns/>.

has significantly declined from 135 days to 55 days a year in the 17th Lok Sabha session, with a drop in the percentage of bills being referred to committees to 10%.¹¹ Also, the delimitation following the 2027 census, creates fear of reduction in representation of Southern States because of their effective implementation of birth control measures, showcasing the need to re-scrutinize the population proportionate seat allocation arrangement.

Thus, the centrality of the functions of the House of People in the legislative procedure of India, requires a careful balance to ensure that the mechanisms adopted for the benefit of the people, do not cause erosion of the constitutional sentiment. Maintaining the fragile balance of power, requires strengthening deliberation and committee processes. And as said by GV Mavalankar, “the strength of the Parliament lies in the strength of its debates, for it is through debate that democracy breathes.”

¹¹ PRS Legislative Research, *Functioning of the 17th Lok Sabha*, Parliament Track: Vital Stats, <https://prsindia.org/parliamenttrack/vital-stats/functioning-of-the-17th-lok-sabha> (last visited Jan. December 13th, 2025).