**BASICS OF LAW**

**What is law?**

Law is a system of rules for the smooth and efficient functioning of the society as a whole.It is a set of rules that regulates the relationship between people and the state. It is an institution that helps facilitate better relations between individuals. There are many sources of law:

1) Constitution of India

2) Legislations passed by State/Central Legislatures

3) Rules made by the Executive under the legislations

4) Judicial decisions

**Who makes legislations and how are they made?**

The law-making process is enumerated in the Constitution of India.

1. Each ministry is responsible to table a Bill in the Parliament. The Ministry of Parliamentary Affairs which is a key ministry that overlooks the work of the Parliament is responsible for ensuring that Bills are tabled and passed.

2. A bill is usually drafted by the concerned department of the government through a consultative process. Comments are sought from organisations and groups that have expertise in the area.

3. The Bill can be tabled in either House of the Parliament if it is a Central Bill or either House of the State Legislature if it is a State Bill.

4. The Bill will be considered to be passed in the Houses of the Parliament if both the Lok Sabha and the Rajya Sabha pass the legislation with a majority.

5. When the Bill has been passed by both Houses of the Parliament, it is presented to the President for assent.

6. The same procedure applies to the State Legislature with the Bill being presented to the Governor of the State.

7. Once the President/Governor gives his assent, the Bill becomes the Law.

8. A law approved by the President/Governor comes into effect once it is notified in the official gazette which will state the date from which the law comes into force.

9. Before a law is implemented the government (centre/state) is required to make rules to elaborate in detail the content of the legislation. These rules, once finalized will be published in the official gazette and then the law can become fully operational.

**READING BARE ACTS**

The bare text of the legislations passed by either the Central or State Governments is known as “bare acts”. It is important to understand the text contained in a bare act to be able to use and apply a law. However, there are certain important elements in a bare act that help a reader understand the law better.

**Title and year of enactment:** The long title of the act always figures at the very top of a bare act. The title is the first clue to what the act is all about. The long title is followed by a year. This is the year of enactment and is extremely important to note as it reflects the year from which the act is operable. Acts unless explicitly mentioned are not retrospectively applicable.

**Preamble:** The full title to an act is followed by a preamble, which recites the ground and cause of making the act, the topic/issue it seeks to address etc. It is important to read the preamble to understand the context in which the act has been enacted.

**Index:** Every publication of an act is usually accompanied by an index. It helps in navigating through the bare act.

**Sections and sub-sections:** The act is laid out in numbered paragraphs. Each main paragraph is numbered and is known as “section“. The sub paragraphs under each of these sections are also numbered or lettered and are known as “sub-sections“. It is important to use the correct section and sub section numbers in all official communication.

**Short title and Commencement:** Section 1 of any act lays down the short title of the enactment and the extent of applicability of the enactment. The short title usually becomes the popular name of the act and the act is often referred to by its short title. The extent of applicability of the act tells us to which parts of India the act is applicable. Section 1 also tells us the exact date of commencement of the Act. Again, this is important as it determines the date from which the Act becomes operable.

A “date of enactment” is that date when the act receives the final assent of the President or the Governor. A “date of commencement” is the date on which the act become enforceable, after it has been published in the Gazettee of India. The date of commencement could be the date of publication in the Gazettee or a specific date that is mentioned in the act itself.

**Definitions:** Section 2 of any act is a section containing the definitions of terms used. The meaning of the terms will be restricted to what has been stated in this Section. The rest of the act has to be understood according to the meaning that has been laid out in the definition section.

**Schedules:** Schedules are added at the end ofanact, to to avoid burdening the act with matters of excessive details. They form an integral part of the act Schedules will be referenced in various parts of the act.

**Other parts of acts:** The sections of the act lay down the law that they make. However, it is important to look up and know the following:

1) Authorities- Check what authorities are empowered to address grievances under the act or to implement the provisions of the act.

2) Redressal of grievances – Check the mechanism laid down to address any grienvances that arise under the act.

3) Limitation- Check and carefully note the time limit prescribed under the act. A limitation is a period defined for taking action under the act.

4) Procedural requirements such as forms- Procedural requirements are usually appended towards the end of an act. If forms have been prescribed, it is important to submit official communication as per the form given. Sometimes, forms are not a part of the main act, but may form a part of the rules enacted under the act.

**RULES**

Once a law is approved by the President/Governor, it comes into effect once it is notified in the official gazette which will state the date from which the law comes into force.

However, to implement an act, the government is required to make rules. Rules are aids to an act that give details of how the law should be implemented. Rules are made by the executive, that is, the body that is responsible for implementation of laws and policy. These rules, once finalized will be published in the official gazette and then the law can become fully operational. Make sure to read the rules along with the provisions of the main Act.

Procedural requirements are usually laid out in the rules. It is important to pay attention to such procedural requirements while understanding provisions under the main act.