

NOTE
Of the Legislative Adviser Concerning the process of Legislation

The Government wants to know if it should be possible to submit only to the Assemble of People's Representatives the principles of the Acts deemed desirable by the Government and then to leave the Committees of the Assembly in charge of the redaction of the text and details. In order to answer that question: it is better first to have a clear idea of what is the procedure now existing by application of the Constitution and other laws.

It must be reminded that the Government (executive power), has never the right to encroach upon the legislative power (with the sole exception of Emergency Decrees in case of obvious necessity and with ratification by the Assembly as soon as possible (Section 88 Constitution). But it is clear that, within its executive power, the Government has the right to initiate the making of new laws, to prepare the drafts of those laws at the best of its ability, to use to that effect the administrative machinery meaning the work of qualified and technical officials or experts who are at its disposal. It is even more than a power (amnat) : it is a duty (nati) since the Government (Council of Ministers) is 'charged with the duties of administration of the affairs of the State (section 81)'. And it is a matter of course that such a duty implies the decision that such or such new law is necessary and that a text to that effect must be prepared in order to be voted by the Assembly as Legislative Power.

But as to the preparation and the making of the draft law, the Government has full liberty. Nothing in the Constitution or other laws compels it to follow such or such procedure: it is an internal matter. As long as the Government is content