

Usage of Private member bill in parliament

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What is the issue?

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Demands for a private legislation to construct Ram temple in Ayodhya lead to the analysis of private member bill's usage in parliament so far.

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What is a private member bill?

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- Any MP who is not a Minister is referred to as a private member.
- The key role of the parliament is to debate and make laws and both Ministers and private members contribute to the law making process.
- Bills introduced by Ministers are referred to as government bills.
- They are backed by the government, and reflect its legislative agenda.
- However, Private member's bills are piloted by non-Minister MPs.
- Their purpose is to draw the government's attention to what individual MPs see as issues and gaps in the existing legal framework, which require legislative intervention.

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What is its mode of introduction in the House?

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- The admissibility of a private member's Bill is decided by the Rajya Sabha

Chairman in the case of Rajya sabha.

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- In the case of Lok Sabha, it is the Speaker, while the procedure is roughly the same for both Houses.
- The Member must give at least a month's notice before the Bill can be listed for introduction.
- The House secretariat examines it for compliance with constitutional provisions and rules on legislation before listing.
- Up to 1997, private members could introduce up to three Bills in a week.
- This led to a piling up of Bills that were introduced but never discussed.
- Therefore, the number of private member's Bills was later capped to **three per session**.
- While government Bills can be introduced and discussed on any day, private member's Bills can be introduced and discussed **only on Fridays**.
- Private member's Bills have been introduced and discussed in Rajya Sabha on 20 days in the last three years.

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What is the procedure for its introduction?

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- On the scheduled Friday, the private member moves a motion for introduction of the Bill, which is usually not opposed.
- Two recent exceptions to this convention were in 2004, when a bill seeking to amend the Preamble of the Constitution was opposed.
- Also in 2015, a Bill to decriminalise homosexuality was not introduced in Lok Sabha after the motion being defeated.
- However, the Supreme Court struck down IPC Section 377 recently.

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- Only a fraction of private member's bills that are introduced, are taken up for discussion.
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- Rajya Sabha draws a ballot to decide the sequence of discussion of Bills.
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- If a Bill is successful in the ballot, it has to wait for the discussion to conclude on a Bill currently being debated by the House.
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- For example, a Bill related to sittings of Parliament introduced in March 2017 was taken up for discussion only in August 2018.
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- The discussion of this bill will resume when private member business is taken up in the upcoming Winter Session, and other private member's bills will have to wait for the debate to conclude.
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- Over the last three years, Rajya Sabha saw the introduction of 165 private member's Bills and the discussion was concluded on only 18.
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- A private member's Bill that is introduced but not discussed in Rajya Sabha, lapses when Member retires.
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What happens after the discussion?

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- Upon conclusion of the discussion, the Member piloting the Bill can either withdraw it on the request of the Minister concerned, or he may choose to press ahead with its passage.
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- In the latter case, the Bill is put to vote and, if the private member gets the support of the House, it is passed.
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- In 1977, Rajya Sabha passed a private member's Bill to amend the Aligarh Muslim University Act.
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- The Bill then went to the sixth Lok Sabha, where it lapsed with the dissolution of the House in 1979.
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- A bill pending in the lok sabha lapses, whether it originates in the lok sabha or transmitted to it by the rajya sabha.
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- In 2015, Rajya Sabha passed The Rights of Transgender Persons Bill, 2014 as

a private member's Bill.

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- The Bill is now pending before Lok Sabha.

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- The last time a private member's Bill was passed by both Houses was in 1970, which was the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1968.

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- Fourteen private member's Bills, five of which were introduced in Rajya Sabha, have become law so far.

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- Some of the important legislations among them include **26th amendment**, which related to abolition of privy purses and **61st amendment**, which reduced the voting age from 21 to 18.

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Source: The Indian Express

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