

PRIVATE MEMBER BILL: POLITY

NEWS: Reviving a far-sighted but forgotten Bill mechanism

WHAT'S IN THE NEWS?

Private Member's Bills (PMBs) allow non-minister MPs to propose laws, offering democratic space for legislative innovation beyond government priorities. Despite low success and limited debate time, PMBs remain crucial for deepening deliberative democracy and voicing diverse public concerns.

Context: VP Jagdeep Dhankhar on Private Member's Bills (PMBs)

- Vice President **Jagdeep Dhankhar** described PMBs as “**far-sighted**” and a “**gold mine for legislative innovation**”.
- He emphasized that PMBs have immense potential in **strengthening Indian democracy and deepening legislative debate**.

What are Private Member's Bills (PMBs)?

- A **Private Member's Bill** is introduced by a **Member of Parliament (MP) who is not a Minister**, regardless of party affiliation.
- It is a **parliamentary practice derived from the Westminster model**.
- PMBs allow MPs to **express independent views** and address **emerging societal or constituency concerns**.
- A **one-month prior notice** is required to introduce a PMB.
- PMBs **cannot be Money Bills**, which are the exclusive domain of Ministers.

Democratic and Legislative Significance of PMBs

- **Legislative Diversity:** Allows MPs to introduce Bills on **issues overlooked by the government** (e.g., digital rights, gig economy, minority protections).
- **Strengthens Deliberative Democracy:** Enables MPs to **represent personal or local issues** without violating party lines.
- **Checks Executive Dominance:** Reaffirms Parliament's role by offering **alternative legislative voices** outside government control.

PMBs vs Government (Public) Bills

Aspect	Private Member's Bill	Government/Public Bill
Introduced by	Any MP who is not a minister	A Minister
Notice period	One month	Minimum seven days
Legislative drafting	By MP, often with limited assistance	Drafted by Ministry and vetted by Ministry of Law
Objective	Reflects MP's view or social need	Reflects official government policy
Approval chance	Low due to limited support	High due to majority backing
Debate timing	Fridays only	Throughout the week
Institutional support	Limited	Full legal, policy, and administrative support
Historical success	Only 14 PMBs passed since Independence	Most laws passed are government bills

Historical Examples of Private Member's Bills

- **Muslim Wakf Bill (1952)** – Became law in 1954.
- **Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill (1970)** – Last PMB to pass both Houses.
- **Right to Disconnect Bill (2019)** – Highlighted digital burnout but was not passed.
- **Rights of Transgender Persons Bill (2014)** – Passed in Rajya Sabha; influenced the 2019 Act.

Current Trends and Data

- **17th Lok Sabha (2019–2024):**
 - **729 PMBs introduced in Lok Sabha, only 2 were discussed.**
 - **705 PMBs introduced in Rajya Sabha, only 14 were discussed.**
- **18th Lok Sabha:** 64 PMBs introduced so far, **none have been taken up.**
- Fridays are often disrupted or used for government business, limiting PMB time.

Key Challenges Facing PMBs in India

1. Institutional Constraints

- **Anti-Defection Law (1985)** discourages MPs from acting independently.
- Party control discourages deviation from the party line, **reducing legislative freedom**.

2. Procedural Marginalisation

- PMBs are only listed for **discussion on Fridays**, often lost to adjournments and disruptions.
- Very little time is allocated — e.g., only **9 hours in Lok Sabha, 27 hours in Rajya Sabha** during 17th Lok Sabha.

3. Executive Dominance

- Government business takes **priority in scheduling**, sidelining PMBs.
- In the 2024 Budget Session, **only one Friday** was used for PMBs — and only a resolution was taken up.

4. Low Success and Visibility

- PMBs seldom make headlines or bring **political or electoral gain** to MPs.
- This reduces **motivation for MPs to invest time and effort**.

5. Resource and Research Deficit

- MPs lack **legal drafting support, policy research, and expert guidance**.
- In contrast, **government bills have full bureaucratic and legal backing**.

Global Practices: How Other Democracies Support PMBs

United Kingdom

- *Ten-Minute Rule* allows MPs to present PMBs with brief speeches.
- **20 PMBs allowed per session**, often introduced **in prime time slots**.
- Doesn't require full debate slots, encouraging broad participation.

Canada

- **Ballot system** ensures fair turn allocation for private members.
- MPs receive **official drafting and research support** to improve quality.

Australia

- **PMBs are taken seriously**, especially on **social issues** like euthanasia.
- Institutional and parliamentary support enables **constructive debates**.

Way Forward: Strengthening the PMB Framework in India

1. Dedicated Time Slot Protection

- Amend Rules of Procedure to **protect Fridays solely for PMBs**, except in emergencies.

2. Institutional Evaluation Mechanism

- Establish a **PMB Standing Committee** to filter and evaluate Bills for constitutionality and relevance.

3. Prioritising High-Impact PMBs

- Identify **bipartisan or widely supported PMBs** for guaranteed debate and voting.

4. Extend Parliamentary Working Hours

- Add **1–2 hours per day** for legislative business to avoid clashes between government and private Bills.

5. Provide Legislative Assistance to MPs

- Offer access to **PRS Legislative Research** or establish a **Parliamentary Counsel Office** for drafting support.

6. Midweek Scheduling

- Shift or extend PMB discussions to **midweek days** to ensure better attendance and reduced disruptions.

7. Promote Legislative Culture

Encourage party leadership to allow independent thought, especially on social and developmental issues.

Conclusion

- **Private Member's Bills are vital for a robust democracy**: they reflect the will of MPs, bring citizen concerns to Parliament, and can spark national debate.
- Despite **low success rates**, they contribute to **legislative diversity and innovation**.
- In a **post-delimitation India**, with larger Parliaments, **revitalizing PMBs is essential** to maintain a **deliberative, participatory, and inclusive law-making process**.

Source: <https://www.thehindu.com/opinion/lead/reviving-a-far-sighted-but-forgotten-bill-mechanism/article69522308.ece>