

PRIVATE MEMBERS' BILLS AND RESOLUTIONS

What is Private Members' Business?

In Lok Sabha, the last two and a half hours of a sitting on every Friday are generally allotted for transaction of "Private Members' Business", *i.e.*, Private Members' Bills and Private Members' Resolutions. Every member of Parliament, who is not a Minister, is called a Private Member.

2. If there is no sitting of the House on a Friday, the Speaker may direct that two and a half hours on any other day in the week may be allotted for the transaction of Private Members' Business.

3. Business relating to Bills and Resolutions is transacted on alternate Fridays starting with Bills on the first Friday of the session and Resolutions on the next Friday and so on. Private Members' Business set down for the day allotted for that class of business and not disposed of on that day, is not set down for any subsequent day unless it has gained priority at the ballot with reference to that day. Business which was, however, under discussion at the end of that day has precedence over all other business set down for the next allotted day.

A. Private Members' Bills

Notice of Bill

4. A member who wants to introduce a Bill has to give prior notice thereof. The period of notice for introduction of a Bill is one month unless the Speaker allows introduction at a shorter notice. The notice is to be accompanied by a copy of the Bill and an explanatory Statement of Objects and Reasons. Standard printed forms for giving notice of Bills are available in Parliamentary Notice Office. Notice of Bill may also be given online by members through e-portal.

5. President's recommendation, if necessary, for introduction and/or consideration of the Bill should also be applied for by the member. Where President's recommendation is required for introduction of the Bill, the period of notice is reckoned from the date of receipt of the recommendation in Lok Sabha Secretariat.

6. Where a Bill, if enacted, is likely to involve expenditure from the Consolidated Fund of India, a financial memorandum giving an estimate of the expenditure involved has to be appended to the Bill by the member. In case the Bill contains proposals for delegated legislation, a memorandum regarding delegated legislation is also required to be appended to the Bill.

7. The primary responsibility for drafting of Private Members' Bills is that of the member concerned. The

Lok Sabha Secretariat nevertheless renders necessary assistance in putting the Bill in proper form so that it is not rejected on technical grounds.

8. After a Bill is complete in all respects, it is got printed and uploaded on the e-portal of members for the purpose of circulation to all the members of Lok Sabha at least two days before the date fixed for its introduction.

Introduction of Bills

9. Motions for introduction of all the Bills due for introduction on a particular day allotted to Private Members' Bills are included in the List of Business for that day.

10. By convention, the motion for introduction of a Bill is not opposed. However, there have been instances when the motion for introduction was opposed and also negated by the House.

11. As recommended by the Committee on Private Members' Bills and Resolutions (Third Lok Sabha) in their Fourteenth Report, a member cannot introduce more than four Bills during a session.

12. A member sponsoring a Bill can authorise any other member to introduce the Bill, in which case the member who introduces the Bill becomes the member-in-charge of the Bill.

13. When a Bill is pending before Lok Sabha, notice of an identical Bill is not admitted.

Constitution (Amendment) Bills

14. Bills seeking to amend the Constitution, apart from being subject to the normal rules applicable to Private Members' Bills, have also to be examined by the Committee on Private Members' Bills and Resolutions and only those Bills which have been recommended by the Committee are put down in the List of Business for introduction.

Classification of Bills

15. After Bills have been introduced and before these are taken up for consideration in the House, the Committee on Private Members' Bills and Resolutions classifies the Bills according to their nature, urgency and importance into two categories *i.e.*, category 'A' and category 'B'. Bills classified as category 'A' have precedence over Bills classified as category 'B' for the purpose of consideration in the House. The time for their discussion is also allocated by the Committee.

Ballot of Bills

16. The relative precedence of Bills in a particular category is determined by ballot. One ballot is held for two consecutive days allotted for Bills in a session. On the date fixed for the ballot, all Bills pending before the House are balloted in the following order:

- (a) Bills which have been classified as category 'A';

- (b) Bills which have been classified as category 'B'; and
- (c) Bills which have been introduced but not yet classified by the Committee.

In case number of Bills under category 'A' is twenty or more, ballot of category 'B' and unclassified Bills is not held.

17. The Bills are included in the List of Business for consideration in the order of priority determined by the ballot the result of which is published in Bulletin Part-II. The members are informed about result of ballot also through telephone, letters, fax, e-mail and text messages (SMS).

Notice of next Motion

18. The member-in-charge of a Bill, who secures a high place in the ballot, may give notice of next motion that she/he wishes to move in respect of the Bill. Standard printed forms for giving notices of next motions are available in Parliamentary Notice Office. Member-in-charge may also give notice of next motion online through e-portal.

19. Only such Bills in respect of which notices of next motion have been received are included in the List of Business of Private Members' Bills for discussion.

General Discussion—Motions after Introduction of Bills

20. The member concerned may move any of the following motions:

- (i) that the Bill be taken into consideration; or

- (ii) that the Bill be referred to a Select Committee of the House; or
- (iii) that the Bill be referred to a Joint Committee of the Houses with concurrence of Rajya Sabha; or
- (iv) that the Bill be circulated for the purpose of eliciting opinion thereon.

On any of the above motions, the principle(s) of the Bill and its provisions are discussed in general.

Amendments to Motions moved after introduction

21. If the member-in-charge of a Bill moves that the Bill be taken into consideration, any other member may move an amendment that the Bill be referred to a Select Committee of the House or to a Joint Committee of the two Houses, or that the Bill be circulated for the purpose of eliciting opinion thereon by a date specified in the amendment. An amendment to such motion can be moved immediately after the motion is moved *i.e.*, after the mover of the motion completes her/his speech.

Clause-by-Clause Consideration of Bill

22. After the motion that the Bill, or the Bill as reported by the Select or Joint Committee, be taken into consideration has been adopted, the Bill is taken up for consideration clause-by-clause.

Amendments to Clauses

23. Amendments, if any, to a clause of a Bill have to be moved immediately after the clause is placed before the House.

Notice of Amendments

24. Notice of an amendment to a motion on a Bill or to a clause of a Bill is required to be given at least one day before the date on which the Bill is to be considered in Lok Sabha.

Motion for Passing of the Bill

25. When all the clauses and schedules, if any, of the Bill have been considered and adopted by the House, the member-in-charge of the Bill can move that the Bill be passed. The discussion at this stage is of a general character and confined to arguments either in support or for the rejection of the Bill as a whole. If the motion is adopted, the Bill is deemed to have been passed.

B. Private Members' Resolutions

26. A resolution is one of the procedural devices to raise discussion in Lok Sabha on a matter of general public interest. A resolution can be moved by a member or a Minister. Resolutions which are moved by private members are termed as Private Members' Resolutions.

Form and Content of Resolution

27. A resolution may be in the form of a declaration of opinion, or a recommendation; or may be in a form so as to record either approval or disapproval by the House of an act or policy of Government or convey a message; or command, urge or request an action; or call attention to a matter or situation for consideration by Government; or in such other form as the Speaker may consider appropriate. A resolution must purport to convey the opinion of the House as a whole and not only of a section thereof. Moreover, the subject-matter of a resolution should relate to a matter of general public interest, and only those matters which are primarily the concern of the Government of India can form the subject-matter of a resolution.

Written Intimation and Ballot

28. A private member who desires to move a resolution has in the first instance only to give written intimation to that effect at least two days before the date of ballot. The names of members from whom such intimations are received are balloted and those securing the first three places in the ballot for any particular day allotted for private members' resolutions are eligible to give notice of one resolution each within two days after the date of the ballot. Those resolutions, if admitted by the Speaker, are put down in the List of Business in the order determined by ballot.

29. A separate ballot is held for each day allotted for private members' resolutions. The dates and time for holding the ballot are announced in Bulletin Part-II before the commencement of a Session. Members who secure first three places in the ballot are informed of the result of ballot individually in writing. The result of ballot is also published in Bulletin Part-II and members are intimated also through telephone, e-mail, fax and text messages (SMS).

Conditions of Admissibility

30. In order that a resolution may be admissible, it should:

- (a) be clearly and precisely expressed;
 - (b) raise substantially one definite issue;
 - (c) contain no arguments, inferences, ironical expressions, imputations or defamatory statements;
 - (d) not refer to the conduct or character of persons except in their official or public capacity;
 - (e) not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India;
 - (f) not relate to a matter which is under consideration of a Parliamentary Committee;
- and

- (g) make no reference to any matter where no ministerial responsibility is involved.

Allotment of Time

31. Allocation of time for discussion of private members' resolutions is done by the Committee on Private Members' Bills and Resolutions. Generally two hours are allotted for discussion of a private member's resolution.

Moving of Resolution

32. When called upon by the Chair, the member in whose name a resolution stands in the List of Business moves the resolution and makes a speech thereon. Other members and the Minister concerned may then speak on the resolution. The mover of a resolution has the right of reply.

Passing of Resolution

33. A copy of every resolution which has been adopted by the House is forwarded to the Minister concerned.

**C. Committee on Private Members'
Bills and Resolutions**

34. The Committee on Private Members' Bills and Resolutions consists of not more than fifteen members nominated by the Speaker. The term of the Committee is one year. The Deputy Speaker is always included as a

member thereof and appointed Chairperson of the Committee.

35. The functions of the Committee on Private Members' Bills and Resolutions are:

- (a) to examine every Bill seeking to amend the Constitution, notice of which has been given by a private member, before a motion for leave to introduce the Bill is included in the List of Business;
- (b) to examine all Private Members' Bills after they are introduced and before they are taken up for consideration in the House and to classify them according to their nature, urgency and importance into two categories, namely, category A and category B;
- (c) to allot time to Private Members' Bills and Resolutions for their discussion in the House; and
- (d) to perform such other functions in respect of Private Members' Bills and Resolutions as may be assigned to it by the Speaker from time to time.

36. The sittings of the Committee are generally held every week during session period only.

37. Members may send in writing their suggestions regarding classification of the Bills introduced by them for consideration of the Committee.

38. The recommendations of the Committee are contained in their reports which are presented to the House. After presentation, the report is circulated to the members on the same day. The soft copy of the report is also circulated to the members online through e-portal. The motion for adoption of the Report is put down as the first item in the agenda of the next allotted day for Private Members' Business.

39. On adoption of the Report by the House, the recommendations of the Committee become an order of the House.

40. The Committee on Private Members' Bills and Resolutions, generally speaking, performs the same functions in relation to Private Members' Bills and Resolutions as the Business Advisory Committee does in regard to Government Business.

[Private Members' Bills and Resolutions are governed by Rules 26 to 31, 64 to 70, 72 to 159, 170 to 183, 293 to 297, 348 and 358 of the Rules of Procedure and Conduct of Business in Lok Sabha and Directions 3 to 9A, 19B to 32, 37, 47 and 113 of the Directions by the Speaker.]

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PREFACE

This Abstract is part of the Parliamentary Procedure Abstracts Series and describes the procedure regarding Private Members' Bills and Resolutions and Committee on Private Members' Bills and Resolutions. It is based on the Rules of Procedure and Conduct of Business in Lok Sabha, the Directions issued by the Speaker under the Rules of Procedure and the decisions/rulings given by the Chair from time-to-time. It is intended to serve as a handy guide for ready reference.

The information contained in this Abstract is, however, not exhaustive. It will, therefore, be prudent to refer to and rely on the original sources for full information.

NEW DELHI

Secretary General