CHAPTER VI

IMPROVEMENT OF THE SYSTEM : SOME SUGGESTIONS

As would be observed from Chapter II, the practices and procedures regarding the private members’ Bills have been evolved on the basis of the recommendations made by the Committee on Private Members’ Bills and Resolutions in the early fifties. Since then, by and large, these have remained unaltered. The conclusions/inferences drawn from the analytical evaluations and the case studies, discussed in the preceding Chapters IV and V respectively, do suggest that the existing system though quite useful has yet room to make it more effective. In an effort to evolve some suitable suggestions in this regard, focussed-interviews of some of the eminent parliamentarians have been conducted with a detailed questionnaire prepared for the purpose. These parliamentarians belong to different political parties and have been drawn from both the Houses. Their views/comments have been solicited on the suggestions worked out by the author. An attempt has been made in this Chapter to discuss these suggestions alongwith the views of the parliamentarians for reflecting upon possible improvements in the system.

1. For legislative biographical sketch of the parliamentarians interviewed, see pp. (xii) - (xvii).
Drafting Assistance

While drafting a Bill, one has to take several precautions. First of all, the draft has to be so worded as to convey exactly the meaning it is intended to convey and not, by a stretch of ingenious interpretation, another meaning. Further, the Bill when enacted is expected, in a modern society, to interfere with some one’s life by affecting his happiness and convenience or to trench upon, in some manner, the present social or economic interests somewhere. Hence, these social interests have to be consulted, if possible, met, or failing that, soothed. Last but not the least, care has to be taken that the Bill does not contradict any other existing Act. All these considerations make the drafting of the Bill a mighty skilled task.

When a member is to draft a Bill, he may theoretically be supposed to be competent to do the same. In actual practice, he realises these difficulties and feels that it is a great task for which only the Government, with its hundreds of expert advisers, is properly equipped. Moreover, members busy as they usually are with their multifarious activities may find it quite difficult to devote much of their time for the drafting of legislative measures and may shy away from the whole process due to sheer intensity of effort involved therein. Further, there may be some members who may not have the requisite legal background for framing legislative proposals on subjects on which they may have sound ideas.

At present, the Lok Sabha and Rajya Sabha Secretariats, no doubt, render all possible technical assistance and advice to members but the primary responsibility is that of the members concerned.

It may, therefore, be advisable to provide suitable drafting assistance to members. This suggestion found support from all the parliamentarians who were interviewed by the author. Madhu Limaye was of the view that “there
should be competent Draftsmen and Research Assistants. They should help not only in drafting Bills, but also amendments that they (private members) may like to move to Government or private members' Bills.” Eduardo Faleiro and S.W. Dhabe expressed similar views at a Seminar.¹

That drafting requires practical expertise was also acknowledged by Dinesh Goswami. He was of the view that we have followed British pattern so long with the result that we make even simple enunciations complicated with words like 'notwithstanding the fact' and all that. Even lawyers like him, who have been in practice for a long time, he confessed, find it very difficult to understand the real meaning. Stressing the need of drafting laws in simple language which is understandable to the common man, Goswami maintained that “technical assistance” for it is very necessary.

While such assistance may not be required by members who are lawyers, it would be very useful for those who are not lawyers. This was the opinion of V.N. Gadgil. It was supported by P. Shiv Shankar when he observed: “Many members come from different backgrounds. Some are professionals. Some are social workers. They do expect some proper assistance and if their roles have to be meaningful, it is the obligation of the state to provide necessary help and material. This would enable the members to be more effective in Parliament.” He felt if a member were to bring in legislation after discussion with a Parliamentary Draftsman, he should be in a position to better highlight the issue(s). “It should not only sharpen the intelligence of the member, but it

¹. Seminar on "Private Members' Business", op. cit., 28.4.1984, pp. 7 and 53, respectively. (Eduardo Faleiro said: “There should be more people to help private members in drafting Bills and Resolutions, particularly the Bills.” S. W. Dhabe too desired: “Some machinery should be created at the parliamentary level, just like the existing stenographers' pool, so that drafting assistance is made available to members.”)
should also help to clear the cobwebs in his mind so that he comes to grip of the matter and puts it in a proper shape before Parliament”, Shiv Shankar emphasised.

There could be, for this purpose, an office of Parliamentary Counsel General who may have the function of advising the Parliament, the Speaker and the members of Parliament on legislative matters. No doubt the Attorney General of India is there to render legal advice but, as L.M. Singhvi opined, basically being a law officer of the Government his advice to Parliament is bound to be coloured. The Parliament needs its own Counsel General to advise it on various matters of law and legislation.

The usefulness of the suggestion to provide drafting assistance is quite evident from the unanimity among the parliamentarians. It would greatly facilitate the task of members if such assistance is provided to them through some institutionalised arrangement. May be, by creating a separate agency such as Parliamentary Draftsmen Cell in the Lok Sabha and the Rajya Sabha Secretariats.

Allotment of Time

The real hurdle in the path of private members' Bills is the inadequacy of time allotted for their consideration. The last two-and-a-half hours of the sitting of the Lok Sabha and the Rajya Sabha on alternate Fridays allotted for consideration of Bills and Resolutions respectively have been found to be too inadequate. 94.5 per cent of the Bills introduced in the Eighth Lok Sabha and 74.4 per cent of the Bills introduced in the Rajya Sabha during 1982-89 could not come up for discussion due to lack of time. Even earlier the members had been
feeling unhappy about such a situation. This is evident from what Shakuntala Paranjpey said in the Rajya Sabha on December 13, 1968:

We are talking very much about democracy. I think it is high time that something was done to allow a certain amount of time for every Bill and every Resolution so that all the Bills and all the Resolutions moved by private members get an opportunity of being discussed in the House.¹

It was considered necessary to examine as to what could be the increase in the allotment of time for this purpose. While there was unanimity among the parliamentarians to increase this time, opinion differed on how to effect the same.

Majority of parliamentarians interviewed - including L. K. Advani, P. Shiv Shankar, V. N. Gadgil, Chitta Basu, Ram Lal Parikh - and S. W. Dhabe, Eduardo Faleiro and Om Mehta opined that instead of two-and-a-half hours the entire post-lunch time (five hours) on the private members' day should be devoted to the consideration of Bills.

Madhu Limaye, Ram Niwas Mirdha and Shivraj V. Patil, however, thought differently. Though Madhu Limaye felt that the time allotted was not sufficient, yet realising the difficulties of the Government he said, "there is so much pressure of work that I don't think the Government will agree to increase the time." Suggesting a way out, he observed: "If the Bills are processed by Standing Committees some time could be found. Similarly, if certain work-load is taken off the House and transferred to permanent Standing Committees, much time could be saved and part of it could be made available for discussion and disposal of private members' Bills. In that case, probably one whole day can be devoted to it."

Yet another solution to the problem, according to Madhu Limaye, could be to strictly follow the existing procedure. At present, the normal time allotted to a private member’s Bill is up to two hours, but it can be extended to four hours. To extend it beyond four hours, Madhu Limaye felt, was unjust. He further added: “That is the reason why I opposed further extension of time given to Nath Pai’s Bill. It had already taken nearly 14 hours and 20 minutes. If a Bill is very important and a large number of members want it to be discussed, then the Government should find the necessary time for it from the Government quota irrespective of the Government’s attitude towards the Bill i.e., whether it is (a) hostile, (b) neutral, or (c) one of sympathy and support.” The strength of this argument, according to Madhu Limaye, was conceded by the whole House when Lok Sabha unanimously adopted his amendment to the Forty-third Report of the Committee on Private Members’ Bills and Resolutions, Fourth Lok Sabha, on February 21, 1969 and agreed that any extra time for Nath Pai’s Bill should be found by the Government from the Government quota.

Somewhat similar views were echoed by Ram Niwas Mirdha. Speaking at an Orientation Programme for the new members he said: “A private member’s Bill goes on for days and days... Now, in two-and-a-half hours or two hours you cannot do justice to a Bill. But, on the other hand, if you go on repeating it in the whole session, you are preventing a lot of other Bills from coming up for discussion. So, there could be some system by which the discussion may be terminated and it can be made to conclude in a way. That is very important, because unless that happens we go on discussing only one subject.”  

within which the private members' Bills can be discussed so that more and more opportunities could be given to other members whose Bills keep pending.

Wondering whether the time allotted could at all be increased, Shivraj V. Patil observed: “The difficulty in Parliament is the availability of time. If the time is increased for private members' Bills, then the time available for Government business will be very limited. It is the Government's business that really has to be transacted. What the private members are doing is either they are criticising the Government or they are attracting the attention of the Government. That is very important but then the actual working is also necessary.”

It appears there is need to strengthen the private members' Bills system by increasing allotment of time. The question, however, is how to find more time for the purpose. In this regard the suggestions made by Madhu Limaye and Ram Niwas Mirdha seem to be quite sound. The time to be increased could possibly be found by processing of Bills by Standing Parliamentary Committees; taking certain work-load off the House and transferring the same to Standing Parliamentary Committees; and evolving a procedure/convention whereunder the discussion on each private member's Bill is made to conclude within a certain maximum time-frame (say four hours) without any further extension.

Change from Friday to Mid-Week

As mentioned earlier, private members' Bills are discussed on alternate Fridays in the Lok Sabha and the Rajya Sabha. The matter worth considering is whether this is an ideal day of the week to take up this activity. The study reveals that most of the parliamentarians hold the view that Friday being close to week-end is not suitable for the purpose. Therefore, they have been demanding that the private members' day should be changed from Friday to any other day
of the week. In this regard Margaret Alva, who had to take the Chair very often on Friday afternoons in the Rajya Sabha while being on the panel of Chairpersons, once expressed her views at a Seminar thus:

I feel Fridays have been very cleverly kept for the private members. Most of the members, who have to go away for the week-end, leave on Friday afternoon. If the quorum is insisted upon in the House, I do not think that on a single Friday afternoon there can be a sitting as far as the Rajya Sabha is concerned... Therefore, Friday afternoon somehow does not seem to be the most appropriate day...The private members' day should be changed from Friday to mid-week.

Same opinion was expressed by L. K. Advani during the course of the interview. In his own words: “It would be a good idea to change it. This would lend great importance to Private Members' Business and invest this device with much greater efficacy. It may be shifted to either Tuesday or Wednesday or Thursday.” Other parliamentarians who subscribed to this view include P. Shiv Shankar, Chitta Basu, V. N. Gadgil, Dinesh Goswami, Om Mehta, S. W. Dhabe and K. Krishnamurthy.

Among those interviewed, the sole parliamentarian who considered the shift from Friday to mid-week not being necessary was Shivraj V. Patil. According to him: “If a member is really interested, then he should not leave Parliament or go out of Delhi. Contribution of such member would be more valuable than that of the member who is just sitting in the House and is expressing his views simply because he is there, the time is there and the topic is there. If from Friday it is shifted to some other day, then the members who are really interested, who have studied the topic and who would rather give up any other activity to remain in the House to express their views, would get less time to speak. On the

other hand, the members who want to speak casually on the subject would take over the day.”

Ethically, Shivraj V. Patil’s view is very sound. However, considering the near unanimity about it among the parliamentarians interviewed, the balance of advantage may be in shifting the discussion on private members’ Bills from Friday to mid-week.

**Ballot System**

As per present practice, after the Bills have been introduced and before these are taken up for consideration in the House, the Committee on Private Members’ Bills and Resolutions classify the Bills according to their nature, urgency and importance in two categories i.e., category ‘A’ and category ‘B’. Bills classified as category ‘A’ have precedence over the Bills classified as category ‘B’ for the purpose of consideration in the House. The relative precedence of Bills in a particular category is determined by ballot. The Bills — falling under category ‘A’, category ‘B’, and yet to be classified, in that order — are included in the List of Business for consideration in the order of priority determined by the ballot.

The study reveals that out of 2236 private members’ Bills introduced in the first eight Lok Sabhas, only 384 Bills could be considered.1 This would indicate that a substantial number of Bills lapsed in the Lok Sabhas with the expiry/dissolution of each House. Similarly, in the Rajya Sabha, the number of Bills that could be considered during 1952-89 was only 204 out of the total of 553 Bills introduced.2 It would be stressing the obvious that the Bills introduced entail lot

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1. See Table 2 in Chapter IV, p. 58.
2. See Table 3 in Chapter IV, p. 59.
of drafting effort on the part of the members, processing labour on the part of the Parliament Secretariats and above all the meticulous study on the part of the Government to closely examine their provisions for formulating its views thereon. To make maximum use of all these efforts and to reduce the number of pending Bills which lapse, improvement/change is called for in the ballot system. Various alternatives suggested by the author in this regard evoked mixed response from the parliamentarians.

One member concurred that the present practice of balloting the Bills, rather than the names of members, should continue. He supported this view with the contention that the idea of the Bill is more important than the mover of the Bill.

Another member agreed to the suggestion that the names of the members should first be balloted and only those members whose names find place in the ballot should be asked to give notices of Bills. This idea was opposed by two other members. One of them held the view that we should not forget that the Bills are generally brought by those members who have a special hunch for the same. These members are usually either trade unionists or constitutional pundits or social reformers and it will not be proper to hamper their initiative by balloting the names rather than the Bills. The second member opposed the balloting of the names by posing the question: “Will it not be wrong to put a member who undertakes the labour and the trouble of introducing 20 Bills on the same footing as the member who submits only one or two Bills?”

A different view expressed by a member was that after the Bills have been introduced, the names of the members may be balloted and it may be left to the members to select which of their Bills introduced earlier they would like to bring up for discussion.
Yet another suggestion - supported by three other members - was that while they would prefer the balloting of the names, they would really like to have a mix. A mix in the sense that while there may be the system of balloting the names of the members, along with it there should also be a provision that where a member feels that a particular legislative measure which he has in mind is of such urgent nature as brooks no delay, he should have the right to send his Bill to the Committee on Private Members' Bills and Resolutions even before its introduction in the House. If the Committee recommends, then it should be taken up as the first Bill on the next available private members' day, as is being done at present in the Lok Sabha in the case of category 'A' Bills. Contention was that this type of mixed system would keep open the way for important Bills to come up without being hampered by the ballot system.

The last suggestion appears to be quite sound and could be implemented to improve the private members' Bills system.

Restrictions on Number of Bills

A member in the Lok Sabha may give notice of not more than four Bills for introduction in a session. In the Rajya Sabha, the corresponding restriction is that not more than three Bills may be introduced by a member on any given private members' day. It was deemed advisable to examine how far this restriction has been found to be useful by the parliamentarians. During the course of the interviews, they expressed diametrically opposite views.

On the one hand, L. M. Singhvi was of the view that "there are some members who send in too many Bills and most others don't send any Bill. There should be some sort of family planning for private members' Bills."
On the other hand, Madhu Limaye's view was totally different. He felt that "since legislation by private members was a weapon of public education and enlightenment, the present restriction of four Bills per member in one session in Lok Sabha should be removed. Members who are really active and have wide interests should not be prevented from making a constructive contribution to the formation of public opinions in this country." These views were corroborated by V. N. Gadgil and Dinesh Goswami.

As mentioned elsewhere in the study, most of the time the private members' Bills are not very serious attempts at legislation. Largely, these Bills are aimed at educating and mobilising public opinion on various issues. To achieve this objective, it may be appropriate to remove the present restriction of not allowing a member in the Lok Sabha to introduce more than four Bills in a session.

Reference of Bills to Select/Joint Committees or Standing Departmental Committees

The Rules of Procedure and Conduct of Business in the Lok Sabha and the Rajya Sabha provide for reference of Bills on important/delicate issues to Select/Joint Committees for detailed consideration before the same are discussed in the House. The present study reveals that the practice of referring private members' Bills to Select/Joint Committees had been only prior to 1971 and thereafter it has been given a go by. The matter worth consideration is whether this practice had been found to be helpful in the past and, if so, whether it needs to be revived.

The unanimous view of the parliamentarians interviewed was that the practice of referring the Bills (Government as well as private) to Select/Joint Committees must be revived. Each one of them advanced cogent reasons for
this belief. Emphasising the useful role played by private members in the field of legislation through these Committees, L. K. Advani observed: “I have served on many Joint Committees and I can say from experience that the draft Bill that comes before such Committee is generally shoddy. The involvement of the members of Parliament in framing law through a Select/Joint Committee gives that kind of dimension to a Bill which makes it totally different from the Bill brought to Parliament by the Government.”

Expressing similar views Ramlal Parikh stated: “Every Bill should have an opportunity to be referred to a Select Committee.” Citing an instance of the utility of a Select Committee, Parikh said: “I was a Member of the Select Committee on Child Adoption Bill. In the Select Committee, the members contributed to such an extent that nearly half of the Bill was changed.”

Narrating an interesting personal experience of a Select Committee, Dinesh Goswami observed: “There was a Bill for liberalisation of divorce by making irretrievable break-down as a ground of divorce. The then Law Minister, Jagannath Kaushal, who introduced the Bill, asked it to be referred to a Select Committee. When the Bill was discussed first, obviously most of the members were in its favour. However, when we came to the last stage, after taking evidence, except one member all others were opposed to it and the Bill had to be withdrawn.” He was, therefore, of the opinion that if this Bill had not gone to the Select Committee, it would have been passed in the House because the ruling party members would have supported it, the Bill having been brought by the Government. According to Goswami, “When the Government brings a Bill, the members know that the Bill is going to be passed, whatever they may say. Thus, the importance that it attached to a discussion gets much more eroded. But if a member knows that he can make a contribution to change the Bill, then
he will be more effective.” He was of the considered view that “if the Bills are scrutinised by a Standing Committee then the members will take much more interest and our laws will be much better than as they exist today.”

Same idea was mooted by Madhu Limaye when he said: “All Bills, private or Government, should first be brought before the Standing Departmental Committees and processed there. Then the private members could choose the subjects in which they might be interested and get themselves elected or nominated to those Committees.”

P. Shiv Shankar was in favour of Bills being referred to Select/Joint Committees if their subject matter was “naughty and complicated”. “Tendency not to refer to the Select Committee or the Joint Select Committee at all, even if it is a very vital issue, is a very wrong approach”, he emphasised. It is necessary to go by the subject, by the nature of the issue, by the importance of the Bill.

The parliamentarians, however, were of the unanimous view that the Select/Joint Committee should not take two or three years to finalise its work. The report should be submitted within three to eight months. There should be no extension as a rule. If at all an extension has to be given, it should be given only once and not more. Generally speaking, Select Committee should not go on tour. If any evidence is to be taken, it should be taken in New Delhi.

Since the experience of the members who have served on Select/Joint Committees has been very useful, it is but desirable that the practice of referring important Bills to them is revived. Apart from a fuller and more comprehensive examination of matters which makes members to come up with worthwhile suggestions to improve legislative measures, these Committees also result in saving the time of the House for discussion of other important issues.
Use of Whips or Party Pressures

The main weakness of the present system is that the member who is interested in a piece of legislation which he brings forth as his Bill, is often persuaded to withdraw it, either because he belongs to the ruling party and is, therefore, amenable to the pressure of his party, or on the basis of some kind of vague assurance. The member has to submit to this kind of fate. For the alternative he has to face is positive rejection due to the ruling party majority which is mechanically and automatically pressed into service either to defeat or to scuttle the private member's Bill. It needs to be examined whether the whips should be put to use insofar as the private members' Bills are concerned.

Realising the infirmity of the system, L. M. Singhvi suggested that the "whips or party pressures should not by and large operate formally or informally on the private members' Bills and that the members should be encouraged to think for themselves and to vote on their own, except when substantial and basic policy questions are involved".

The above view was concurred by L. K. Advani when he observed: "If the Bill is of socio-economic nature on which the parties are not divided, then there may be no whip. But if there is a Bill which has political implications then that is a separate issue."

Total freedom to members to exercise their right to express their views freely and to vote accordingly on a private member's Bill, unless it is very controversial, was suggested by three members, namely Shivraj V. Patil, S.Krishnamurthy and V.N. Gadgil.

"Unbridled freedom" was, however, considered dangerous by P. Shiv Shankar, belonging to the same party as that of the above-mentioned three members. On the one hand he felt that "freedom has to be regulated in a
reasonable manner". On the other hand, his advice to parties was that "they should also not act in a very narrow-minded fashion on each and every subject by issuing a whip. This is not conducive for the proper growth of the parliamentary system in the country. Therefore, taking into consideration the subject, the nature of the issue and so on, a decision will have to be taken and this has to be ultimately left to the good sense of the party."

In a parliamentary democracy, the members generally express views which are in consonance with the policy/programme of their respective political party. This practice, though essential for the growth of well-knit and effective party system, hampers the free expression of views by the members when these are radically different from that of their party. The position in India is compounded further with the passing of the Constitution (Fifty-Second) Amendment Act, 1985. According to it, the freedom of members is circumscribed and a member can be disqualified for being a member of the House if he votes or abstains from voting in the House contrary to any direction issued by his party. Therefore, at least during discussions on Private Members' Business (to which only two-and-a-half hours are devoted during an entire week) the whips or party pressures should not operate until and unless the issue under consideration is delicate or sensitive. This would strengthen the democratic structure by encouraging private members to have free and frank discussions for making valuable contributions to parliamentary deliberations.

Follow-up of Assurances

When the Government accepts the underlying principle of a private member's Bill, the member-in-charge is requested to withdraw the same on the assurance that the Government would bring forward its own comprehensive
measure. The analysis of such assurances given in the past reveals that while fulfilment of most of the assurances took an unduly long time, some of them were still outstanding. This is all the more regretful in view of the fact that the Committee on Government Assurances is there to take followup action. The author put it for the consideration of parliamentarians whether any change need be affected in Rules and Procedures or any convention need be evolved to ensure that the Government fulfils such assurances within a stipulated period.

While many of the parliamentarians interviewed felt that there should be some such provision, L. M. Singhvi held a different view. According to him, “it would make the procedure cumbersome”. He opined : “After all the House is there to follow up the matter. Moreover, the proposed change in Rules may make the Government not to give direct assurances in reply to debates on Bills.”

Madhu Limaye, on the other hand, felt strongly in favour of the proposal. He said : “There may be either a Rule or at least a convention that the Government Bill be introduced and passed within a period of at least two years from the date of such promise. If for any reason, the Minister is unable to find time, he should apply to the House for extension of time. In case he is unable to fulfil the assurance because of strong opposition from within his own party or outside it, the Minister making the promise should apologise to the House and should honourably quit.”

Instead of two years, P. Shiv Shankar considered that the Minister concerned should be answerable to Parliament within a period of six months. He was not in favour of extending the time further. “Six months”, according to him, “is sufficiently a long period for a Minister having given an assurance to act thereupon and fulfil his commitment”. Dinesh Goswami also concurred with these views.
There cannot be two opinions that the assurance given during the reply to a discussion on a private member's Bill should be fulfilled within some bare minimum stipulated time. It may, however, be useful to evolve some convention in this regard which may be followed strictly by the Ministries and Departments.

**Discussions/Amendments on Subordinate Legislation**

Unfortunately, the discussions on private members' Bills are thought of as occasions for voicing general ideas. The solemnity which characterises the business of legislation is generally lacking. It has to be understood that private members' Bills are an important part of the legislative process. Realising that there are at present too many Constitutional Amendment Bills and that modifications in legislation are not being attempted in detail, L. M. Singhvi expressed the view that there should be “more discussions and amendments on subordinate legislation included in the private members’ Bills, as subordinate legislation is very large but invisible part of legislative iceberg, and is not subjected to a reasonable measure of parliamentary scrutiny or surveillance.”

The above suggestion, if implemented, would not only improve subordinate legislation, but it would also tone up the accountability of Executive to Parliament.

**Familiarisation with Private Members’ Bills System**

Members of Parliament come from different regions and backgrounds. Many of them, particularly the new entrants, may not be aware of their right to bring forward legislation. Lamenting on this lack of familiarity with the system, P. Shiv Shankar observed: “I have come across many members who expressed their total ignorance about the private members’ Bills. In fact, they come and ask what is the effect of a private member’s Bill.” He, therefore, commended: “There should be some process whereby the members could be educated to
enable them to take interest in this activity. Otherwise, what happens is that a few who have got the wherewithals or who have got the resources or who have got the background or who could manipulate things, they alone bring in Bills and they monopolise the time. They put in so many Bills that it is their Bills alone that come up. Therefore, I would like this concept to be widened. We must encourage a large number of members to take interest in this activity."

Recognising the need for such familiarisation, not only with the private members' Bills system but also rest of the parliamentary processes and procedures, the Bureau of Parliamentary Studies and Training, New Delhi has been organising, from time to time, Discussion Sessions and Orientation Seminars for new members of Parliament and State Legislatures. However, since the attendance at such programmes of the Bureau is not compulsory, many of the new members do not avail themselves of this facility to familiarise themselves with the operational mechanics of parliamentary institutions.

It would, therefore, be in the fitness of things if the political parties also take upon themselves the task of educating their members about the parliamentary practices and procedures in general and the private members' Bills system in particular.

Recognition of Private Members' Efforts

The private members put in a lot of effort to bring in Bills. If due recognition is given to their efforts, the members feel encouraged and become much more active. It has to be realised that the purpose of every legislation is to tackle the problems of the people. The members through their Bills also try to help the Government. Private members' legislation is only supplementary, it is not complementary. Since it is supplementary, there is no competition and as
such there is no contradiction. It need not, therefore, be discouraged. In this connection, S. Krishnamurthy opined: "After all, the members of Parliament are awfully busy in so many things. When they spend their valuable time to bring in Bills, their efforts should at least be acknowledged. A private member's Bill may not be accepted as it is. But if there is a valid suggestion in it, the member concerned could be encouraged by the Government by accepting the same and agreeing to incorporate it in its own legislation. Thus, the member would feel rewarded in a sense that his work is accepted."

The study reveals that in regard to some of the private members' Bills, the Government had adopted the kind of posture suggested by Krishnamurthy. Perhaps, what the member suggests is that this should happen in the case of a large number of such Bills. If the Government adopts a liberal attitude of accepting the worthwhile suggestions made through private members' Bills, needless to say, it would encourage the members to make meaningful contributions.

Private Members' Bills: A Sounding Board

The private members' Bills could well be utilised to serve as "a sounding board" for issues on which parties' position has not crystallised. Elaborating his above suggestion, L. K. Advani said: "Today there is no clear cut decision by parties generally whether capital punishment is desirable or not. If a private member's Bill is moved on the subject it may help to find out how the members feel about it." Citing other instances, he further observed: "Again, on issues pertaining to environment, the parties have not taken very strong and firm lines as yet. Similarly, there are branches of sciences emerging, such as Genetic Engineering, on which the country is still to debate, still to discuss. If a private
member takes an initiative and moves a Bill on any such subject, it would be a very effective way of finding out where the different sections of Parliament stand.”

This is a suggestion basically for the members. They may like to make use of the private members’ Bills system to ascertain the views of various political parties on some of the vital issues.

Public Exposure

Last but not the least, the question requiring attention is the need of public exposure to discussions on Bills.

During the earlier days, the debates in Parliament on various legislative matters used to get wider coverage. However, these days some of the very important Bills and the discussions thereon are not noticed at all or if at all any notice is taken, only the reply given by the Minister is briefly covered by the press. It is the proceedings of the so-called ‘Zero Hour’, when members raise unlisted issues, that now get prominence in the media. This, according to Dinesh Goswami, has resulted “in the members not taking that much of interest in the legislation as should be taken or was being taken in the past”. We have almost come to a situation, he lamented, where we forget that the primary task of Parliament is to frame laws. His exhortation, therefore, to the members was that “they should take more interest in legislation”. More than that, he stressed that the need of the hour was “a greater interaction between the media and the Parliament. The media should give adequate publicity to the law-making part”.

For greater public exposure, Madhu Limaye suggested that “it would be useful to devise machinery for public discussion on private members’ Bills through Seminars, etc.”. Limaye also revealed that an institution called the
Women's Council of Maharashtra had been writing to him from time to time about the Bills that he had introduced in the House. He felt that “private members' Bills should be sent to certain institutions like Bar Associations, Universities, etc., by the Parliament Secretariat of its own even if no motion about circulation has been passed”. Undoubtedly, more public exposure to Bills through press or other media would improve the system by stimulating further the members' interest therein.

The various suggestions emerging as a result of the present study are, by and large, quite viable and can well be considered for implementation. In brief, these would, inter alia, lead to institutionalised arrangements for drafting assistance to members, increased time for discussion of private members' Bills; provision for some such important Bills to come up without any hindrance of ballot; and removal of restriction on number of Bills that a member can introduce in a session. Put together, all this would contribute immensely to the improvement of the system.