

**COMMITTEE ON PRIVATE MEMBERS'
BILLS AND RESOLUTIONS
1955**

THIRTIETH REPORT

(Ballot Procedure in Respect of Private Members' Bills)



**LOK SABHA SECRETARIAT
NEW DELHI
May, 1955**

0.22

MEMBERS OF THE COMMITTEE ON PRIVATE MEMBERS
BILLS AND RESOLUTIONS

1. Shri M. Ananthasayanam Ayyangar—*Chairman.*
2. Shri P. Natesan
3. Shri Raghunath Singh
4. Shri Nageshwar Prasad Sinha
5. Shri Ganesh Sādashiv Altekar
6. Shri Gōswamiraja Sāhdeo Bharati
7. Shri Narendra P. Nathwani
8. Shri Radheshyam Ram Kumar Mararka.
9. Shrimati Ila Palchoudhuri
10. Shri N. Rachiah
11. Dr. Natabar Pandey
12. Shri Bhawani Singh
13. Shri T. B. Vittal Rao
14. Shri C. Madhao Reddi
15. Shri N. Sreekantan Nair.

SECRETARIAT

Shri N. C. Nandi—*Deputy Secretary.*

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I, the Chairman of the Committee on Private Members' Bills and Resolutions, having been authorised by the Committee, submit this report to the Speaker on the proposal to hold a single ballot in respect of Private Members' Bills during a session [Vide Memorandum to the Committee (Appendix)].

Terms of Reference

2. Under sub-rule (2) of Rule 44 of the Rules of Procedure and Conduct of Business in the Lok Sabha, the Speaker had directed that the Committee might examine the following proposals in regard to Private Members' Bills:—

- (1) There should be one ballot for each Session which will determine the priorities of all pending Bills. The order of precedence *inter se* of Bills once fixed will remain unaltered for the duration of the Session.
- (2) Bills subsequently introduced in the course of a Session, will, after they are classified, be balloted according to their categories and dates of introduction and included in the List of Business after the Bills which have been already balloted earlier.
- (3) In cases where notices of next motions are received after the List of Business for a day has been finalised, Bills in respect of which such notices are received will be included in the List of Business for the next allotted day in their appropriate places as determined by the ballot.
- (4) When a Bill has been introduced, notice for introduction of an identical Bill shall lapse.
- (5) A Bill, debate on which has been adjourned *sine die* shall not be balloted during the same session but will be balloted during the next session on receipt of notice for resumption of debate.
- (6) Where notice for resumption of adjourned debate on a Bill had not been received in time and hence the Bill was excluded from the ballot, if notice of resumption of debate is received subsequently, such a Bill will be included in the List of Business after the Bills balloted earlier. ~)

Findings of the Committee

3. At its sitting held on the 5th May, 1955 the Committee examined these proposals from all aspects and arrived at the following conclusions.

4. At present a ballot is held under the Rules to determine the order of precedence of Bills with respect to each day allotted for Private Members' Bills. The Committee felt that it is unnecessary to hold a ballot with respect to each day allotted for Private Members' Bills and suggested that, to start with, there may be one ballot of Bills every month or in other words a single ballot with respect to two consecutive days allotted for Private Members' Bills. The

Committee was of the view that in the light of the experience gained, the question of holding a single ballot for an entire session may be considered later on.

5. Since a ballot will be held in respect of two days, Bills introduced during a session and subsequently classified by the Committee will be included in subsequent ballots held during the session.

6. The Committee agreed with the proposal that, where notices of next motions are received after the List of Business for a day has been finalised, Bills in respect of which such notices have been received should be included in their appropriate places, as determined by the ballot, in the List of Business for the next allotted day.

7. The Committee found that at present identical Bills are being permitted to be introduced in successive sessions and that there is no rule to debar the introduction of such Bills. To have a number of identical Bills pending before the House not only causes confusion but also results in the time of the House being wasted in considering them time and again.

The Committee was, therefore, of the opinion that provision should be made that when a Bill has been introduced, notices for introduction of an identical Bill shall lapse.

In this connection the Committee was of opinion that provision should be made that if the member-in-charge of a Bill is unable, due to adequate reasons, to pilot a Bill after introduction, he may authorise another member to do so with the approval of the Speaker.

The Committee also took note of the fact that in the case of omnibus notices or separate notices of identical Bills the practice is to show the names of all the Members giving notice bracketed together in the List of Business against the motion for leave to introduce the Bill. This was meant to enable the Bill to be introduced by any one of the Members giving notice thereof being present in the House.

8. The Committee agreed that the practice of adjourning the debate on a Bill to a specific date may be dispensed with as no appreciable advantage is derived thereby. In such a case the Bill does not gain any priority over other pending Bills as a matter of course but has to be balloted to determine its priority.

9. Where notices for resumption of debate on Bills which have been adjourned *sine die* have not been received in time, the Bills are excluded from the ballot. The Committee agreed to the proposal that such Bills might be included in the List of Business after the Bills balloted earlier, if such notices for resumption of debate are received subsequently.

Recommendations

10. In view of the conclusions arrived at by the Committee stated above, the Committee makes the following recommendations:—

- (1) There should be one ballot each month for determining the relative precedence of pending Private Members' Bills covering two consecutive days allotted for such Bills.

- (2) In cases where notices of next motions are received after the List of Business for the first day has been finalised, Bills in respect of which such notices are received should be included in the List of Business for the next allotted day in their appropriate places as determined by the ballot.
- (3) It should be provided that when a Bill has been introduced, notice for introduction of an identical Bill will lapse.
- (4) It should be provided that if the member-in-charge of a Bill is unable, due to adequate reasons, to pilot a Bill after introduction, he may authorise another member to do so with the approval of the Speaker.
- (5) Where notices for resumption of adjourned debate on Bills had not been received and hence the Bills had been excluded from the ballot, such Bills should be included in the List of Business after the Bills balloted earlier, if notices for resumption of debate are received subsequently.
- (6) The rules of procedure should be amended where necessary to give effect to these recommendations. Until the rules are amended the recommendations may be implemented with the consent of the House and the Speaker may issue necessary directions for the purpose. In the alternative the recommendations may be adopted as a matter of convention with the consent of leaders of Parties in the House.

M. ANANTHASAYANAM AYYANGAR.

NEW DELHI;
The 10th May, 1955.

APPENDIX I

LOK SABHA SECRETARIAT

Committee on Private Members' Bills and Resolutions

MEMORANDUM No. 5

Memorandum re: *Holding of one Ballot in respect of Private Members, Bills*

At present the List of Business in respect of Private Members' Bills for each day allotted to that class of business is prepared on the basis of the result of ballot held with reference to that day under Rule 29 of the Rules of Procedure.

2. The ballot procedure under the rules may be briefly described as follows:—

- (a) Ballot is held separately in respect of Bills in each of the various classes detailed under clauses (b) to (i) of Rule 27(1) of the Rules of Procedure to determine their precedence *inter se*; and
- (b) As regards Bills coming under Rule 27(1)(h), that is, Bills introduced and in respect of which no further motion has been made or carried, Category A Bills, Category B Bills and Unclassified Bills are also separately balloted. [Vide sub-rule (2) of Rule 27.]

3. When a Bill has secured the first priority in the Ballot for a non-official Bill day it is placed at the top of Private Members Legislative Business for that day, and similarly other Bills according to their respective order of precedence determined by the Ballot for the day. If the discussion on a Bill is not concluded on that day, the Bill gets precedence over other Bills set down for the next day under the proviso to Rule 29. When once discussion on a Bill has begun it continues until the Bill is finally disposed of or the discussion thereon is adjourned on a motion adopted by the House.

4. In order to afford increasing opportunities for legislation by private members the following facilities have been provided during the past year or two:—

- (i) Whereas formerly private members' Bills were balloted for priority even for introduction, now all such Bills except a Bill to amend the Constitution can be introduced at the first available opportunity.
- (ii) In order that a Bill of lesser importance or urgency may not block the consideration of the more important ones, all Bills after introduction are classified by the Committee on Private Members' Bills and Resolutions into Categories 'A' or 'B' according to their nature, urgency and importance, the former having precedence over the latter.

- (iii) All Bills entered in the List of Business are now allotted by the Committee a time limit for discussion so that the limited time available for private Members may be more equitably distributed.
- (iv) To further facilitate proceedings on Private Members' Bills, subject to Speaker's approval a member giving notice of a Bill can authorise another member to introduce a Bill.

5. However, under the present procedure a ballot is necessary under the Rules to determine the order of precedence of Bills with respect to each day allotted for private members' Bills. Under this practice there is a constant reshuffling of the relative priorities of Bills as a result of the Ballot for each non-official day for Bills.

6. It is therefore now proposed to have one ballot for each Session which will determine the priorities of all pending Bills and the order of precedence *inter se* of Bills once fixed will remain unaltered for the duration of the Session. By this procedure the uncertainties inherent in frequent ballots are eliminated and once priorities of Bills are settled for the Session members are certain of the relative precedence of their Bills and can prepare themselves in time for the day of their consideration.

7. Bills subsequently introduced during the Session will after categorisation be balloted according to their date of introduction and included in the List of Business after the Bills balloted earlier.

8. As a result of this procedure certain consequential changes will be necessary. At present identical Bills are permitted to be introduced, though one may already be pending before the House. It is proposed that hereafter, when a Bill is already pending, notices for the introduction of identical Bills will not be treated as valid and hence will not be included in the agenda.

9. In the case of Bills discussion on which has been adjourned *sine die* it is necessary for the member-in-charge to give notice for resumption of the adjourned debate on receipt of which the Bill is balloted, along with other Bills. If it secures a place in the Ballot, the entry in the List of Business is for resumption of the adjourned debate.

10. In the case of a Bill the debate on which has been adjourned to a specific date, no notice of resumption of debate is necessary. In such a case the Bill does not gain priority over other pending Bills as a matter of course but it is balloted for determining its priority with reference to the date to which it has been adjourned. Consequently the discussion in such a case may not be resumed at all on the date specified unless top-most priority is gained by the Bill in the ballot.

11. Thus in adjourning the debate on a Bill to a specific date no appreciable advantage accrues. In effect, therefore, such Bills and Bills debate on which is adjourned *sine die* stand on the same footing.

12. In the recent past there has been no instance where debate on a Bill has been adjourned to a specific date but there are numerous instances where discussion on Bills has been adjourned *sine die*.

13. In future therefore the practice of adjourning debate to a specific date may be discontinued altogether and we may ballot a Bill which has been adjourned *sine die* only during the following Session on receipt of a notice for resumption.

14. Under the procedure proposed it might also happen that after priorities *inter se* of Bills had been determined by ballot, notices of next motions may not be received in cases of certain Bills and hence they could not be on the List of Business for a particular day. In these cases, however, when notices of next motions are received subsequently they will be included in the List of Business for a subsequent non-official day in their appropriate places as had been determined by the original ballot.

15. Briefly the proposal for consideration are as follows:—

- (1) There should be one ballot for each Session which will determine the priorities of all pending Bills. The order of precedence *inter se* of Bills once fixed will remain unaltered for the duration of the Session.
- (2) Bills subsequently introduced in the course of a Session, will, after they are classified, be balloted according to their categories and dates of introduction and included in the List of Business after the Bills which have been already balloted earlier.
- (3) In cases where notices of next motions are received after the List of Business for a day has been prepared, Bills in respect of which such notices are received will be included in the List of Business for the next allotted day in their appropriate places as determined by the ballot.
- (4) When a Bill has been introduced, notice for introduction of an identical Bill will lapse.
- (5) A Bill, debate on which has been adjourned *sine die*, will not be balloted during the same Session but will be balloted during the next Session on receipt of notice for resumption of debate.
- (6) Where notices for resumption of adjourned debate on Bills have not been received and hence the Bills had been excluded from the Ballot, such Bills will be included in the List of Business after the Bills balloted earlier, if such notices of resumption of debate are received subsequently.

16. If these proposals are accepted necessary action to amend the Rules of Procedure will be taken in due course.

NEW DELHI;
The 6th April, 1955.

APPENDIX II

Motion re : Adoption of the Thirtieth Report of the Committee on Private Members' Bills and Resolutions.

The following motion was moved by Shri Ganesh Sadashiv Altekar and was adopted by the House on the 5th August, 1955:—

"That this House agrees with the Thirtieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th July, 1955."

(L.S. Deb., dated 5th August, 1955.)