



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

PASSED VERSUS PERISHED: AN EMPIRICAL EVALUATION OF GOVERNMENT BILLS AND PRIVATE MEMBER BILLS

~*Monami Hazra*

INTRODUCTION

In the history of the Indian Parliament, only 14 legislature-introduced bills (Private Member's Bills) have ever been passed into law, with the last one passed over five decades ago in 1970.¹ While the Bills introduced by the members of holding dual positions has a very high passing rate. This imbalance emerges due to several structural defects within the parliamentary system followed in India. This legal blog attempts to critically examine the structural defects and the Rules and Procedures that create a sharp imbalance in the passing rate of the Private Member Bills and the Government Bills.

BACKGROUND

Parliamentary model of legislature-executive relationship is at work in India. This system of government is based on the principle of close relationship between the legislature and the executive.² The executive is essentially constituted out of the Legislature. In case a person who is not a member of the legislature gets appointed as a minister, he has to get the membership of the legislature within six consecutive months, failing which he has to resign his ministership.³

Dr. B.R Ambedkar, the Chairperson of the Constitution Drafting Committee chose a responsible executive over a stable executive. The Parliamentary form of government came to be adopted in the hope of creating a responsible executive through routine procedures of

¹ Just 14 Private Member's Bills Passed by Parliament Till Date; The Last Was in 1970, Times of India (Apr. 25, 2015, 11:22 IST), <https://timesofindia.indiatimes.com/india/just-14-private-members-bills-passed-by-parliament-till-date-the-last-was-in-1970/articleshow/47046338.cms>.

² K.K. Ghai, *ISC Political Science for Class XII* 67 (Kalyani Publishers, 2023)

³ India Const. art. 75, cl. 5

parliament (like questions, debates and motions) for extracting accountability from the executive.⁴

In India, a strict separation of power between the executive and the legislature is absent, a Fusion of Power can be seen. In the works of Montesquie, it is observed that if there is a concentration of the legislative and executive powers in the same person or same body, "there can be no liberty." MJC Vile, in his authoritative text titled *Constitutionalism and the Separation of Powers* observed that "diffusion of authority in different centres of decision-making is the antithesis of totalitarianism and absolutism."⁵

The Hon'ble Supreme Court of India, in the landmark judgment of Rai Sahib Ram Jawaya Kapur v. State of Punjab (1955) explicitly established that the Indian Constitution does not follow a rigid separation of powers.⁶

However, in the landmark case of Keshavananda Bharati v. State of Kerala (1973), multiple judges in the 13-judge bench mentioned separation of powers as a part of the Basic Structure Doctrine.⁷

The Hon'ble Supreme Court of India, in the case of Bhim Singh v. Union of India (2010) the Court established a crucial test for the separation of powers in India that a violation only occurs if one branch takes over an essential function of another in a way that destroys constitutional accountability.⁸

This vague structural accountability between the Executive and Legislature causes Executive dominance over the legislative floor.

THE CHALLENGE

On comparing the passing rate of Government Bills and Private Member Bills, we realise the reality of Executive Dominance in the Parliament.

- During the full 17th Lok Sabha, 179 government bills were introduced and passed, resulting in an effective 100% clearance rate.⁹

⁴ Maansi Verma, *Agenda Control in the Indian Parliament and the Impact on its Oversight Function – Analysis and Evidence*, 18 Nat'l L. Sch. India Rev.2,29 (2022), <https://repository.nls.ac.in/slr/vol18/iss1/2/>.

⁵ Maansi Verma, *Agenda Control in the Indian Parliament and the Impact on its Oversight Function – Analysis and Evidence*, 18 Socio-Legal Rev. 2, 28 (2022)

⁶ *Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549 (India)

⁷ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India)

⁸ *Bhim Singh v. Union of India*, (2010) 5 SCC 538 (India)

⁹ PRS Legislative Research, *Vital Stats: Functioning of the 17th Lok Sabha*, 1 (Feb. 2024), <https://prsindia.org>.

- Government bills move through the pipeline with immense speed. Data shows that 58% of government bills are passed within just two weeks of their initial introduction on the floor.¹⁰
- Due to strict party line enforcement, a significant chunk of executive legislation requires very little floor time. Roughly 35% of government bills are passed with less than an hour of total discussion in the Lok Sabha.¹¹

On the other hand, not a single Bill introduced by an independent legislator (who does not hold any ministerial position) has successfully become law in over five decades. Data reveals a staggering statistical blackout that illustrates the severe procedural and political roadblocks ordinary MPs face:

- In the 17th Lok Sabha, out of 729 Private Member Bills introduced in the Lok Sabha by ordinary MPs, only 2 were ever even discussed on the floor. The remaining 99.7% of the bills lapsed entirely without a single minute of debate.¹²
- The last time any private bill successfully cleared both houses and received presidential assent was on September 4, 1970 (The Supreme Court Enlargement of Criminal Appellate Jurisdiction Bill).¹³

The 'Pure Legislators' often introduce significant Bills targeting recent societal issues such as:

- The Right to Disconnect Bill (2019 / 2025)¹⁴
- The Criminalisation of Marital Rape Bill (2025)¹⁵
- The Rights of Transgender Persons Bill (2014)¹⁶
- Decriminalisation of Homosexuality / Section 377 (2015)¹⁷

These examples highlight that the executive routinely acts as a gatekeeper, killing vital legislative concepts simply because they did not originate within the Cabinet.

¹⁰ PRS Legislative Research, *Vital Stats: Functioning of the 17th Lok Sabha*, 2 (Feb. 2024), <https://prsindia.org>.

¹¹ PRS Legislative Research, *Vital Stats: Functioning of the 17th Lok Sabha*, 5 (Feb. 2024), <https://prsindia.org>

¹² PRS Legislative Research, *Vital Stats: Functioning of the 17th Lok Sabha*, 5 (Feb. 2024), <https://prsindia.org>

¹³ PRS Legislative Research, *Vital Stats: Functioning of the 17th Lok Sabha*, 5 (Feb. 2024), <https://prsindia.org>

¹⁴ PRS Legislative Research, *The Right to Disconnect Bill, 2025 (Bill Track)* (last visited Jul. 12, 2026), <https://prsindia.org>

¹⁵ 'No Means No' to 'Only Yes Means Yes': Shashi Tharoor Introduces Bill to Criminalise Marital Rape, New Indian Express (Dec. 5, 2025), <https://www.newindianexpress.com>

¹⁶ PRS Legislative Research, *The Transgender Persons (Protection of Rights) Bill, 2016*, Bill Track (last visited Jul. 12, 2026), <https://prsindia.org>.

¹⁷ *Shashi Tharoor's Bill to Decriminalise Homosexuality Defeated in Lok Sabha*, Indian Express (Dec. 18, 2015), <https://indianexpress.com>

FACTORS CREATING THE ASYMMETRY

- The anti-defection law restricts a legislator from voting in line with his conscience and interests of his electorate. Such a situation impedes the oversight function of the legislature over the government, by ensuring that members vote based on the decisions taken by the party leadership, and not what their constituents would like them to vote for.¹⁸
- The Executive holds the power of agenda Control that is to decide ‘what’ the Parliament would discuss and ‘when’.¹⁹
- Since hundreds of backbenchers submit bills, Parliament determines which ones get selected for a reading via a literal lottery ballot system. Even if an MP drafts a groundbreaking piece of legislation, it can sit buried in a pile for years if it loses the lottery.
- Unlike the Executive—which relies on legal experts, senior bureaucrats, and the Ministry of Law—an ordinary MP must draft their bill using limited personal staff. This leads to technical or drafting flaws that the ruling government can easily exploit to reject the bill.²⁰
- Parliament only allows Private Member business on alternate Fridays during the last two and a half hours of the sitting week. At this time, attendance is historically low, and sessions are frequently cut short by weekend adjournments.²¹

CONCLUSION

A combination of design flaws and political and judicial practice has, over the years, contributed towards the horizontal centralisation of power in the hands of the executive, at the expense of the legislature.

¹⁸ Roshni Sinha & Prachi Kaur, PRS Legislative Research, Anti-Defection Law: Intent and Impact 1 (Discussion Paper, Dec. 2, 2019), <https://prsindia.org>

¹⁹ Maansi Verma, *Agenda Control in the Indian Parliament and the Impact on its Oversight Function – Analysis and Evidence*, 18 Socio-Legal Rev. 2, 31 (2022), <https://repository.nls.ac.in/slr/vol18/iss1/2/>.

²⁰ Chakshu Roy, *The Faults in India’s Law-Making Process*, PRS Legislative Research (Jan. 28, 2022), <https://prsindia.org>.

²¹ Chakshu Roy, *The Faults in India’s Law-Making Process*, PRS Legislative Research (Jan. 28, 2022), <https://prsindia.org>.