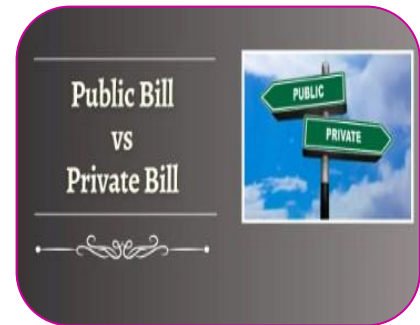




## PUBLIC BILL AND PRIVATE BILL IN INDIA: A STUDY

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### ABSTRACT

*Bills have assumed an important role in the administrative system of the state or nation as they are in the public interest and are in the interest of achieving the objective of the government. They are proposed in two different ways, namely, public bills and private bills. Public bills are passed through the legislature and are usually intended to correct problems affecting the public or the government as a whole. Talking about private bills, it is a bill that is limited to specific individuals, institutions, or entities. A private bill is a bill that creates special benefits and provides exemptions in certain circumstances. Public bills are critical to formulating public policy in the legislative process and are subject to thorough scrutiny and debate in the legislative body. These are often used to deal with public sector matters such as taxation, national security, or health care. In contrast, private bills are more limited in scope, and these bills are used to grant specific powers or benefits to individuals or organizations. After all, how the bills are framed and how they came into prominence, i.e., bills, and what are the uses of them will be discussed in this article.*

**KEY WORDS:** public bills, private bills, governments.

### OBJECTIVES OF THE STUDY

- Aims to inform the public how the bills have gained importance.
- To know the difference between public bills and private bills.
- Knowing how bills are enacted.

### INTRODUCTION

Presently, bills are divided into two modes, namely, one is a public bill and the second is a private bill. A public bill is essentially a statutory instrument that is applicable to everyone who comes under its jurisdiction. A private bill is a system of law that has a limited scope and affects only one person, group, or area. Public bills undergo a more rigorous and transparent legislative process as compared to private bills. Public bills are subject to public consultations, debates in parliamentary committees, and readings in both houses of Parliament. Public bills have a process of passing through various scrutiny before they become law. In contrast, private bills are often used for matters that confer powers or benefits on specific individuals or organizations, such as corporations or local authorities. Similarly, in parliamentary systems, the distinction between public bills and private bills becomes very important for understanding how legislation is developed and how it is enacted. Public bills have a broader impact on society and involve a more elaborate legislative process, while private bills serve specific interests or circumstances. These bills have different objectives in addressing the diverse needs and concerns of the public and specific groups or entities.

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### Concept of Bill

A bill is a model for enacting new laws and is a symbol of law passed by Parliament. These bills are introduced in the Houses for examination and debate and for amendment. When both Houses agree on the content of the bill, it is submitted to the Cabinet of Ministers for assent. Doing so is known as Royal Assent; once approved, the bill becomes an Act of Parliament or law.

### Bill in India

The legislative procedure of India consists of two types of bills in Parliament: public and private bills. Public bills are called government bills, while private bills are called private member bills. A public bill is introduced in Parliament by a minister. It reflects the policy of the government (ruling party). It has a strong chance of passing through Parliament. A rejection by the House indicates a lack of parliamentary confidence in the administration, which could lead to its exit. Examples can also be found in the Indian Parliament of public bills becoming private bills in some cases. Some public laws make rules of such narrow application and apply only to one person or organization that they are presently made private laws. It is used in a way to get around prohibitions on public laws.

### A public bill

A public bill, also known as a government bill, is a method of legislative effort that is submitted to parliament for amendment before the government makes its assent before becoming a law. Similarly, it can make provisions if the measures relate to a matter of public interest and a minister has the opportunity to introduce a bill in Parliament. This bill reflects the policy of the government and is likely to be passed by Parliament.

### Constitutional Provisions of Public Bill

Provision is made in the Constitution itself as to how and in what manner a public bill shall be passed. What are they?

- Article 107 deals with general bills and does not cover any financial transactions.
- Article 108 provides for joint sittings of both houses.

The President convenes a joint session of Parliament, presided over by the Speaker or, in his absence, the Deputy Speaker of the Lok Sabha or, in his absence, the Deputy Speaker of the Rajya Sabha. Article 118(3) Rules prescribed by the President shall be established during the joint session.

### For example

- Citizenship (Amendment) Bill
- Triple Talaq Bill
- Jammu and Kashmir Reorganization Bill, 2019
- Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Bill, 2019
- The Central Educational Institutions (Reservation in the Category of Teachers) Bill, 2019

### Differences between Public Bill and Private Bill

A public bill and a private bill differ from each other in that one has a limited scope and the other has a wider scope. How these differ from each other can be seen below.

Public bill	Private bill
<ul style="list-style-type: none"> <li>• A public bill is introduced in both houses of Parliament.</li> <li>• Ministerial A will be introduced</li> <li>• It will be given more time for approval in Parliament.</li> <li>• It has an important impact on the government's position.</li> <li>• Bill will not take much time to introduce.</li> <li>• In consultation with the concerned department and legal department.</li> </ul>	<ul style="list-style-type: none"> <li>• It also sits in both the Houses of Parliament.</li> <li>• Introduced by any Member of Parliament other than a Minister.</li> <li>• Less time is given here.</li> <li>• It does not have any effect on the government's position.</li> <li>• Takes more time.</li> <li>• Members introduced here draft it.</li> </ul>

Thus, there is an important difference between a public bill and a private bill in India.

### Public bills

#### 1. Political Strategy:

- Legislative Agenda: Public bills often reflect the broad policy goals of the governing party or coalition and are used to advance key platforms or legislative agendas.
- Compromise and negotiation: Given their wide impact, public bills may be the result of extensive negotiation and compromise between different political factions or interest groups.
- Public opinion: Public bills are sometimes used to address issues that are highly visible and popular with voters, garnering political support and improving the public image of the governing party.

#### 2. Examples of high-profile bills

- Affordable Care Act (US): This important public bill aims to overhaul the health care system and provide broader health coverage.
- Civil Rights Act (US): addressed racial discrimination and promoted equal rights, reflecting significant social changes.

### Private bills

#### 1. Proposed Legislation

- Specific needs: used to address specific requests or issues that do not fit into the general legislation, which may include special permissions or exemptions for specific cases.
- Local Issues: Often used to address local issues or community needs that do not have broad national impact but are important to specific regions.

#### 2. Historical usage

- Historical examples: In earlier legislative systems, private bills were more common. For example, in the 19th and early 20th centuries, private bills were often used to grant individual rights or incorporate local entities.
- Modern Context: Today, as many issues previously addressed by private bills are handled through other legal mechanisms or administrative processes, private bills are less common.

### Legislative arrangements

Different legislative systems handle public and private bills in different ways. Below we will see how they can differ.

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### United States Congress

- Public bills can be introduced in the House of Representatives or the Senate and must be passed by both houses before being sent to the President for assent.
- Private bills usually deal with specific cases or local matters and are less general. They follow a similar legislative process but are generally more narrowly focused.

### British Parliament

- Public Bills: Includes government bills introduced by ministers and private members' bills introduced by non-ministers, which go through similar reading, committee review, and debate.
- Private Bills: Sponsored by individuals or organizations seeking specific changes or permits that are not generally applicable, they go through a detailed process that includes public notice and applications from affected parties.

### European Parliament

- Public Bills: Also known as legislative proposals, they are introduced by the European Commission and must be approved by both the European Parliament and the Council of the European Union.
- Private Bills: Most legislative initiatives are aimed at a broad range of policies, rare in the European context.

### Methods of implementing public bills and private bills.

#### A public bill

##### 1. steps

- Before the first reading of a public bill, the bill is introduced and a general discussion is held.
  - The second time is to get detailed information about the bill by putting the bill to the test and analyzing its principles.
  - Committee Stage: In-depth review and amendments are made.
  - Report stage: Further consideration and possible corrections are made.
  - Final Stage this is the third stage where the final discussion is done and the voting process is done to determine how much of a majority it has.
2. As a result, public bills are gaining importance, influencing many policies and leading to many changes in law and administration.

#### Private bills

##### 1. Special procedures

- Petitioning: Usually requires petitions from affected parties and public notice of the proposed bill.
- Special Committees: Sometimes reviewed by special committees focusing on specific interests or affected areas.
- Implementation: Private bills usually have specific provisions for implementation and may contain details unique to affected individuals or entities.

### CONCLUSION

Understanding public and private bills involves recognizing their unique purposes, processes, and effects. Public bills set broad policy and national direction, while private bills address specific, local issues. Both types of bills reflect different aspects of the legislature's work and address different needs within the legislative framework.

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