



**RAJYA SABHA**  
**PRACTICE & PROCEDURE SERIES**

**MOTIONS, RESOLUTIONS  
AND SHORT DURATION  
DISCUSSIONS**

**7**

**MOTIONS, RESOLUTIONS AND  
SHORT DURATION DISCUSSIONS**

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## **PREFACE**

This booklet is part of the Rajya Sabha Practice and Procedure Series which seeks to describe, in brief, the procedure about moving of Motions and Resolutions and raising of Short Duration Discussions in Rajya Sabha. It is based on the Rules of Procedure and Conduct of Business in Rajya Sabha and is intended to serve only as a handy guide for ready reference. For full and authentic information original sources may be referred to and relied upon.

New Delhi  
February, 2005

DR. YOGENDRA NARAIN  
*Secretary-General*

## **MOTIONS, RESOLUTIONS AND SHORT DURATION DISCUSSIONS**

### **Introduction**

Motions and resolutions are procedural devices to raise a discussion in the House on a matter of general public interest. With few exceptions, the process of debate in the House is initiated by a member or Minister by making a motion. In its widest sense, the term 'motion' means any proposal submitted to the House for eliciting its decision. Every matter is determined in the House by means of a question put from the Chair on a motion made by a member and resolved either in the affirmative or negative. The decision which has thus been elicited, turns the motion into a resolution or order of the House. In other words, by a motion, the House discusses a matter, by a resolution the House declares its own opinion. Motions and resolutions can be moved by private members as well as Minister. When they are moved by the former, they are called private members' motions or resolutions. As the time for discussing motions is taken from the time available for Government Business, Government motions get precedence over private members' motions, on the same subject. When they are moved in pursuance of a constitutional or statutory provisions, they are called statutory motions or resolutions. The short duration discussion is a procedural device to enable members

to raise discussion without a formal motion on a matter of urgent public importance.

### **(a) Motions**

#### *Notice and conditions of admissibility*

Notice of a motion to discuss a matter of general public interest is to be given in writing addressed to the Secretary-General. No period of notice has been prescribed in regard to such motions nor do they require any seconder. In order that a motion may be admissible, it should satisfy certain conditions. These are: (i) it should raise substantially one definite issue; (ii) it should not contain arguments, inferences, ironical expressions, imputations or defamatory statements; (iii) it should not refer to the conduct or character of persons except in their public capacity; (iv) it should be restricted to a matter of recent occurrence; (v) it should not raise a question of privilege; (vi) it should not revive discussion of a matter which has been discussed in the same session; (vii) it should not anticipate discussion of a matter which is likely to be discussed in the same session; (viii) it should not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India; (ix) if it contains a statement the member should make himself responsible for the accuracy of the statement; (x) it shall not seek discussion on a paper or document laid on the Table by a private member; (xi) it should not

ordinarily relate to matters which are under consideration of a Parliamentary Committee; (xii) it should not ask for expression of opinion or the solution of an abstract legal question or of a hypothetical proposition; (xiii) it should not relate to a matter which is not primarily the concern of the Government of India; (xiv) it should not raise matter under the control of bodies or persons not primarily responsible to the Government of India; (xv) it should not relate to a matter with which a Minister is not officially concerned; (xvi) it should not refer discourteously to a friendly foreign country; (xvii) it should not relate to or seek disclosure of information about matters which are in their nature secret such as Cabinet discussions or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information and (xviii) it should not relate to a trivial matter.

The admitted motions are published in Bulletin Part-II from time to time. In case, a motion given notice of by a private member is admitted and no date is fixed for its discussion, it is published in the Bulletin Part-II under the heading "No-Day-Yet-Named-Motion", in the names of members who have given notices of such motions.

#### *Discussion of motions*

It is the Business Advisory Committee which selects the motion(s) for discussion in the House according to

the urgency and importance of the subject and allots time for the same. An item is included in the list of business for the allotted day in the names of the members in whose name the motion has been admitted. The first member or in his absence the second one and so on, when called by the Chairman, moves the motion and makes his speech. Thereafter, the Chair places the motion before the House. Amendments, if any, are moved at that stage and discussion follows. After the members and the Minister concerned have participated in the debate, the mover of the motion may reply. The amendments are then put to the House and disposed of. The main motion is then put to vote. However, a general motion like a policy or statement or any other matter taken into consideration, may just be talked out without the House recording its opinion one way or the other.

#### **(b) Resolutions**

A resolution can be moved by a member or Minister on a matter of general public interest. While there is no fixed day allotted for moving a resolution by a Minister, a private member can move a resolution only on an allotted day.

#### *Allotment of a day, notice and draw of lot for private members' resolutions*

Ordinarily, two and a half hours of a sitting on alternate Fridays are allotted for the discussion of private

members' resolutions. If there is no sitting of the House on a Friday, then two and a half hours are allotted on any other day in the same week for the purpose.

A member who wishes to move a resolution on a day allotted for private members' resolutions has to give a notice to that effect two days before the date of draw of lot. The draw is held about three weeks prior to this date in the Secretary-General's Room. A separate draw is held for each allotted day. The dates and time for holding the draw are intimated to members through a paragraph in Bulletin Part-II before the commencement of the Session. The names of members from whom such notices are received are drawn by lot. Members who secure the first five places in the draw are informed of the result of the draw individually in writing and they are eligible to give one resolution each within ten days of the date of draw of lot. Those resolutions, if admitted by the Chairman, are put down in the list of business in the order determined by the draw of lot.

#### *Conditions of admissibility*

The admissibility of a resolution is subject to certain conditions: (i) it should be clearly and precisely expressed; (ii) it should raise substantially, one definite issue; (iii) it should not contain any argument, inferences, ironical expressions, imputations or defamatory statements; (iv) it should not refer to the conduct or character of persons except in their official

or public capacity; and (v) it should not relate to a matter which is under adjudication by a court of law having jurisdiction in any part of India. Admitted resolutions are first published in the Bulletin Part-II for the advance information of members and Ministers.

#### *Moving of resolution*

The member in whose name a resolution stands in the list of business, when called on, moves the resolution and makes a speech thereon, by a formal motion in the terms appearing in the list of business. Thereafter, amendments, if any, are moved to the resolution. Other members and the Minister concerned may then speak on the resolution. The mover of the resolution has the right of reply. If the member, when called on, is absent, any other member authorized by him in writing may, with the permission of the Chairman, move the resolution standing in his name.

#### *Time limit*

The Business Advisory Committee is empowered to allot time for the consideration of a resolution. The maximum time limit for discussion on a private member's resolution is two hours. The mover of the resolution, when moving the same and the Minister concerned, when speaking for the first time, may speak for thirty minutes or for such longer time as the Chairman may permit. Other members may take fifteen minutes each.

#### *Withdrawal of resolution*

A member in whose name a resolution stands on the list of business may, when called on, withdraw the resolution in which case he shall confine himself to a mere statement to that effect. A member who has moved a resolution or amendment to a resolution can withdraw the same only with the leave of the House. If a resolution which has been admitted is not taken up for discussion in the House during the session, it shall be deemed to have been withdrawn.

#### *Lapsing of resolution*

In case of Government, resolutions, if the discussion on a resolution is not concluded on the allotted day, it is carried on to the next allotted day in the same session. If there is no other day allotted for the private members' resolution in the same session, then the part discussed or inconclusively discussed resolution lapses at the end of the session and it is not carried forward to the next session, unless the House decides otherwise which is rarely done.

#### *Repetition of resolution*

When a resolution has been moved, no resolution or amendment raising substantially the same question can be moved within one year from the date of the moving of the earlier resolution. When a resolution has been withdrawn with the leave of the House, no

resolution raising substantially the same question shall be moved during the same session.

#### *Government resolution*

There are no separate rules regulating the procedure for Government resolutions. Government resolutions are distinguishable from private members' resolutions in two respects, namely, the origin and the ballot. Government resolutions are not subject to ballot like private members' resolutions. Though no period of notice has been prescribed for Government resolutions, in actual practice, notices of such resolutions are given much in advance of the date on which the resolutions are included in the list of business. These resolutions, after admission, are also published in Bulletin Part-II. The time for discussion of Government resolutions is also recommended by the Business Advisory Committee.

#### *Approved resolution*

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

#### **(c) Short duration discussion**

One of the important parliamentary devices available to members to draw the attention of the Government to matters of urgent public importance is to raise a discussion of short duration without a formal motion or vote thereon.

### *Notice*

Notice to raise a short duration discussion is to be given in writing, addressed to the Secretary-General, specifying clearly and precisely the matter to be raised. The prescribed forms for giving notices of short duration discussion are available in the Rajya Sabha Notice Office. The notice is required to be accompanied by an explanatory note stating reasons for raising the discussion and supported by signatures of at least two other members. The Chairman decides the admissibility of the notice. If an early opportunity is otherwise available for discussion of the matter, the Chairman may refuse to admit the notice. Notice for a short duration discussion after admission is notified in Bulletin Part-II. Names of the members who have tabled notices of the short duration discussion on the same subject including the names of supporting members are shown in the Bulletin.

### *Date of discussion*

The Business Advisory Committee normally selects the subject for discussion and also allocates the time therefor. The Chairman may allow such time not exceeding two and a half hours for holding such discussion.

### *Procedure for raising the discussion*

After a notice is admitted and a date fixed for its discussion, the item is included in the list of business

for that date. The first member or in his absence the second one and so on, in whose name the discussion stands, makes a short statement. Thereafter, members are called to speak party-wise. At the end of the discussion, the Minister concerned replies and the discussion is concluded.

There is no formal motion before the House nor is there any voting. The member who raises the discussion has no right of reply.