

## NO-DAY-YET- NAMED MOTIONS

### **Introduction**

The term 'motion' in its wide sense 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. Motions are in fact the basis of all parliamentary proceedings. Any matter of public importance can be the subject matter of a motion.

2. Unless otherwise provided in the Constitution or the Rules, no discussion on a matter of general public interest can take place except on a motion made with the consent of the Speaker.

### **Notice of motion**

3. Notice of a motion is to be given in writing addressed to the Secretary-General. Standard printed forms for giving notices of motions are available in Parliamentary Notice Office. With effect from 18 July, 2016, members can also table notices in electronic form through e-portal, especially developed for the purpose. Along with the notice, the member is required to specify the points for discussion and furnish an explanatory note.

Only one specific matter can be raised in a motion. A notice signed by more than one member is deemed to have been given by the first signatory only.

**When to Table notice of motion**

4. Notices of motions can be tabled from the date following the date of issue of summons for a session. *inter-se* priority of notices on the same subject received within seven days from the date following the date of issue of summons for a session is determined by ballot if the time gap between the issue of summons and the commencement of the session is more than 21 days. Priority of notices received thereafter is determined according to the date and time of their receipt. In case the time gap between the issue of summons and the commencement of the session is 21 days or less, *inter-se* priority of notices is determined according to the date and time of their receipt.

5. Notices of motions regarding statements to be made in the House by Ministers or statements, reports or papers to be laid on the Table are accepted from 10.00 hours on the day the List of Business, wherein the item has been included, is circulated to members. In case that day happens to be a Saturday, Sunday or a public holiday, the notices are entertained from 10.00 hours on the next working day.

6. In case a supplementary List of Business is circulated in the House with regard to a statement, notices in respect of that statement, received within fifteen

minutes of circulation of the supplementary List of Business, are deemed to have been received at the same point of time and their *inter-se* priority determined by ballot.

7. In case an announcement is made by the Chair about a statement to be made by a Minister in the House, notices in respect of that statement are accepted from the time the announcement is made by the Chair in the House.

8. In case a statement is made without being included in the List of Business or supplementary list of business, or without any prior announcement by the Chair in regard thereto, notices in respect of such statement are accepted from the time the statement is actually made in the House.

9. All notices received within fifteen minutes of announcement by the Chair, or statement by the Minister under paragraphs 7 & 8 above are deemed to have been received at the same point of time and their *inter-se* priority determined by ballot.

*Explanation*—The period of fifteen minutes referred to in paragraphs 6 & 9 above is computed from the time of completion of circulation of List of Business or the announcement by the Chair or the statement of the Ministers as the case may be.

10. All such notices are to be delivered in the Parliamentary Notice Office and these are not to be passed on to any officer at the Table of the House.

In any case the time of receipt of the notice in the Parliamentary Notice Office alone is taken into account for determining the *inter-se* priority of the notices.

11. In case notices of motion on a subject matter are received in general form as well as on the statement made by Minister on the same subject in the House and it is decided to have a discussion on the subject, the notices in general form are not taken into account and only those seeking discussion on Minister's statement are considered.

**Conditions of admissibility**

12. A motion to be admissible must satisfy the following conditions:—

- (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 herself/himself responsible for the accuracy of the statement;
- (x) it should 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 an 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 matters 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 refer 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.

13. The admitted motions are published in Bulletin—Part II from time to time as 'No-Day-Yet- Named Motions'. Names of all the members who have tabled notices of a motion are shown against it in the Bulletin. After publication of a motion, further notices of motions on the same subject are not admitted.

**Fixation of a date for discussion**

14. Admitted notices of motions are placed before 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.

15. The motion selected by the Business Advisory Committee for discussion is included in the List of Business in the names of first two members only.

**Procedure for moving a motion**

16. On being called by the Speaker, the first member in whose name the motion stands in the List of Business formally moves the motion and makes speech. Thereafter, the Speaker places the motion before the House. Amendments or substitute motions, if any, are then moved and discussion follows. After the members and Minister concerned have participated in the debate, the mover of the motion may exercise right of reply. The amendments and substitute motions, if any, are thereafter put to the vote of the House and disposed of. The main motion is then put to vote. However, motions which are in the form that a policy or situation or statement or any other matter be taken into consideration are disposed of under rule 342 and are not put to vote. Only substitute motions, if moved to such motions, are put to vote.

**Amendments/substitute motions to motions**

17. Amendments can be moved to motions except those which are disposed of under Rule 342.

18. Notices of amendments/substitute motions should be tabled at least two days before the day the motion to which these relate is to be taken up in the

House, but in any case not later than 15.15 hours on the previous day. Notices received thereafter are not admitted.

#### **Government motions**

19. As motions are discussed in Government time, Government motions get precedence over private members' motions. When notices of Government motion and a private member's motion on the same subject are received, Government motion only is admitted.

#### **Limit on moving motions**

20. Unless the Speaker otherwise directs, No-Day-Yet-Named Motions and Short Duration Discussions are arranged in such a way that no member moves or raises more than two of these during a session.

21. If a motion is adopted by the House, it is transmitted to the Minister concerned for appropriate action.

*[No-Day-Yet-Named Motions are governed by Rules 184—192 and 342 of the Rules of Procedure and Conduct of Business in Lok Sabha and Directions 41, 113BB and 113C of Directions by the Speaker.]*



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MOTIONS**



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## **PREFACE**

This Abstract is part of the Parliamentary Procedure Abstracts Series and describes the procedure regarding No-Day-Yet-Named Motions. It is based on the Rules of Procedure and Conduct of Business in Lok Sabha, the Directions issued by the Speaker under the Rules of Procedure and the decisions/rulings given by the Chair from time-to-time. It is intended to serve as a handy guide for ready reference.

The information contained in this Abstract is, however, not exhaustive. It will, therefore, be prudent to refer to and rely on the original sources for full information.

NEW DELHI

*Secretary General*