CHAPTER VIII

RESOLUTIONS

In the House of Commons, a distinction is drawn between Orders and Resolutions. 'By its orders*, as May expresses it, 'the House directs its committees, its members, its officers, the order of its own proceedings and the acts of all persons whom they concern; by its resolutions the House declares its own opinions and purposes.' No such distinction is made in the Indian Legislatures. All motions are expressed in the form of resolutions as ordinarily understood. But the term 'Resolution' is used in respect of a certain kind of motion only. By a resolution, the Legislature merely expresses its opinion with regard to the matter before it; by its nature, a resolution is only recommendatory and is not binding upon anybody.

In the Indian Legislatures, a resolution may be in the form of a declaration of opinion, or a recommendation, or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government, or convey a message; or commend, urge or request an action; or call attention to a matter or situation for consideration by Government; or in such other form as the Speaker may consider appropriate.

1 May, p.413.
A resolution may be moved relating to any matter of general public interest; the matter, however, must not be one which does not primarily concern the particular Government. The resolution must raise some definite issue, and shall not refer to any matter which is under adjudication by a court of law or to the conduct of any person except in his official or public capacity. A resolution recommending the amendment of an Act is admissible.

No resolution which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry, appointed to enquire into or investigate, any matter is ordinarily permitted to be moved, but the Speaker may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry, if he is satisfied that it is not likely to prejudice the consideration of such matter by the tribunal, authority or commission or court concerned.

2 I.P.D. 23 Nov. 1950, c. 543.
Notice and priority of Resolution

A period of notice is usually required for a resolution but the Presiding Officer may, with the consent of the Minister to whose Department the resolution relates, admit a resolution at shorter notice.

When there are a number of non-official resolutions, the order of priority is determined by ballot as described in a previous chapter. A member in whose name a resolution stands may, with the permission of the Speaker, authorise another member in whose name the resolution stands lower in the list to move it on his behalf; if a member is absent when called on, any other member authorised by him in writing may move his resolution if permitted by the Speaker. When a number of members tabled a resolution on identical terms, the member who got priority intimated that he would not move the resolution and the Committee on P.M's Bills and resolutions did not allot any time for the resolution, the Speaker declined to give permission to another member who had not given notice to move the resolution because they were lower down in priority.

4 [citation]
5 H.C.P.P.(1954) vol.iv, c.6173.
A member when called upon may withdraw his resolution; but once moved, a resolution cannot be withdrawn without the leave of the House and then the general rule that if there is a single dissentient voice a motion cannot be withdrawn will apply.

Discussion on Resolution

Amendments can be moved to any resolution and the general rule as to amendments will apply. General rules applicable to motions including rules against anticipation and repetition are also applicable to resolutions.

The Presiding Officer has the authority to disallow any resolution which offends against any of the rules governing resolutions, e.g., if the matter sought to be raised is not the concern of the Government concerned, or the resolution anticipates any matter of which notice has already been given. If the Presiding Officer disallows any resolution his action cannot be criticised on the floor of the House. The member concerned may make any representation to the Presiding Officer in his chamber.

7. L.A.D. (Central) 3 Nov. 1944, p. 222
Rules of some legislatures provide that a Minister may object to the discussion of a resolution before it is moved on the ground that it cannot be discussed without detriment to public interest. If such objection is taken, no debate is allowed but after brief explanatory statements have been made by the mover and the Minister the resolution is put to the vote of the House.

The Presiding Officer may, according to the rules of procedure of many Legislatures, fix a time limit for the debate on any particular resolution and also for the speeches of individual members.

No matter of general public interest can be discussed otherwise than on a resolution in accordance with the rules applicable to it; the Presiding Officers are, however, authorised by the rules of Legislatures to admit special motions in regard to such matters.

In some Legislatures, e.g. Lok Sabha, when a resolution has been moved, no resolution or amendment raising substantially the same questions can be moved within one year from the date of the moving of the earlier resolution. If a resolution has been withdrawn, with the leave of the House, no resolution raising substantially the same question can be moved during the same session.