As has already been stated, the British House of Commons cannot, with certain limited exceptions, be adjourned without a motion being made for the purpose. A motion that 'the House do now adjourn' is, therefore, made for the daily adjournment of the House as also when the House goes into recess for a few days. Curiously enough, when a motion is made for adjournment, the House never discusses the question whether the House should or should not adjourn but it is made the occasion for the discussion of various matters raised by members. The reason why a motion for adjournment is made the peg on which to hang a debate on miscellaneous matters is obscure; but it seems it had its origin during the war when such opportunity was conceded to private members as some compensation for the loss of all their time on Motions and Bills and it had been retained ever after. But the underlying idea seems to be that before the House adjourns, members should be given an opportunity to air the grievances of their constituents. From this use of the adjournment motion, it appears that, by some sort of reverse process, a motion for adjournment came to be made out not only for the adjournment of the House in fact but also when it was desired to discuss any matter which was not in the Order Paper.
As May points out:—

'The substantive motion for the adjournment is in fact a technical form devised for the purpose of enabling the House to discuss matters without recording a decision in terms.'

A motion that 'the House do now adjourn' may also be made for the purpose of putting a stop to any debate which is going on in the House. The same purpose can be achieved by a motion, "That the debate be now adjourned'.

A motion for the adjournment of the House may therefore be made in the House of Commons in the following circumstances:—

(1) When a motion is under discussion, a member may move a motion that the House do now adjourn. Such a motion is known as a dilatory motion and is intended to evade or supersede the motion that is before the House without a decision. If such a motion is carried, the motion is superseded and the House is immediately adjourned.

(2) (a) Every day a motion is moved by a Government member, at the interruption or conclusion of business, proposing that the House do now adjourn. But on such a motion being moved the House, as stated above, proceeds

1 May, p.298.
to discuss various matters on which notice has been previously given by members. What motion should be discussed on what day is settled by ballot or by the Speaker every fortnight. After the expiry of half-an-hour from the time when the motion for adjournment is moved, the House is automatically adjourned without further question being put.

(b) Similarly, when the House goes into recess, a motion for adjournment is moved after the Question hour and on that occasion also topics selected by the Opposition or private members (selected by the Speaker if there are a number of motions), are discussed for the whole day.

(3) If the Government intends to have a discussion on any matter of general interest, a member of the Government moves a motion for adjournment and on that motion a discussion on the topic selected by the Government ensues. Such motions are also moved by the Government at the instance of the Opposition when it is not desired to challenge the authority of the Government but only to ventilate a subject without recording a decision of the House.

(4) An adjournment motion may be made under certain restrictions by a private member to raise a discussion on any matter of urgent public importance.
Mature of Adjournment Motion

It is only the adjournment motion of class (4) that has been adopted in the Indian Legislatures.

Standing Order No. 9 of the House of Commons under which such a motion can be made there is, as May says, 'designed to give the discussion of some recently occurring matter of emergency precedence over the programme of business arranged by the Government.' The adjournment motion is used in India also for the same purpose discussing a definite matter of urgent public importance. And as the motion has the effect of upsetting the pre-arranged programme of the House, it

2 S.O. 9(1) No motion for the adjournment of the House shall be made until all the questions asked at the commencement of business on Monday, Tuesday, Wednesday, or Thursday have been disposed of, and no such motion shall be made unless by a Minister of the Crown before the orders of the day or notices of motion have been entered upon, unless a Member rising in his place shall propose to move the adjournment for the purpose of discussing a definite matter of urgent public importance, and shall either obtain the leave of the House, or, if such leave be refused, the assent of not less than forty Members who shall thereupon rise in their places to support the motion, or unless, if fewer than forty members and not less than ten shall thereupon rise in their places, the House shall, on a division, upon question put forthwith, determine that such motion shall be made. If leave is given or the motion is so supported, or the House so determines that it shall be made the motion shall stand over until seven of the clock on the same day.

(2) Any proceeding which has been postponed under this order shall be exempted from the provisions of Standing Order No. 1 (Sittings of the House) for a period of time equal to the duration of the proceedings upon a motion under this order, and may be resumed and proceeded with at or after ten of the clock.
is subject to the same restrictions.

In pre-Independence days, however, the restrictions were not strictly enforced and the adjournment motion was almost a normal device for raising a discussion on any important matter. Since Independence, a change has taken place and the Presiding Officers are now reluctant to admit adjournment motions unless they strictly conform to the rules which obtain in the House of Commons. In fact, in England, the use of an adjournment motion of this nature is nowadays rare and during the period from 1921 to 1939, the annual average of such adjournment motions in the House of Commons was only 1.25. The Speaker always interprets the rule strictly requiring that the matter was unquestionably urgent and of public importance. Not more than two or three times in any session did the Speaker allow a matter to be raised in this way and in recent years the matter of time allowed has been as follows:

3 It appears, however, that the progressive decline in the moving of adjournment motions in the House of Commons was considered by a Select Committee (Committee on Procedure) which in its Third Report recommended that the rule regarding adjournment motions and their subject-matters should be more liberally construed (Third Report of the Select Committee on Procedure - H.C. 189, 1946, p.18)
The changed attitude in India found expression in a ruling of Mr. Speaker Mavalankar in the Indian Parliament in the course of which he said:

'Successive Presidents of the Central Legislative Assembly including myself had considerably relaxed the rule of admission as it prevailed in the House of Commons, for the obvious reason that the private members, who were in opposition, had few opportunities of discussing matters of public importance. They were in perpetual political opposition to the Government of India, and the general political set-up of those days always induced the Presidents to relax the rule to give more scope for discussion and expression of the popular views. They had, in this matter, the general support of the Legislature. The Government then was not responsible to the Legislature, nor were they amenable to its control. There was, therefore, good ground for the presiding officers to relax the strict House of Commons practice and allow opportunities of
discussion of all important questions on adjournment motions. Since 15 August 1947 the entire constitutional and political set-up has changed. The Ministry is fully responsible to this House and members have now ample opportunities of discussing various matters. They can discuss matters on Demands for Grants, again during discussions on the Appropriation Bill and the Finance Bill. The Government being responsive, time can be had by a pressing request made to Government. I may cite as an illustration the desire of the Government to allot time for discussion on the question of security to East Bengal refugees. They can put short notice questions and get information. They have now got a new rule for half-an-hour discussion. They can give notice of a motion of raising discussion on a matter of general public interest under Rule 126.

It appears we have not yet got out of the old moorings, and continue to labour under a wrong impression that an adjournment motion continues to be a normal device for raising discussion on any important matter, as in the past. I have already stated how the conditions have entirely changed and therefore in the new set-up, with the various opportunities and the responsive and responsible character
of the Government we cannot look upon an adjournment motion as a normal device for raising discussion on any important matter.

It may be mentioned that there is also scope for discussion in the debate on the Address in reply to the speech of the Executive Head of the State.

It appears that in the Lok Sabha the consent of the Speaker was given to an adjournment motion only on four occasions up till now since 15 August 1947.

An adjournment motion may be treated as a censure motion and, if carried, may result in the fall of the Ministry.

Admissibility of Adjournment Motions

The admissibility of adjournment motions is governed by the following rules:-

1. An adjournment motion must relate to a definite matter of urgent public importance. What is a definite matter of urgent public importance would depend upon the facts of a particular motion. But the underlying principle of the rule was expressed by Mr. Speaker Peel of the British Parliament as follows:-

What I think was contemplated was an occurrence of some sudden emergency, either in home or foreign affairs. But I do not think it was contemplated—if the House will allow me to state my view—that a question of very wide scope which would demand legislation to deal with it in any effective manner should be the subject of discussion on a Motion for the Adjournment of the House, because if that was so we might have repeated Motions made by the Opposition of the day, not so much in the direction of censuring the Government for action which had been taken or not taken for bringing to notice some grievance demanding instant remedy, as in the direction of wishing to introduce legislation on some particular subject. 7

We shall now analyse the several elements of the rule. (a) The matter must be definite. It must relate to a specific issue and not raise wide and general issues. 8 A motion to discuss repressive measures taken against the student community was disallowed. 9 Similarly, a motion to discuss the food situation or famine condition in the country would be inadmissible.

8 H.O.P.D. (1952), vol.ii, c.2432; ibid (1952), vol.iv, c.5155; ibid (1952), vol.v, c.4; ibid (1952), vol.vi, c.1570; ibid (1954), vol. vi, c.1051.
On the other hand, motions on individual cases, although
definite, e.g., an order under section 144 served
against a person or a strike in a particular concern
would not be admissible unless some question of
principle is involved. The motion must not be
couched in vague or general terms. A motion to discuss
'the giving of wrong information to the House by the
Food Member' when it was not specifically stated what
the information was, or 'a situation arising out of
some facts' is inadmissible.

(b) The motion must not be based on facts which
are disputed or made before correct facts are available.
Authentic official information must be available and
opportunity is usually granted for such information
being supplied. When facts are disputed, the Presiding
Officer accepts the version of the Government as
correct.

(c) The matter must be urgent. It must be some

15 L.A.D. (Central) 19 Nov. 1940, p. 785; B.L.A.P.
1941, vol. lix, No. 6, p. 118; ibid. 1938,
vol. liii, No. 3, p. 285; W.B.L.A.P. 1949,
vol. iv, pp. 26, 43.
grievance demanding, in the words of Mr. Speaker Peel 'instant remedy'. The matter must be of recent occurrence; the fact that a grievance is a continuing one is not sufficient; if the incident is of recent occurrence, it is not necessary that the grievance should be a continuing one. An occurrence is not recent merely because the facts have recently come to light. A matter is not urgent if it is a continuing one.

(d) The matter must be raised at the earliest opportunity. This rule is a corollary to the preceding rule. If a matter is not of recent occurrence, it cannot be raised on an adjournment motion because there was no previous opportunity to raise it, e.g., because the Legislature was not in session. An adjournment motion can however be postponed without prejudice to the question of urgency either for ascertainment of facts or for convenience. An adjournment motion was postponed

16 See also H.O.P.D. (1950) vol.iii, c.1893.
for the next day because the day on which the notice was given was the last allotted day for the voting of demands.

(a) The matter must be of public importance. Individual cases or questions cannot be raised on an adjournment motion, e.g., promulgation of an order under section 144 in a particular case, order passed on an individual, strike in a particular factory. The following cases were deemed to be not of public importance: - Delhi Tongawala strike, prohibition of cane crushing in U.P., Delhi riot, situation arising in Andhra in the course of General Election, hungerstrike.

(2)(a). The matter must not involve merely the ordinary administration of law, such as banning of processions by the Commissioner of Police, arrest of a candidate for election to the Assembly, promulgation

24 Selection from the decisions from the Chair, 1921-50 p.14, Ruling No.20 (Central Legislature).
25 B.L.A.P. 1937, vol.1, No.1, p.198
26 Ibid.
34 Ibid. 1941, 22 Feb., p.539.
of an order under section 144 of the Criminal Procedure Code, order of forfeiture under the Press Act, arrest and detention of a Member of Parliament, firing by police, lathi charge etc., satyagraha in the Punjab. In West Bengal consent was given to an adjournment motion on police firing at a violent mob in Calcutta during the food riots on 21 September 1959.

The scope of the rule was explained by the President of the Central Assembly when an adjournment motion was allowed on the arrest of the late Sarat Chandra Bose under the Defence of India Rules. The President said:

'I do not think this is a case which can be said to be covered by the doctrine relating to ordinary administration of law. A question like this is analogous to cases which have been dealt with by this House on an adjournment motion relating to persons arrested under Regulation III of 1818. The phrase ordinary administration of law, I might explain to the House, refers to cases where a person is arrested or detained under an ordinary process of law, for

36 Ibid. 7 Sept. 1933, p. 1119.
instance, by a magistrate or any other similar authority. Here what is complained of is an act of the Government of India itself. 40

An order served on the late Mrs. Sarojini Naidu directing her 'not to participate in public meetings and processions nor communicate with press anywhere in India' was allowed to be raised on an adjournment motion as being much too wide and general. 41

(b) In the same way any matter of day-to-day administration of a department, (e.g. alleged wrongful dismissal of an employee) cannot be the subject matter of an adjournment motion.

(3) The matter must not be sub judice. The matter must not involve anything which is under adjudication by a Court of Law. A statement by the Government that a matter is sub judice will ordinarily be accepted by the Presiding Officer. 43 When a matter has been allowed to be raised by an adjournment motion but becomes sub judice by the time allotted for the discussion of the motion, it cannot

41 Ibid. 7 Feb. 1944, p.51.
be discussed. When the arrest of a person is sought to be raised, but it appears that proceedings against other persons arrested along with him are pending in a Court of Law, the arrest cannot be discussed. As

(4) The matter must not anticipate any matter which has already been fixed for discussion or for which notice of motion has been given; e.g. notice of a resolution drawn by ballot and notice of a special motion; a question on the Order Paper, this is open to doubt because a question may or may not be answered by the Government; further, no discussion is allowed on a question except in the Union Parliament and some legislatures, where the half-an-hour rule prevails.


(5) The matter must not anticipate any matter for which an ordinary parliamentary opportunity will occur shortly. This rule is often applied during the first session of the year or the Budget session when any matter relating to the administration may be raised by way of amendment to the Address in reply to the Speech of the President or the Governor, or by way of motion for reduction of the demands for grants or in the course of the debate on the Budget or the Appropriation Bill. Every case of course depends upon its facts. As Mr. Speaker Jalan put it:

'When there would occur an opportunity to discuss the subject matter of an adjournment motion shortly or in time, such an adjournment motion would be disallowed. I would, however, add that the rule is not an absolute one and a case when it arises will have to be judged on the question of urgency on its own merits. If a

matter is of such grave importance or sudden emergency that the discussion cannot be delayed at all, the Speaker may permit the discussion of an adjournment motion on such a matter. 51

(6) The matter must not relate to anything which can otherwise be raised in accordance with the rules of procedure: e.g. promulgation of an ordinance which can be discussed by means of a resolution for disapproval cannot be raised on an adjournment motion. 52

(7) The matter must relate to the administrative responsibility of the Government concerned. A matter within the responsibility of a State would not be allowed to be raised in the Central Legislature; similarly, matters for the Central Government cannot be raised in the State Legislature, e.g., questions of foreign policy. No matter can be raised for which another authority, such as a local body or a statutory body or a judicial authority is responsible. 53

51 W.B.L.A.P. 1951, vol. iii, no. 1, p. 16.
56 ibid. 1912, vol. 41, c. 816.
57 ibid. 1923, vol. 164, c. 1288.
8. The matter must not relate to anything which has already been discussed in the same session. The failure of getting the leave of the House to move an adjournment motion prevents its subject-matter being raised again during the same session.

9. The motion must not raise matters entailing legislation.

10. The motion must not relate to any matter which should be raised by a substantive motion: e.g., the conduct of the Presiding Officer, nomination of Anglo-Indian members by the Governor, or discussion of which is prohibited by rules, e.g., the conduct of the Governor, apart from the Government.

The above are the general principles guiding the admissibility of adjournment motions. It is not possible to give an exhaustive list of the grounds on which adjournment motions may be disallowed. The following are some of the typical grounds on which adjournment motions may be disallowed in the Indian Legislatures:

1. It does not relate to a definite matter;

59 See rulings cited in May, pp. 369.
64 Lok Sabha Bulletin, Part II, dt. 31 Aug. 1959.
(2) It does not relate to a matter urgent enough to warrant interruption of the business of the day;

(3) It does not relate to a matter of sufficient public importance;

(4) It does not relate to a matter of recent occurrence which has arisen suddenly but to a continuing matter;

(5) It is not a matter for an adjournment motion. Other opportunities can be availed of to raise the matter;

(6) It raises more than one issue;

(7) Notice was not given in time;

(8) It relates to a matter which is likely to be debated in the near future discussion on which has already been fixed;

(9) The matter should have been raised at the first opportunity;

(10) It relates to a matter which is sub judice;

(11) An adjournment motion cannot be moved merely to obtain information;

(12) In the case of Central Legislature, it relates to a matter of law and order which is a State Subject; or any other State subject;

(13) No responsibility of the Government concerned is involved;

(14) It raises a question of privilege;

(15) It seeks to revive discussion on a matter which has already been discussed during the current session;

(16) It raises a question which under the Constitution or Rules can only be raised on a distinct substantive motion;
(17) It involves wide questions of policy;
(18) It involves conduct of a foreign Government;
(19) It involves the interpretation of provisions of the Constitution;
(20) It raises matter entailing legislation;
(21) It relates to fast undertaken by individuals or body of people,
(22) It relates to service grievances;
(23) It refers to arrest made under the normal process of law;
(24) It involves the redress of the grievances complained of available under the existing law.
(25) It relates to a day-to-day administrative matter;
(26) The matter can be raised during discussion on the Demands for Grants of the Ministry, Finance Bill, President's/Governor's Address;
(27) It relates to a frivolous or trivial matter;
(28) It relates to an individual case;
(29) It relates to the affairs of an autonomous corporation or body;
(30) It relates to matters where a Minister exercises discretionary powers conferred upon him by a Statute;
(31) It relates to matters where Ministers carry out treaty obligations under International Law;
(32) It relates to industrial disputes such as lockouts and strikes of a normal character;
An adjournment motion can be brought before the House only with the consent of the Presiding Officer. In giving or refusing his consent, the Presiding Officer will see whether the motion infringes any of the above-mentioned rules. If it does not and is in form, the Presiding Officer will give his consent. It has sometimes been argued that the consent of the Presiding Officer and his decision as to admissibility are two different things and even if an adjournment motion is otherwise in order,
the consent of the Presiding Officer may be withheld; or, after giving his consent, the Presiding Officer may yet declare that the motion is inadmissible. It may be pointed out that that is not the correct approach; if the motion is admissible under the rules, the Presiding Officer should give his consent leaving the matter for the final decision of the House. In withholding his consent, the Presiding Officer cannot take into consideration any other factor than the admissibility of the motion. May says:

'It is a question for the decision of the Speaker whether a matter, to discuss which it is proposed to move the adjournment of the House under S.O.No.9, complies with the provisions of that standing order. In accepting or rejecting such a motion the Speaker is, as in the case of a motion alleging breach of privilege ... doing no more than deciding whether there is in his view a prima facie case of urgency, leaving the final decision to the House.'

Before giving his consent finally, the Presiding Officer may, of course, ascertain from the Government on the floor of the House, its viewpoint as to the accuracy or otherwise of the statements made in the adjournment motion and he may give his decision accordingly. When

66 May, p.369.
consent is refused by the Presiding Officer, nothing can be mentioned about the adjournment motion in the House. The Speaker of the Lok Sabha has refused to read out the motions. In some Legislatures the Speaker reads out the subject matter of the adjournment motion and states that he has refused consent.

If the Presiding Officer gives his consent, leave to move the motion must be moved before the day's business commences and just after the questions are over. If there is no objection, leave is deemed to be granted; if there is any objection, the application for leave must be supported by a specified number of members rising in their seats. If the requisite number of members support the motion, leave is deemed to be refused. When leave is granted, the motion is taken up at a specified hour or at an hour fixed by the Presiding Officer.

The debate on an adjournment motion can last under the rules of all the Legislatures, only for a specified time. If no vote is taken within the time, the adjournment motion is said to be talked out without a verdict.

The following procedure has been laid down by the Speaker of Lok Sabha for the disposal of adjournment motions:

(1) Where the Speaker is satisfied *prima facie* that the matter proposed to be discussed is in order under the rules, he will give his consent to the moving of the motion and at the appropriate time call upon the member concerned to ask for leave to move the adjournment of the House. If objection to leave being granted is taken, the Speaker will request those members who are in favour of leave being granted to rise in their places and if not less than fifty members rise accordingly, he will declare that leave is granted. If, however, less than fifty members rise, the Speaker will inform the member that he has not the leave of the House.

(2) Where the Speaker is satisfied *prima facie* that the notice of an adjournment motion is inadmissible, he will refuse his consent without bringing the matter before the House and the member concerned will be informed of the Speaker's decision.

(3) Once a member is informed of the Speaker's decision withholding his consent, no question shall be permitted to be raised in the House either on the subject matter of the notice or the reasons for disallowances thereof. If, however, the member would like to make a submission to the Speaker to reconsider his decision, the Speaker would be glad to see the member concerned in his Chamber later during the day or consider any written representation the member may make.

(4) In case the Speaker is satisfied on the submission of the member that there are adequate grounds to bring up the motion before the House, he would either mention it or permit the member to raise it on the following day, irrespective of the fact that the notice had been given on the previous day.

(5) Where it is a border-line case or the Speaker is not in possession of full facts to decide the admissibility of a notice, he may mention the receipt of the motion from the Chair and after hearing a brief statement from the member and/or the Minister concerned, give his final decision on merits.

(6) A member of an organised Party or Group who desires to give notice of an adjournment motion would consult his Group or Party in the first instance. If the Party or Group felt that the matter sought to be raised by the motion is of sufficient urgency and public importance to be brought before the House, the member should have his notice supported either by the Leader, Deputy Leader, Secretary or Whip of his Party or Group. In any case, the Speaker's decision either to bring the matter before the House or withhold his consent outside will be final.

In the Lok Sabha the Speaker, if he is satisfied that the debate has been adequate, can put the motion to vote on the expiry of two and a half hours from the commencement of the debate. A time-limit for the speech of a member is also prescribed.

Only one adjournment motion can be made at the same sitting of the House.

69 L.S. Rule 62.