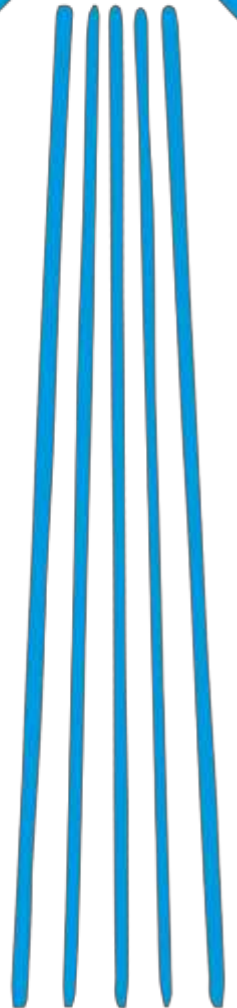


The Doon School Model United
Nations Conference 2019

**THE INDIAN
PARLIAMENT:
RAJYA SABHA**



**RULES OF
PROCEDURE**



Rajya Sabha or the house of the representatives of the states is the upper house of the Indian parliament. This is the house that represents the people indirectly and the representatives are elected through an indirect election. The Rajya Sabha has some exclusive powers such as making a subject in the state list a subject of the central government, creating an all India service etc. The lower house comprises of 250 members with 12 nominated by the president. The sessions of the house are overseen by the chairman of the house who is the Vice-President of the country.

The real rules of operation for the real Rajya Sabha are in fact, extremely intricate and equally complex. Therefore, to save committee time, the following rules and procedures would apply, in order to save floor time. This has been done in order to have an effective debate over the span of three days. For such reasons and many more, the following rules of procedure would apply.

RULES OF PROCEDURE

1. SEATING OF THE PARLIAMENTARY MEMBERS

The lay-out of the Chamber of the Rajya Sabha at DSMUN would try it's best to replicate

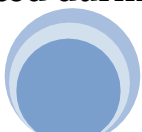
- Ruling party to sit on the right side of the chair.
- Opposition and other alliances to sit on the left side of the chair

2. LANGUAGE

- Both English or Hindi can be used while making a speech in committee.
- A delegate may raise a point of personal privilege if he or she feels that they are unable to understand a particular statement or a dialogue. In such a case, the chairman or the deputy chairmen would translate for the same.
- The language for documentation could be Hindi or English.

3. PROCEDURE

The following rules of procedure will be followed in the Rajya Sabha for DSMUN. By default, the committee would be running in the discussion hour, unless specified by the chairman for the same. In the discussion hour, the delegates would be allowed to raise a moderated or an unmoderated caucus or plead for a motion to follow a different hour: The question hour. During the question hour, questions may be asked via anyone to anyone. Personal attack is not permitted during committee.



- By default, all statements made in the Rajya Sabha will be a matter of public record unless a private caucus is raised by the delegate to allow all statements made in the Lok Sabha not to be released in press.
- The first day will begin with a 15-minute zero hour that will determine the course for the debate.
- A moderated caucus can be used to formally discuss or debate over an agenda.
- An unmoderated caucus can be used to form a draft bill or any other form of documentation that the members feel is necessary.
- There will be a scope for a debate motion that would allow a one for one against, two for two against or a three for three against debate over a particular motion as per passed by the committee. In such a circumstance, there will respective number of speakers as per identified by the motion by either side that would have to formally debate over the agenda.

Notes:

- An informal session or adjournment of maximum 15 minutes can be allotted to the house on the sole discretion of the chair.
- A delegate may be suspended from committee on grounds of inappropriate behaviour as per the discretion of the chair.
- In case there is no bill available to be introduced, the house will return to Discussion Hour.
- For the benefit of debate, the chairman has the right to start the second day directly from any point.
- The chairman has the authority to put into effect any order or procedure that the chairperson may feel is required for the proper functioning.
- An MP at any point of time, may use his or her placard to raise a motion.
- An MP may make a statement in to go in public record and on media in order to clarify, defend, or argue against a stand.
- These privileges in the form of permission or points are allowed at all times when a speaker is not speaking or immediately after the speaker has finished speaking.
- Point of Information is not allowed at certain times as mentioned above in relevant sections
- Permission to raise a motion is only allowed at certain time periods as previously mentioned along with the motions



Point of Order

This may be introduced in order to complain about improper parliamentary procedures; however, the Chairman may overrule the point. This can also be used in case of a factual error made by a fellow delegate.

Right to Reply

If a particular member present feels that a grave (or false) statement has made by others towards that member, he/she may privilege the right of reply with the permission of the chairman.

Point of Personal Privilege

This may be used in order to remove a personal discomfort.

Point of Information

This may be used to put up questions on a members' statement.

A: Discussion Hour

- A discussion hour is the time allotted (maximum half hours) for the discussion on a sub-agenda which the members feel should be discussed in front of the house. The total time of all the discussion shall be an hour.
- The chairman may withdraw any agenda he/she feels has no relation to the agenda. However, he/she has to notify the particular MP of the same on which the MP is allowed to send a chit explaining why the agenda should not be withdrawn.
- On receiving the agenda, the chairman will ask for seconds.
- On receiving required seconds, the chairman will put the agenda to vote and the result is decided by a simple majority of placard vote.
- An extension to a discussion hour may be obtained if the total time does not exceed 30 minutes.

Note: All points of information are allowed at the discretion of the speaker making the speech in the discussion hour. Thus, it is up to a delegate if he or she wishes to entertain points of information.

B. Question Hour

- • It is the one hour after the discussion hour where the members of the house are free to ask questions to each other on matters pertaining to agenda or on a national emergency .The question hour has been defined as an instrument by which a member can elicit information on any matter of public importance.



Nature of Questions

In order to save committee time, there will not be a specific provision for starred or unstarred questions. By default, a question may be answered orally, however, if a delegate wishes to demand a written answer for the question, he may do so at the discretion of the chairman.

The right to ask a question is governed by the following conditions: -

- It shall be clearly and precisely expressed and shall not be too general incapable of any specific answer or in the nature of a leading question
- If it contains a statement, the member shall make himself responsible for the accuracy of the
- The Chairman shall decide whether a question, or a part thereof, is or is not admissible under these rules and may disallow any question, or a part thereof, when in his opinion it is an abuse of the right of questioning or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

Note: All points except points of information are allowed in the question hour. Cross Questioning and would be allowed as per the discretion of the chairman.

4. THE MOTIONS

Adjournment Motion

Any matter which is of urgent importance and which is so grave that it affects their interest and safety of the country can be raised through an adjournment motion.

In order that the adjournment motion, be admitted it must

1. be related to a single specific issue,
2. be urgent, and
3. be of public importance.

Anti-Defection

If a member of the parliament votes (or abstains) against the directives issued by his/her party, without the written permission of the said party, the member stands to be disqualified on grounds of defection if such a request is made to the chairman by the leader of the party in the house or in case of the leader standing on defection- any member of the house belonging to that party. In case of single-seat parties, the defection is to be decided at the discretion of the chairman.

5. LEGISLATIVE PROCEDURE

- Law-making is a major function of Parliament and the legislative business should form an important part of the Rajya Sabha. All legislative proposals are brought in the form of Bills before the Parliament. No bill can become a law unless it has been



passed by the parliament and has received assent of the President.

- The proposal is given the shape of a Bill and introduced in Parliament. Bills are either Government Bills which are sponsored by Ministers, or private members' bills which are sponsored by individual members other than ministers.
- The real Rajya Sabha has a provision for three readings of a particular bill, however, at this conference, due to time constraints, there will be one reading, post which there may or may not be another reading depending on the motions raised by the delegates or at the discretion of the chairman.

APPENDIX 1

Glossary of Parliamentary Terms

- **Adjournment:** It means putting off till another time. It is either adjournment of the debate or adjournment of the house. Adjournment of the debate means postponement to the debate of a Motion/Resolution/bill on which the house is then engaged. Such a motion is moved at any time during a debate. A motion for adjournment of the debate, if carried, postpones the decision of any question. adjournment of the house means termination of the sitting of the house till the time appointed for the next sitting. It should be differentiated from prorogation and dissolution.
- **Adjournment sine die:** It terminates a sitting of the house without any definite date being fixed for the next sitting. Usually the Chairman adjourns the house sine die on the last day of its session.
- **Agenda:** It means the List of Business for a particular day. It contains items of business to be taken up by the house in the order in which they are listed.
- **Amendment:** It means a change proposed in a motion or a Bill. Amendment can be proposed either by leaving out or adding certain words or both. Amendment to the Constitution can also be proposed, but a special majority is required to pass Constitutional Amendments.
- **Appropriation Bill:** Money cannot be withdrawn from the Consolidated Fund of India except under appropriation made by law. Appropriation Bill is a Bill passed annually for authorization of the house for withdrawing money from the Consolidated Fund of India
Bar of the House: The Bar is the line which is marked by a broad strip of leather laid across the carpet on the floor of the house between the benches. The members are not allowed to speak outside the bar. Persons who are not members of the House, are not allowed to cross the bar during the sitting of the house. Persons who commit breach of privilege, can be called to the bar of the house for reprimand or admonition by the house.
- **Bill:** It is the draft of a legislative proposal. It is a draft of statute, which can become law only when it has received the approval of a parliament and assent of the president. A bill consists of the title, a preamble and various clauses (sub-divisions of a Bill).
- **Budget:** It is an annual financial statement of the estimated receipts and expenditure of the Government in respect of a financial year. The Budget or the annual financial



statement is presented before the house in two parts, namely the Railway budget and the General budget.

- **Casting Vote:** In case equal number of votes have been cast both in favour and against any matter (viz. Bill, motion, etc.) the Chairman may cast a vote to decide the matter. Such a vote is called the casting vote.
- **Closure:** At any time during the discussion of a motion a member can move for closure which brings the debate to a close. The motion "That the question be now put" is put by the Chairman. If the motion "That the question be now put" is carried, the matter is immediately decided without any further debate. (With the coming into force of the Business Advisory Committee in 1953, the time for discussion on various items of business is decided in advance and therefore the need for a closure motion is not felt by the members. Consequently, the occasions for taking recourse to the closure motion have become very rare.)
- **Contempt of the House:** It means any act or omission which obstructs the House in the performance of its functions. For example, if a person disobeys an order to attend a committee, he is liable to be punished for contempt of the house. The person who has committed contempt of the house may apologize and it is up to the House to accept it and let him go. If the house decided to punish him, a motion has to be moved and in the motion the period of imprisonment and the place or jail where the contemnor is to be placed, are mentioned. In case the offence is not serious, the person concerned may be called to the bar of the House. He may be then reprimanded or admonished by the Chairman. Contempt of the House may be distinguished from a breach of privilege. A breach of privilege is an offence against a specific privilege of Parliament while contempt of the House is an offence amounting to an obstruction in the proceedings of the house. All breaches of privilege are contempt of the House. It is possible that a person may be guilty of a contempt of the house, but he may not have violated any specific privilege of the members.
- **Crossing the Floor:** When a member passes between the member who is addressing the house (in possession of the house) and the chairman, he is said to have crossed the floor. This act of passing between the member and the Chairman is forbidden, because to cross the floor is a breach of parliamentary etiquette. 'Crossing the floor' also means changing one's political allegiance, i.e. changing from one political party to another.
- **Division:** After the voice vote is taken on any item, the Chairman says, "I think the Ayes (or the Noes) have it." If his opinion is challenged by the minority, he orders division so that the exact balance of the opinion may be determined. The Chairman directs that the votes be recorded either by operating the automatic vote



recorder

or by suing 'Aye' and 'No' slips in the House or by members going into the lobbies. In case the votes are to be recorded by members going into the lobbies the members for 'Ayes' go to the right lobby and those for 'noes' go the left lobby. Votes are recorded in the lobbies and then the Chairman announces the result. Thus, division is a mode of deciding a question by recording votes for or against it.

- **Expunction:** It means deletion of words or expressions from the proceedings of the house by the Chairman. Such expressions as are considered to be indecent or unparliamentary, are ordered to be deleted from the records. Gazette: It is an official newspaper containing lists of government appointments, legal notices, dispatches and announcements, etc.
- **Law:** Law is a body of rules given in an Act which in the form a Bill has been duly passed by the two Houses and assented to by the President. It is binding on every citizen and the courts are bound to apply it. The term 'law' covers any rule, regulation, bye-law or sub-rule made by a subordinate authority under delegated powers.
- **Leader of the House:** Leader of the ruling party in the house, he is an important functionary and exercises direct influence
- **Leader of the Opposition:** Generally, the leader of the largest recognized Opposition party having at least one-tenth membership in the house is recognized as Leader of the Opposition. The Leader of the Opposition is the official spokesman of the Opposition in the House. In India he/she has been granted the same status as that of cabinet Minister.
- **Lobby:** It is the covered corridor immediately adjoining the House. There are two lobbies in the Lok Sabha, the Inner Lobby which is also called Division lobby and the Outer lobby. The Outer lobby is intended for the use of members of Parliament, for members and the press representatives for informal discussion and exchange of views.
- **Rajya Sabha:** The House of the representatives of the states is called the Rajya Sabha because it is elected indirectly by the people i.e. by the members of the legislative assemblies of the states.
- **Message:** Under the provision of the Indian Constitution the president can send a communication to either House of Parliament. Such a communication is known as 'Message'. Messages to the Rajya Sabha are sent by the President through the Chairman. The Chairman reads out the message to the house and then the house takes up the matters referred to in the message for consideration. For example, a Message from the President notifying his intention to call a Joint Sitting of both the houses, in connection with the Dowry Prohibition Bill, 1959, was sent in 1961.



- **Point of Order:** It means a point relating to the interpretation or enforcement of the Rules of Procedure or such Articles of the Indian Constitution as regulate the business of the House. A point of order is raised in the House for the attention and decision of the Chairman. It can also be raised on a matter relating to the maintenance of decency and decorum of the House.
- **Question:** The Parliamentary Question is an effective technique by which a member can elicit authentic and concrete information on programmes, policies and performance of the government.
- **Quorum:** It means the minimum number of members required to be present at a sitting of the House. The quorum to constitute a sitting of the Rajya Sabha is one-tenth of the total number of members of the House.
- **Secretary-General:** The Secretary-General of the Rajya Sabha is a permanent official of the secretariat of the House. He/she is appointed by the chairman. He/she performs parliamentary and administrative functions. He/she advises the Chairman on various parliamentary matters and procedures.
- **Session:** it is the period from the day the Parliament begins its first sitting to the day the Parliament is prorogued.
- **Subordinate legislation:** It means rules or regulations, having the force of law, they are framed by the subordinate authority in pursuance of the power delegated to it by the Parliament.
- **Summons:** It is an official communication issued by the Secretary-General of the Rajya Sabha under the President's order to the Rajya Sabha members informing them about the place, date and time of commencement of a session of the House.
- **Unparliamentary words:** Words or expressions which ought not to be used in debate, are known as unparliamentary words. The use of such words or expressions is a breach of order and a member using such words can be called upon to withdraw from the House or be 'named', When the Chairman so names the member to the House
 , the Leader of the House moves at once "that Shri/Smt. (name of the member) be suspended from the service of the House". The question on this motion is put at once without any debate."
- **Whip:** In the parliamentary form of Government, a party has inside Parliament a number of officials known as Whips. The main duty of the Whips is to ensure attendance of the members at the time of important decisions.

