



Role of Rajya Sabha

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This article is based on **“The need for a second chamber”** which was published in The Hindu on 11/05/2020. It talks about the role and issues pertaining to Rajya Sabha.

Rajya Sabha’ or the ‘Council of States’ is the second chamber of the Indian parliament, which traces its origin to the Montagu-Chelmsford Reforms, 1919.

Rajya Sabha as the second chamber of the parliament intended to play certain roles as a **permanent house** (it never dissolves like Lok sabha and one-third of its members retire every two years), **revisory house** (reconsidering bills passed by the Lok Sabha) and offers a **degree of continuity** in the underlying policies of laws passed by parliament.

Along with this, Rajya Sabha also acts as a means to **institutionalise the federal principle** of power-sharing between the Centre and states.

However, the role and relevance of Rajya Sabha have been a matter of debate which can be traced from discussions in constituent assembly to recent times.

Constituent Assembly Debates Regarding Rajya Sabha

Against the Rajya Sabha

The section in the constituent assembly who was opposed to the idea of Rajya sabha held that an Upper House was not essential and opinionated that such a chamber can prove to be a “clog in the wheel of progress” of the nation, by delaying the legislative process.

In favour of Rajya Sabha

Proponents of the Rajya Sabha held that an upper chamber would lend a voice to the states in the legislative scheme of things and check the legislation passed in haste.

Safety Valve of India’s Federal Polity

- Bicameralism is necessary for a federal constitution to give representation to the units of the federation.

- While checks and balances usually operate between the executive, legislature and judiciary, the Council of States acts as a safety valve within the legislature itself, easing federal tensions.
- Rajya Sabha thus represents a crucial component of the constitutional checks and balances scheme, in addition to the commonly identified examples of responsible government and judicial review.

Review and Revaluation Role

- Indian constitution framers wanted to create a house that would act as a **revisionary house** to keep a check on the hasty legislation that could be passed by the lower house under populist pressures.
- Also, when the ruling dispensation has a brute majority in the Lok Sabha, Rajya Sabha can prevent the government of the day exercising authoritarianism.

A Deliberative Body

- Parliament is not only a legislative body but also a deliberative one which enables the members to debate major issues of public importance.
- Thus, the role of the Upper House is to be a deliberative body besides balancing the “fickleness and passion” of the Lok Sabha.

Representing the Vulnerable Sections

- Women, religious, ethnic and linguistic minority groups are not adequately represented in the Lok Sabha (due to **first past the post-election system**).
- An indirect form of election (**through propositional representation**) to the Rajya Sabha, therefore, would give them a chance to get involved in the nation’s law-making process.
- Thus, Rajya Sabha can make a place for people who may not be able to win a popular mandate.

Special Powers of Rajya Sabha

The Upper House also has some special powers, such as:

- Power to transfer a subject from the State List to Union List for a specified period (Article 249).
- To create additional All-India Services (Article 312).
- To endorse Emergency under Article 352 for a limited period when the Lok Sabha remains dissolved.

Issues Related to Rajya Sabha

No equal Representation of states

- Federal countries like US, Australia, institutionalise the principle of federalism more strongly than India, by providing equal representation to all states in their upper houses.

- This is in contrast with the Rajya Sabha, where states are represented proportionally to their relative populations.
- For example, the number of seats allocated in Rajya Sabha to Uttar Pradesh alone is significantly higher than that of combined north-eastern states.

Bypassing the Rajya Sabha

- In some cases, ordinary bills are being passed in the form of a Money Bill, circumventing the Rajya Sabha and giving rise to the question about the very efficacy of the upper house of Parliament.
- This can be seen recently in the **controversy related to Aadhar Act**.

Undermining of Federal character of Rajya Sabha

- By way of the Representation of People (Amendment) Act, 2003, parliament has removed the word 'domicile' from Section 3 of Representation of People Act, 1951.
- This essentially means that a person who does not belong to a state can contest the Rajya Sabha elections from that state of which they are neither a resident nor a domicile.
- After the amendment, the seats in the Rajya Sabha have been used by the ruling party to get their defeated candidate in Lok Sabha, elected in Rajya Sabha.

Low Participation of Nominated Members

- More recently, the sincerity of nominated members has been questioned in multiple instances.
- Nominations are made by the government to satisfy the sentiments of the followers of certain personalities.
- Once nominated, they rarely participate in the working of the house. Sachin Tendulkar was appointed in 2012 and the House has met 374 days since then, but the attendance of Sachin Tendulkar is a meagre 24 days.

Steps To Be Taken

- To preserve the federal character of Rajya Sabha, one step would be to have members of the Rajya Sabha be directly elected by the citizens of a state.
This will reduce cronyism and patronage appointments.
- Also, a federal arrangement can be devised to enable equal representation for each state, so that large states do not dominate the proceedings in the House.

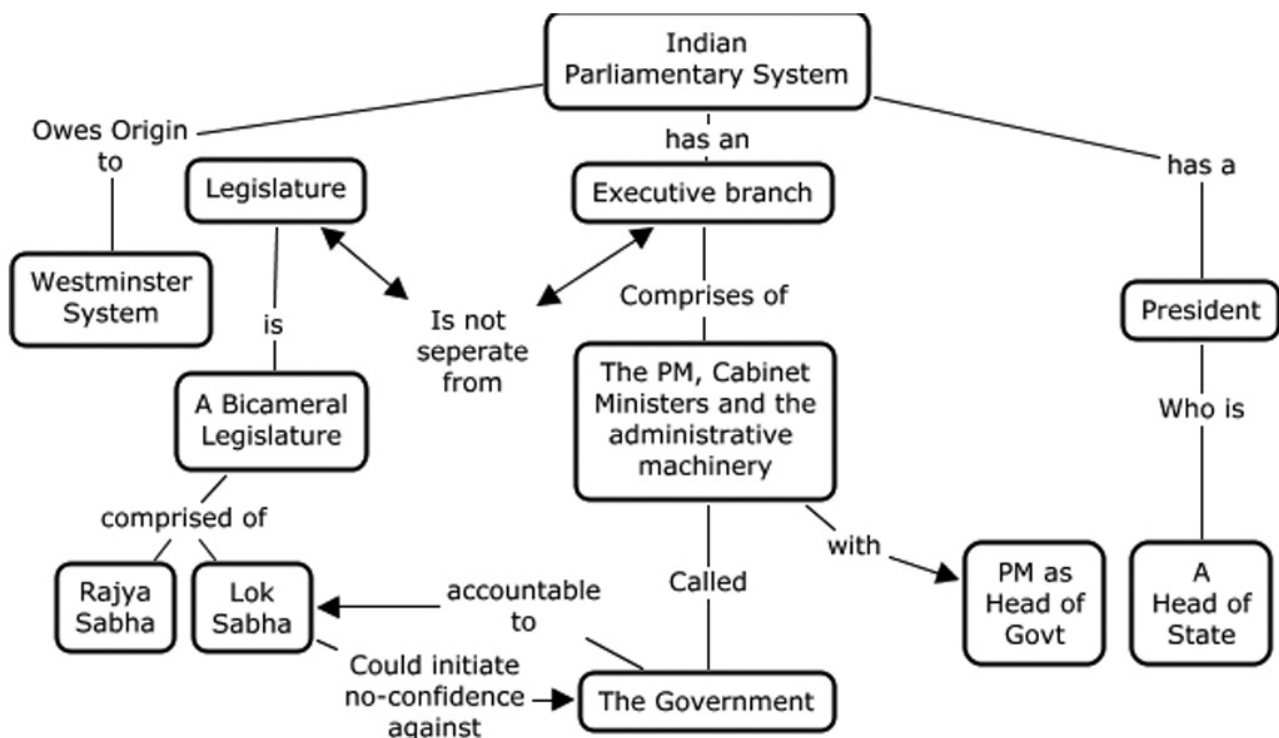
- There is a need for a better procedure of nomination to improve the quality of discussion in the House.
 - A cue in this regard can be taken from the UK.
 - The House of Lords Act, 1999 has led to the introduction of the Appointments Commission in 2000 with the primary function of making recommendations for the appointment of non-party-political members to the House of Lords.
 - This commission can recommend nomination to Rajya Sabha from groups under-represented.

Conclusion

Even though the ups and downs of Indian politics, the Rajya Sabha has remained a vanguard for political and social values, a melting pot of cultural diversity. Also, along with Lok Sabha, it is a flag-bearer of the sovereign, socialist, secular, democratic republic called India.

Thus, Rajya Sabha should not be seen as a 'disruptive' wing of the legislation and efforts should be made to enable Rajya Sabha to retain its significant role in Indian democracy.

INDIAN PARLIAMENTARY SYSTEM



Drishti Mains Question

Critically analyse the significance of Rajya Sabha as the federal chamber of Indian democracy.



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<https://youtu.be/KJt7FjZ-aj4>

This editorial is based on "**In EC's Court**" which was published in The Indian Express on May 15th, 2020. Now watch this on our Youtube channel.