



## Perspective- Rajya Sabha: The Upper House

### Why in News?

- The [Upper House of the Parliament, Rajya Sabha or Council of States](#) was **constituted on 3<sup>rd</sup> April 1952** and the first session was held on 13<sup>th</sup> May 1952. Since then, it has contributed to the **welfare and progress of the country** in many ways.

### What are the Key Points?

- **Features:** Rajya Sabha has its **own distinctive features** and reflects the federal character of the constitution and **protects the rights of States**.
- **Origin:** The origin of the Rajya Sabha or the Second Chamber can be traced to the [Montague-Chelmsford Report of 1918](#).
  - This report introduced a [bicameral legislature](#), the Lower House or Central Legislative Assembly and the Upper House or Council of State.
- **Contribution:** Rajya Sabha has passed **several important legislations** related to social change, economic transformation, agriculture, health, education, environment, science and technology, national security, and matters related to states, etc.

### What is Rajya Sabha and How is it Different from Lok Sabha?

From the point of view of the Indian Federation, Rajya Sabha has its **own significance in the legislative map of India** and **represents the voice of the states** whereas the [Lok Sabha](#) represents the voice of the people directly.

- **Rajya Sabha:** It is the Upper House (Second Chamber or House of Elders) and it **represents the states and union territories** of the Indian Union.
  - The Rajya Sabha is called the **permanent House of the Parliament** as it is never fully dissolved.
  - The **IV Schedule** of the Indian Constitution deals with the allocation of seats in the Rajya Sabha to the states and UTs.
- **Lok Sabha:** It is the Lower House (First Chamber or Popular House) and it **represents the people of India as a whole**.

Provisions	Rajya Sabha	Lok Sabha
<ul style="list-style-type: none"><li>▪ <b>Composition</b></li></ul>	<ul style="list-style-type: none"><li>▪ The maximum strength of Rajya Sabha is <b>250</b> (out of which 238 members are representatives of the states &amp; UTs (elected indirectly) and <b>12 are nominated by the President</b>).</li></ul>	<ul style="list-style-type: none"><li>▪ The maximum strength of the Lok Sabha is fixed at <b>550</b> out of which 530 members are to be the representatives of the states and <b>20 of the UTs</b>.<ul style="list-style-type: none"><li>◦ The <b>current</b></li></ul></li></ul>

	<ul style="list-style-type: none"> <li>▪ The <b>current strength of the house is 245</b>, 229 members represent the states, 4 members represent the UTs, and 12 are nominated by the president.</li> </ul>	<p><b>strength of Lok Sabha is 543</b>, out of which 530 members represent the states and 13 represent the UTs.</p> <ul style="list-style-type: none"> <li>◦ Earlier, the President also nominated two members from the Anglo-Indian <b>community</b>, <b>but by the 95<sup>th</sup> Amendment Act, 2009, this provision was valid till 2020 only.</b></li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Election Representatives</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The representatives of states are <b>elected by the members of state legislative assemblies.</b> <ul style="list-style-type: none"> <li>◦ The representatives of each UT in the Rajya Sabha are indirectly elected by members of an electoral college specially constituted for the purpose. <ul style="list-style-type: none"> <li>• <b>Only three UTs</b> (Delhi, Puducherry, and Jammu &amp; Kashmir) <b>have representation in Rajya Sabha</b> (others don't have enough population).</li> </ul> </li> <li>◦ The members nominated by</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ The representatives of states are <b>directly elected by the people from the territorial constituencies</b> in the states. <ul style="list-style-type: none"> <li>◦ By the Union Territories (Direct Election to the House of the People) Act, 1965, the members of Lok Sabha from the UTs are chosen by direct election.</li> </ul> </li> </ul>

	<p>the President are those who have <b>special knowledge or practical experience in art, literature, science, and social service.</b></p> <ul style="list-style-type: none"> <li>• The rationale is to provide eminent persons a place in the house without going through elections.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ <b>Functions</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Rajya Sabha has an <b>important role in reviewing and altering the laws</b> initiated by the Lok Sabha.</li> <li>▪ It <b>can also initiate legislation</b> and a bill is required to pass through the Rajya Sabha in order to become a law.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One of the most important functions of the Lok Sabha is to <b>select the executive</b>, a group of persons who work together to implement the laws made by the Parliament. <ul style="list-style-type: none"> <li>◦ This executive is often what we have in mind when we use the term government.</li> </ul> </li> </ul>

## What is the Difference Between the Powers of both the Houses?

Both houses have equal powers in terms of the legislation and also in terms of the bills. The only **difference is in terms of the money bills** for which the Lok Sabha has the powers.

### ▪ Powers of Rajya Sabha

- **State Related Matters:** The Rajya Sabha provides representation to the States. Therefore, any matter that affects the States must be referred to it for its consent and approval.
  - If the Union Parliament wishes to remove/transfer a matter from the **State list**, the **approval of the Rajya Sabha is necessary.**
- **All-India Services:** It **can authorise** the Parliament to create new **All-India Services** common to both the Centre and the states (Article 312).
- **During Emergency Conditions:** If a proclamation is issued by the President for imposing a **national emergency or president's rule or financial emergency** at a time when the Lok Sabha has been dissolved or the dissolution of the Lok Sabha takes place within the period allowed for its approval, then the **proclamation can remain effective even if it**

is approved by the **Rajya Sabha** alone (Articles 352, 356 and 360).

▪ **Powers of Lok Sabha**

- **Power in Money Matters:** Once the Lok Sabha passes the budget of the government or any other money-related law, the **Rajya Sabha cannot reject it.**
  - The Rajya Sabha **can only delay it by 14 days** or suggest changes in it, however, the former may or may not accept these changes.
- **Decisions in Joint Sitting:** Any **ordinary law** needs to be passed by both the Houses.
  - However, in case of any difference between the two Houses, **the final decision is taken by calling a joint session** of both the Houses.
  - Due to a larger strength, the view of the Lok Sabha is likely to prevail in such a meeting.
- **Power over Council of Ministers:** The Lok Sabha **controls the [Council of Ministers](#).**
  - If the majority of the Lok Sabha members say they have 'no confidence' in the Council of Ministers, **all ministers including the Prime Minister, have to quit.**
  - The **Rajya Sabha does not have this power.**

### What are the Unique Features of Rajya Sabha?

- Rajya Sabha has **always played a constructive and effective role**. Its performance in the legislative field and in **influencing Government policies** has been quite significant.
- As a federal chamber, it has **worked for the unity and integrity of the nation** and has reinforced the faith of the people in parliamentary democracy.
- In Rajya Sabha debates, **all the members are always encouraged to use their [regional languages](#).**
- The 12 members that are nominated by the President **bring their expertise to the house from different fields.** .

### What can be the Way Forward?

- As Rajya Sabha is the voice of the states, it is important that more voices pointing out state-specific concerns are raised. The same shall be responded positively from the government's side as well in order to maintain democracy and federalism in its true essence.
- It is also important to spend more time on debates and discussions and less on disruptions to ensure that all the legislation goes through proper and productive parliamentary scrutiny.

### Previous Year's Questions (PYQs)

**Q. Rajya Sabha has equal powers with Lok Sabha in: (2020)**

- A. the matter of creating new All India Services
- B. amending the Constitution
- C. the removal of the government
- D. making cut motion

**Ans: (B)**

**Q. Which of the following statements is/are correct? (2016)**

1. A Bill pending in the Lok Sabha lapses on its prorogation.
2. A Bill pending in the Rajya Sabha, which has not been passed by the Lok Sabha shall not lapse on dissolution of the Lok Sabha.

**Select the correct answer using the code given below:**

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

**Ans: (B)**

**Q. Consider the following statements: (2015)**

1. The Rajya Sabha has no power either to reject or to amend a Money Bill.
2. The Rajya Sabha cannot vote on the Demands for Grants.
3. The Rajya Sabha cannot discuss the Annual Financial Statement.

**Which of the statements given above is/ are correct?**

- A. 1 only
- B. 1 and 2 only
- C. 2 and 3 only
- D. 1, 2 and 3

**Ans: (B)**

