



Role of Rajya Sabha in Indian Democracy

This editorial is based on [“Why the Rajya Sabha Matters”](#) which was published in The Indian Express on 23/07/2022. It talks about the role of Rajya Sabha in Indian Democracy.

For Prelims: Powers of Rajya Sabha, Bicameralism in India, Montague-Chelmsford Reforms, Gol Act 1919, Fourth Schedule of the Constitution, Representation of People Act, 1951

For Mains: Relevance of Rajya Sabha in Indian Democracy, Concerns Related to Rajya Sabha, Provision of Joint Sitting of Parliament

The [Rajya Sabha](#), constitutionally the **Council of States**, is the **upper house of the bicameral Parliament of India**. The genesis of the Rajya Sabha can be traced to the **Montague-Chelmsford report of 1918** and, consequently, the [Government of India Act, 1919](#), which provided for a **second federal chamber** of Parliament.

Asserting the federal nature of the Indian polity, Rajya Sabha **ensures healthy bicameralism not only as a House for second thought** but is also a **guardian of a State's rights** as a **House of correction**.

Given the prevailing political scenario in the country, a careful appraisal of the functions of the **Rajya Sabha in strengthening the fundamentals of our parliamentary democracy** becomes even more necessary.

How is the Rajya Sabha Relevant in Indian Democracy?

- **Permanent Body:** Unlike the Lok Sabha, the **Rajya Sabha is not subject to dissolution but one-third of its members retire after every second year.**
 - This **ensures continuity** and also brings about a **fusion of new and old in the House.**
 - This type of arrangement is designed to **secure the representation of past as well as current opinion** and help in maintaining **continuity in public policy.**
- **Review and Revaluation Role:** Rajya Sabha helps in a deeper review of laws, as it **complements the first chamber in securing greater executive accountability.**
 - It checks **hasty, defective and ill-considered legislation** made by the Lok Sabha by making **provision of revision and thought.**
 - It also **provides a platform to the small and regional parties to present their views.**
- **House of Checks and Balances:** Since the ‘Lok Sabha’ decisions may go in favor of the populist sentiment and force the members to go contrary to the best judgment, the Rajya Sabha keeps a check and balance on it.
 - **Unlike the [House of Lords in Britain](#), the Rajya Sabha members do not hold the hereditary membership rights.**
- **Voice of the States:** The process of [indirect elections](#) also makes its way to the Indian

parliamentary system as the members of the Rajya Sabha are **elected by the members of the state legislative assemblies based on [proportional representation by means of the single transferable vote](#)**.

- It acts as a **conduit between the states, people, and Parliament**, furthering the **principles of decentralization by lending an independent voice to the states**.
- The **[Fourth Schedule of the Constitution](#)** deals with the **allocation of seats in the Rajya Sabha** to the states and union territories.
- **Promotes Participatory Democracy: Twelve members are nominated to the Rajya Sabha by the President of India** for 6 years term for their contributions towards **arts, literature, sciences, and social services**.
 - This feature of the Rajya Sabha makes it even more **democratic and participatory** as eminent people making significant contributions to society, **make their way to the highest echelons of Indian Politics**.

What are the Special Powers of Rajya Sabha?

- **Legislation on Matters of the State List: Article 249** allows the Parliament to legislate on matters enumerated in the **[State List](#)** if the **Rajya Sabha passes a resolution by two-thirds majority**.
- **Creation of All India Services: Article 312**, the Parliament is allowed to **create an [All India Services](#)** common to the Union and the States, **if the Rajya Sabha passes a requisite resolution**.
- **Proclamation of the President's Rule:** Usually, such proclamations need approval of both the Houses of Parliament.
 - But **if the Lok Sabha is dissolved when the proclamation comes to Parliament**, then the **Rajya Sabha alone can approve the imposition of [President's Rule](#)**. (**Articles 352, 356 and 360**)
 - In **1977**, it was specially convened to extend the President's Rule in **Tamil Nadu and Nagaland** and in **1991**, to impose President's Rule in Haryana.
- **Removal of Vice President: Rajya Sabha alone can initiate a move for the removal of the Vice President**.
 - It means, **resolution for the removal of the Vice-president** can be introduced only in the Rajya Sabha and **not in the Lok Sabha (Article 67)**.

What are the Concerns Related to Rajya Sabha ?

- **Subverting the Federal Character of the 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](#)**.
 - The problem has been exacerbated by the **Kuldip Nayar Judgment** which **removed the requirement of domicile**.
 - Following the amendment, **A person who is neither a resident nor a domicile of a state can contest the Rajya Sabha elections** from that state.
 - The ruling parties on many occasions have **used the Rajya Sabha seats to elect their defeated candidate in Lok Sabha**.
- **Limited Powers Related to Money Bills:** **A Money Bill can be introduced only in the Lok Sabha and not in the Rajya Sabha**. Rajya Sabha cannot amend or reject a Money Bill.
 - It **should return the bill to the Lok Sabha within 14 days**, either with recommendations or without recommendations.
 - The **Lok Sabha can either accept or reject all or any of the recommendations** of the Rajya Sabha.
 - **In both the cases, the money bill is deemed to have been passed** by the two Houses.
- **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.
- **Issues with the Provision of Joint Sitting:** The President can summon both the Houses to meet in a joint sitting in case of deadlock. In such a case, the sitting is **governed by the [Rules of](#)**

Procedure of Lok Sabha and not of Rajya Sabha.

- Since the **Lok Sabha has a larger membership in a joint sitting** generally the will of the Lok Sabha prevails over Rajya Sabha.
- **Other Limitations:** A **no-confidence motion** cannot be introduced in the Rajya Sabha.
 - In addition, it exercises a **limited role in the functioning of the Public Accounts Committee** and has **no part in the Estimates Committee.**

What are the Conditions for Deadlock?

- A deadlock between the Lok Sabha and the Rajya Sabha calls for a joint sitting of the Parliament, if:
 - If the **bill is rejected by the other House;**
 - If the **Houses have finally disagreed as to the amendments to be made in the bill;**
 - **If more than six months have elapsed from the date of the receipt of the bill** by the other House without the bill being passed by it.
- The **Speaker of Lok Sabha** presides over a joint sitting of the two Houses.
- The provision of **joint sitting is applicable to ordinary bills or financial bills** only and **not to money bills or Constitutional amendment bills.**

What Should be the Way Ahead?

- There has to be a mechanism to **ensure federalism in its true essence with equal representation for each state represented in the Rajya Sabha.**
 - **So that large states do not dominate the proceedings** in the House and for the smooth functioning of our democracy and be the spokespersons for the marginalized.
- There is a need for a **better procedure of nomination to improve the quality of discussion in the Upper House.**
- It is also important that **more voices pointing out state-specific concerns are raised.** The same shall be **responded positively from the government's side.**
- Additionally, **more time needs to be spent on debates and discussions and less on disruptions** to ensure that all the legislation goes through proper and productive **parliamentary scrutiny.**

Conclusion

- The Rajya Sabha has seen a memorable journey through lively debates, informed discussions and its ability to handle complex issues in the interest of the nation.
 - Indeed, it has also seen frictions and a rise in disruptions which is certainly a matter of concern for all stakeholders.
- But even through the ups and downs of Indian politics, the **Rajya Sabha has remained a vanguard for political and social values, a melting pot of culture and diversity** and over all, **a relentless flag-bearer of sovereign, socialist, secular, democratic republic called India.**

Drishti Mains Question

Assess the importance of bicameralism in India with respect to the role of Rajya Sabha in securing greater executive accountability?

UPSC Civil Services Examination, Previous Year Question (PYQ)

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 motions

Ans: (b)

Q. Rajya Sabha has been transformed from a 'useless stepney tyre' to the most useful supporting organ in past few decades. Highlight the factors as well as the areas in which this transformation could be visible.
(2020)

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