



Perspective- Rajya Sabha: The Upper House

Why in News?

- The [Upper House of the Parliament, Rajya Sabha or Council of States](#) was **constituted on 3rd April 1952** and the first session was held on 13th 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">▪ Composition	<ul style="list-style-type: none">▪ The maximum strength of Rajya Sabha is 250 (out of which 238 members are representatives of the states & UTs (elected indirectly) and 12 are nominated by the President).	<ul style="list-style-type: none">▪ The maximum strength of the Lok Sabha is fixed at 550 out of which 530 members are to be the representatives of the states and 20 of the UTs.<ul style="list-style-type: none">◦ The current

	<ul style="list-style-type: none"> ▪ The current strength of the house is 245, 229 members represent the states, 4 members represent the UTs, and 12 are nominated by the president. 	<p>strength of Lok Sabha is 543, out of which 530 members represent the states and 13 represent the UTs.</p> <ul style="list-style-type: none"> ◦ Earlier, the President also nominated two members from the Anglo-Indian community, but by the 95th Amendment Act, 2009, this provision was valid till 2020 only.
<ul style="list-style-type: none"> ▪ Election Representatives 	<ul style="list-style-type: none"> ▪ The representatives of states are elected by the members of state legislative assemblies. <ul style="list-style-type: none"> ◦ 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"> • Only three UTs (Delhi, Puducherry, and Jammu & Kashmir) have representation in Rajya Sabha (others don't have enough population). ◦ The members nominated by 	<ul style="list-style-type: none"> ▪ The representatives of states are directly elected by the people from the territorial constituencies in the states. <ul style="list-style-type: none"> ◦ 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.

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

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)

