



## 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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