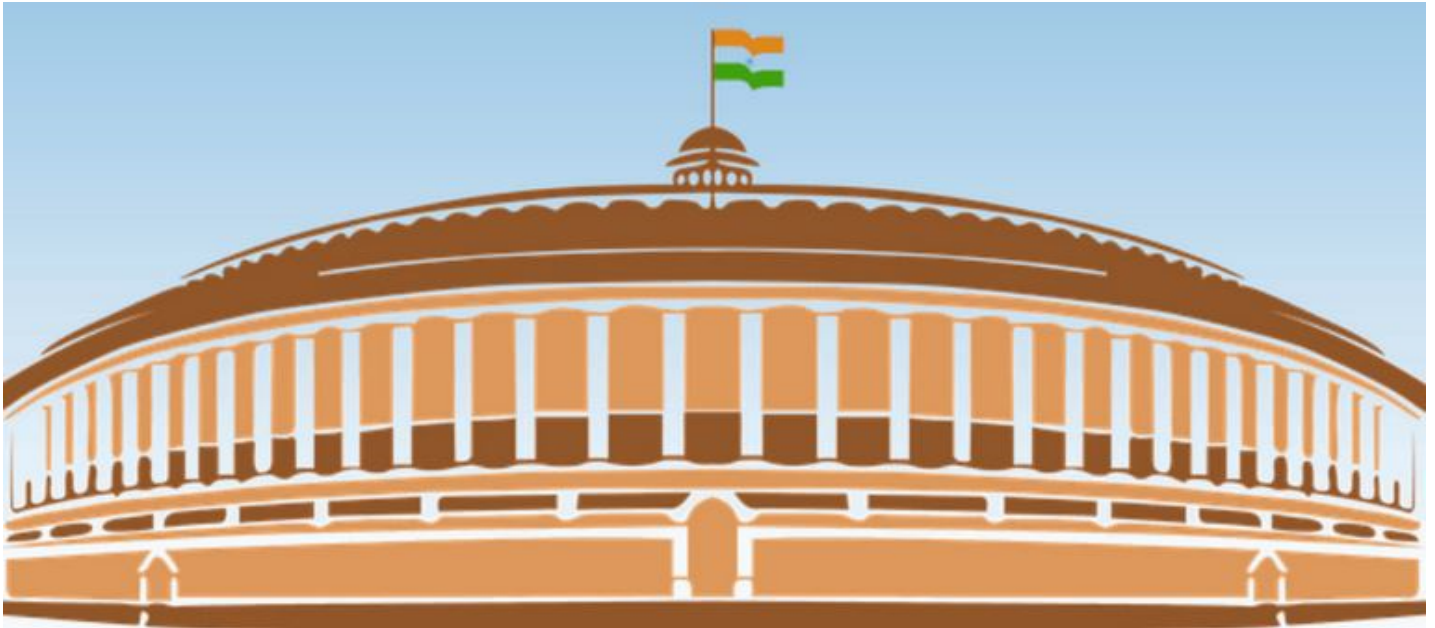


Why the Rajya Sabha matters (GS Paper 2, Polity and Governance)

Context:

- Recently, Congress MP Manish Tewari representing the Lok Sabha constituency of Sri Anandpur Sahib, Punjab, stressed the needs to be examine whether or not the country needs Rajya Sabha now.
- He said that Rajya Sabha has stopped carrying out the functions for which it was constituted and has now become a parking lot.
- 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.



Historical aspect:

- Known as the **federal or second chamber of Parliament**, 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 or the “Council of States”.
- The **relevance of the Rajya Sabha was debated in the Constituent Assembly on July 28, 1947**. During this debate, a few members did indeed oppose the creation of the “Upper House”.
- They argued that such a House, over and above the Lok Sabha, would unnecessarily delay law-making. However, many others argued that the “second chamber” would instead introduce an element of sobriety and enhance the quality of debate and discussion.

Principles of decentralization:

- Congress MP argued that “it is the parliamentary democracy that is supposed to be the basic structure and not bicameralism”.
- The role and importance of the Rajya Sabha **lie not only in the consideration of representation but also in the quality of deliberation**.
- Given the federal nature of the Indian polity, the Rajya Sabha ensures **healthy bicameralism** by providing some kind of accountability to the law-making process undertaken in the Lok Sabha.
- 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.
- It acts as a **conduit between the states, people, and Parliament**, furthering the principles of decentralisation by lending an independent voice to the states.

Legislative matters:

- The deliberative and reflective function of the Rajya Sabha is the most valuable, as it meticulously analyses the **merits and demerits of a Bill so discussed**.
- It also empowers its members to **voice resistance, dissent, or any disagreement**, even if the Lok Sabha dominates as the primary stakeholder in the law-making process.
- The naysayers also often argue that the Rajya Sabha exercises limited powers in legislative procedures, especially in the case of Money Bills. The Lok Sabha has the power to introduce Money Bills and also exercises the final say over these bills.
- However, on all bills besides Money Bills, there exists a balance of power between the Lok Sabha and the Rajya Sabha.
- A no-confidence motion too 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.

Steps for cooperative & competitive federalism:

- It has been long argued that matters related to finance, fiscal federalism, and economic reforms must also be brought under the purview of the Rajya Sabha.
- This will further help articulate states' concerns and strengthen the premise of cooperative and competitive federalism, endorsed by the present dispensation.
- The members of the Lok Sabha are usually so preoccupied with their parliamentary constituencies, electorate, and the processes entailing elections, that an in-depth and nuanced discussion on different concerns of states can be further pressed upon by the members of the Rajya Sabha.

Special powers of Rajya Sabha:

- It is important to remember, however, the special powers the Rajya Sabha has over and above the Lok Sabha.
- For instance, the **Rajya Sabha exercises the ability to create new All-India Services under Article 312** by passing a resolution subject to support and voting by two-thirds of members.
- Second, the **Rajya Sabha exercises power to make laws on any subject included in the State List toward "national importance" under Article 249**.
- Third, it can approve proclamations under Article 352 or 356 or 360 if the Lok Sabha stands dissolved.

Nominated members:

- The Rajya Sabha must not be used by political parties to accommodate candidates who fail to win mass elections. Instead, parties should select their candidates with the specific role of the Upper House in mind.
- The **provision of nomination of eminent persons** from fields like the arts and sports is also a testament to the original intention of **expanding horizons beyond electoral calculations**.
- This feature of the Rajya Sabha makes it even more democratic and participatory as eminent people making significant contributions to society, who otherwise cannot contest an election, make their way to the highest echelons of the political executive. Moreover, the electorate and society benefit from engaging in discussions that draw from diverse walks of life.

Significance of Rajya Sabha:

- Through its voice of intellectual reasoning, the Rajya Sabha acts as an instrument to provide compelling insights, discuss the ethics and morals underlying any topic, and review and influence public policy through a multidimensional lens.
- Through its rich quality of ideas and debate, the discussions in the Rajya Sabha mould the thinking of students, political enthusiasts, and the general masses.
- In the last couple of years, while there is much sloganeering around "cooperative federalism", there have been veiled encroachments as well as attacks on the rights of states. For this reason, more than anything else, we need the Rajya Sabha to safeguard the rights of states.

Way Forward:

- Finally, the most crucial role of the Rajya Sabha is the continuity it provides to the Indian parliamentary democracy, it is **often referred to as the permanent house of Parliament**. While the Lok Sabha gets dissolved every five years, the Rajya Sabha is not subject to dissolution.

- It is here where more responsibility should be given to the Rajya Sabha alongside the permanent executive, owing to its representative nature.