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Title:

**Analysis of Role and Relevance of the Upper House**

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Abstract:

This article provides a critical examination of the Rajya Sabha's evolving role as India's federal second house, particularly in the context of globalisation, regionalisation, and federalisation. It challenges the conventional view of the Rajya Sabha as a secondary parliamentary chamber by assessing its federal significance and legislative influence. The historical evolution of the Rajya Sabha is traced from the Government of India Act of 1919 to the post-independence constitutional debates, highlighting the tension between its function as a revisionary body and its role in representing states' interests. The article also explores modern challenges facing the Rajya Sabha, such as regional imbalances in representation, financial powers, and the influence of political elites. Recommendations are made for institutional reforms to enhance the chamber's federal relevance, including expanding its electoral base and revisiting its composition to better represent India's multicultural diversity.

Keywords:

Rajya Sabha, federalism, state representation, legislative reform, Indian Parliament

### **Introduction:**

It is long overdue to take a unique look at the Rajya Sabha as the federal second house in this era of globalised trade and federalised politics. It is interesting to investigate the effects of globalisation and federalisation on the Rajya Sabha, which was established to represent the states that make up our Union. Previous research on the Rajya Sabha has only considered its function inside the legislative branch, leading to an inaccurate assessment of its federal significance. The Rajya Sabha is a secondary parliamentary chamber, according to W.H. Morris-Jones and Sandeep Shastri, although its effectiveness as a second federal chamber needs to be examined. Furthermore, Morris-Jones failed to recognise its revisionary role; technical revision and languid discussion were out of the question. But the only relevance Morris-Jones was grateful for concerned (a) lightening the load on the beginning of legislation by serving as the venue for the first introduction of bills in partnership with the Lok Sabha, and (b) revitalising itself as a forum for expansive and lofty discussion. The Rajya Sabha has so far been scrutinised critically, primarily for its role as a chamber of revision and a venue for the articulation of state rights. We take a closer look at the Rajya Sabha from these perspectives as well as how well it serves to accommodate the regional and multicultural diversity of India.

### **Government of India Act, 1919**

In terms of history, the Government of India Act, 1919, was principally responsible for introducing Indian bicameralism (without federal substance). In contrast to the US model, the Motilal Nehru Committee Report of 1928 suggested the establishment of a federal second chamber. The Government of India Act, 1935 included other suggestions for creating a federal second chamber. The 1950 Constitution's composition of the Rajya Sabha was justified by the need to ensure that measures passed by the Lok Sabha were reviewed and revised, as well as by the federal government's territorial representation of the states. But in the Constituent Assembly, the federal representation argument took precedence over the Rajya Sabha's role as a review body. This can be demonstrated by supporting, during constituent assembly debates, equal representation for all states or, at the very least, proportionately more representation for smaller states. In the proposed constitution, Gopalaswamy Ayyangar and Loknath Misra had both acknowledged the need for a

second chamber. Although the former had hoped that the Rajya Sabha would guarantee respectful discussions (which were absent from the House of People) and avoid hurried legislation, the latter had thought that the distribution of seats among state representatives in the Council of States ought to be based on equal representation for all the states. There could be no more than three of these delegates.

### **The Sarkaria Commission Report**

The Sarkaria Commission Report added two more points:

- (i) mature input from more experienced persons represented in the legislative and constituent process, and
- (ii) providing some continuity to parliamentary work given that the Rajya Sabha is a continuous chamber that is partially renewed every six years by the retirement of one-third of its members. The Sarkaria Commission Report added two more points: (i) mature input from more experienced persons represented in the legislative and constituent process, and (ii) providing some continuity to parliamentary work given that the Rajya Sabha is a continuous chamber that is partially renewed every six years by the retirement of one-third of its members.

In contrast to the US Senate, which grants equal representation to all states, the Rajya Sabha's federal character is diminished because of the extension of representation to states based on population (Articles 4-I and 80-2 read with the Fourth Schedule). There is a noticeable difference in the number of Rajya Sabha constituencies each state because of population-based representation. Smaller states like Goa, Manipur, Tripura, and Uttarakhand have been granted 1, 1, 1, and 3 constituencies respectively in the current house, whereas larger states like Bihar, Maharashtra, Tamil Nadu, and Uttar Pradesh have been assigned 16, 19, 18, and 31 constituencies respectively in the Rajya Sabha.

### **Powers**

Money bills cannot be rejected by the Rajya Sabha; they can only be submitted in the Lok Sabha. It is limited to returning it to the Lok Sabha for further deliberation. This suggests that the Rajya Sabha has little financial influence. The legality of the Union government's attempt to propose the Aadhaar Act as a money bill in Parliament was questioned in 2017. The government has used this channel to prevent any resistance to the Aadhaar Act in the Rajya Sabha. The Union Budget and the Railway Budget, however, must be presented to both chambers of Parliament in accordance with the Constitution. Additionally, Rajya Sabha members are represented in the Committee on Public Accounts and the Committee on Public Undertakings, two of the Parliament's three important financial committees. The Rajya Sabha's influence in financial affairs seems to have grown with time as opposed to declining.

A combined sitting of the two houses of Parliament is the only way to end a standoff. Constitutionally speaking, however, a joint sitting cannot break a deadlock over a constitutional amendment. The Rajya Sabha has the authority to veto in this situation. When the opposition has the Rajya Sabha, it can also compel a majoritarian administration in the Lok Sabha to give in to local concerns.

### **Special Powers**

The Rajya Sabha possesses three unique abilities. First, giving the Parliament the authority to enact laws on any item on the state list pursuant to Article 249. Developing an all-India service is the second. To give three examples, the Rajya Sabha contributed to legislative centralism in 1950, 1951, and 1986 by allowing Parliament to legislate on state issues with a two-thirds majority, so centralising the political system

at the expense of its federal characteristics. As an example of the second special power stated above, in 1966 the Rajya Sabha approved the establishment of the Indian Forest Service, a new all-India service. The Rajya Sabha has the formal authority to approve a proclamation when the Lok Sabha is dissolved, as per a third special power. Because the makeup of both houses was essentially the same during one-party rule, the influence of federalism on the Rajya Sabha's operations was scarcely noticeable. W.H. Morris-Jones did not appreciate the Rajya Sabha's federal role. He thought that the upper house's operational structure prevented it from serving as a forum for the voicing of local demands. Instead, the multiparty system phase has validated the effectiveness of the Rajya Sabha's federal elements. Opposition parties with greater clout in state legislatures have controlled the house throughout this phase. This has made it necessary for the ruling party, which holds a majority in the Lok Sabha, to collaborate with the oppositional majority in the Rajya Sabha to pass laws and modify the constitution. The Rajya Sabha's federal relevance has grown along with the Indian political system's increasing regionalisation and federalisation.

The Rajya Sabha has the potential to be a valuable venue for advocating for the rights of citizens and those who are marginalised. It can preserve the rule of law and public institutions in accordance with the constitution, not merely on paper, and act as a check on the Lok Sabha's majoritarian advancements. In fact, it has secured for itself a prominent role at several pivotal moments. But in the current situation, it is important to consider if such a job would be adequate. Reviewing the composition and functions of the Rajya Sabha is crucial. It should change its reputation as a parking lot for candidates who cannot guarantee they will be elected by a large majority of voters by enacting reforms.

#### **Position**

Regarding the number of members in the current house who belong to the category of crorepatis, an interesting observation has been made. Recent Rajya Sabha elections reveal that up to thirty candidates, all of whom were crorepatis, were elected to the Rajya Sabha. Prominent parties including the INC, BJP, BSP, IND, and CPI are home to a number of these MPs. Moreover, up to thirty Rajya Sabha MPs do not currently reside in the current house. These non-domiciled member candidates, who represent the INC, BSP, and BJP, were elected in states including as Uttar Pradesh, Haryana, and Karnataka. The Association for Democratic Reforms (ADR) examined the affidavits of 57 recently elected Rajya Sabha MPs in 2016, and found that 23% of them had criminal cases (including attempted murder, deceit, and dishonesty) pending against them. Among the states from which these MPs were chosen were Uttar Pradesh, Bihar, Maharashtra, Tamil Nadu, Karnataka, and Andhra Pradesh.

The Rajya Sabha has been scheduled for revision ever since the Sarkaria Commission issued its report in 1988. The panel received a deluge of memoranda intended to enhance the Rajya Sabha's role as the federal second house. Its function in the legislative process was to be strengthened. The commission, however, disregarded these suggestions and chose to follow the wording of the Constitution, elevating the Lok Sabha to the position of Parliament's political bastion while also extending the standing of the federal second chamber.

The impetus for reforming the upper house has intensified because of the following:

- (a) shaky coalitions at the centre;
- (b) political parties' practice of unrestrained spending and horse-trading; and
- (c) the lack of representation of the state's interests because the nominated members are either close party allies or politicians who lost the Lok Sabha elections.

Two institutional changes are required to guarantee the Rajya Sabha's continued significance in the modern era: Initially, extending its authority to match the Lok Sabha's. As a result, it would gain more clout in Parliament and become vital when it comes to obtaining agreement for things like foreign policy and finance. Secondly, by democratising seat distribution for smaller states, it will be representative of the interests of the states.

The Punchhi Commission's earlier suggestions, in my opinion, are suitable for India. It would not be good to emulate the Australian model, which is the Senate, a US import that is directly elected and functions similarly to the popular house in legislative concerns. Regarding these two claims can be made. First, in terms of Commonwealth political tradition, India is a version of the parliamentary federal system. Second, India's cultural, social, and regional diversity and complexity are far greater than those of Australia. Therefore, it is crucial in our opinion to strike a more harmonious balance between the legislative and federal systems of government.

The Rajya Sabha's role as a platform for state representation has grown even more important given the constantly shifting political landscape and changes to the party structure at the federal and state levels. To increase its federal relevance, the electoral college must be extended to include municipal governments in addition to state legislatures. This would be consistent with ongoing initiatives to strengthen the constitutional foundation of local self-governing organisations. The Rajya Sabha will be vital in giving meaning to the rhetoric of multilevel federalism, which is essentially a bi-level matter, if Rajni Kothari's proposal to rebuild it as a Pradesh Sabha with some representation to the local bodies is carried out. This reformed Rajya Sabha will provide the lower echelons of our polity a fair say in laws that affect them.

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