

# Rajya Sabha

## Description

Understanding the Rajya Sabha is crucial for students preparing for upcoming exams. As one of the key pillars of India's parliamentary system, Rajya Sabha's structure, functions, and powers hold significant importance in the country's governance. Mastery of this topic enables students to comprehend the legislative process, the role of states in the federal structure, and the dynamics of lawmaking. Additionally, familiarity with Rajya Sabha equips students with insights into contemporary political issues and strengthens their analytical skills, thus enhancing their exam readiness.

## Rajya Sabha

- The Rajya Sabha is known as the Parliament's permanent House since it is never totally dissolved.
- The Indian Constitution's Fourth Schedule addresses the allotment of Rajya Sabha seats to states and union territories.
- Rajya Sabha is the Upper House of Parliament, representing the Indian Union's states and union territories.
- It is sometimes referred to as the Second Chamber or the House of Elders.

## Historical Background of Rajya Sabha

- The origin of the second Chamber can be traced to the Montague-Chelmsford Report of 1918.
- The Government of India Act, 1919 provided for the creation of a Council of State as a second chamber of the then legislature with a restricted franchise which came into existence in 1921.

## Rajya Sabha – Composition

- Composition/Strength Article 80 of the Constitution lays down the maximum strength of Rajya Sabha as 250, out of which 12 members are nominated by the President and 238 are representatives of the States and of the two Union Territories.
- The members nominated by the President are persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service.
- Allocation of Seats: The Fourth Schedule to the Constitution provides for the allocation of seats to the States and Union Territories in the Rajya Sabha.

## Eligibility for Becoming Member of Rajya Sabha

Article 84 of the Constitution lays down the qualifications for membership of Parliament. A person to be qualified for the membership of the Rajya Sabha should possess the following qualifications:

- He must be a citizen of India and make and subscribe before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution.
- He must be not less than 30 years of age.

- He must possess such other qualifications as may be prescribed on that behalf by or under any law made by Parliament.

### **Equal Powers of Rajya Sabha Compared to Lok Sabha**

There are some important matters in respect of which the Constitution has placed both Houses of Parliament on an equal footing as may be seen from the following list:

- Equal right with the Lok Sabha to make law defining parliamentary privileges and to punish for contempt (Article 105)
- Equal right with the Lok Sabha to approve the Proclamation of Emergency (issued under Article 352), Proclamations regarding failure of the Constitutional machinery in States (issued under Article 356)
- Equal right with the Lok Sabha in the election of the Vice-President (Article 66)
- Equal right with the Lok Sabha in the election and impeachment of the President (Articles 54 and 61)
- Equal right with the Lok Sabha to receive reports and papers from various statutory authorities, namely.
  - Reports of the Union Public Service Commission. [Article 323(1)]
  - Reports of the Special Officer for the Scheduled Castes and Scheduled Tribes [Article 338(2)]
  - Report of the Special Officer for Linguistic Minorities [Article 350 B(2)]
  - Report of the Commission to investigate the conditions of the Backward Classes [Article 340(3)]
  - Audit Reports from the Comptroller and Auditor General of India [Article 151(1)]

### **Role of Rajya Sabha**

#### **A Deliberative Body**

- Parliament is not only a legislative body but also a deliberative one that enables the members to debate major issues of public importance.
- Thus, the role of the Upper House is to be a deliberative body besides balancing the fickleness and passion of the Lok Sabha.

#### **Safety Valve of India's Federal Polity**

- Bicameralism is necessary for a federal constitution to give representation to the units of the federation.
- Rajya Sabha thus represents a crucial component of the constitutional checks and balances scheme, in addition to the commonly identified examples of responsible government and judicial review.
- While checks and balances usually operate between the executive, legislature and judiciary, the Council of States acts as a safety valve within the legislature itself, easing federal tensions.

#### **As a Revising Chamber**

- An analysis of the Bills revised by the Rajya Sabha would reveal that in several cases, Rajya Sabha had recommended changes in the Bills passed by Lok Sabha and those changes were, in fact, carried out eventually.
- As a Second Chamber, it has the mandate to secure a second sober look at hasty legislation.
- Rajya Sabha has a special role to play as a revising Chamber.

## Representing the Vulnerable Sections

- Women, religious, ethnic, and linguistic minority groups are not adequately represented in the Lok Sabha (due to first past the post-election system)
- An indirect form of election (through propositional representation) to the Rajya Sabha, therefore, would give them a chance to get involved in the nation's law-making process.
- Rajya Sabha can make a place for people who may not be able to win a popular mandate.

## Process for Election of a member of Rajya Sabha

- To win a Rajya Sabha seat, a candidate should get a required number of votes. That number is found out using the below formula.  $\hat{A}$  Required vote = Total number of votes / (Number of Rajya Sabha seats + 1 ) + 1.
- The representatives of the States and of the Union Territories in the Rajya Sabha are elected by the method of  $\hat{A}$  indirect election.
- The representatives of each State and two Union territories are elected by the elected members of the Legislative Assembly of that State and by the members of the Electoral College for that Union Territory in accordance with the system of  $\hat{A}$  proportional representation by means of the single transferable vote.
- The Electoral College for the National Capital Territory of Delhi consists of the elected members of the Legislative Assembly of Delhi, and that for Puducherry consists of the elected members of the Puducherry Legislative Assembly.

## Process of Bye-election of Rajya Sabha Members

- A member elected in a bye-election remains a member for the remainder of the term of the member who had resigned or died or disqualified to be member of the House under the Tenth Schedule.
- A member who is elected for a full term serves for a period of six years. The election held to fill a vacancy arising otherwise than by retirement of a member on the expiration of his term of office is called  $\hat{A}$  "Bye-election".
- Rajya Sabha is a permanent House and is not subject to dissolution. However, one-third of Members of the Rajya Sabha retire after every second year.

## Special Powers of Rajya Sabha

Such special powers lend credence to its status as an Upper House vis- $\hat{A}$  -vis the Lok Sabha.

Apart from the coordinate powers, it enjoys with the Lok Sabha, the Constitution vests some special powers in the Rajya Sabha to exercise its federal mandate as it represents States and Union territories in Parliament.

## Legislation on State matters

- Such a resolution will remain in force for such a period, not exceeding one year, as may be specified therein, but this period can be extended by one year at a time by passing further resolution.
- If such a resolution is adopted,  $\hat{A}$  Parliament will be authorized, to make laws on the subject specified in the resolution, for the whole or any part of the territory of India.
- As a federal chamber, it can initiate Central intervention in the State Legislative field.
- Article 249 of the Constitution  $\hat{A}$  provides that the Rajya Sabha may pass resolution, by a majority of not

less than two-thirds of the Members present and voting, to the effect that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List.

### **Creation Of All India Services**

Another exclusive power of the Rajya Sabha is contained in Article 312 of the Constitution wherein if the Rajya Sabha passes a resolution by a majority of not less than two-thirds of the members present and voting declaring that it is necessary or expedient in the national interest to create one or more All India Services common to the Union and the States, Parliament will have the power to create by law such services.

### **Grounds For Disqualification from Rajya Sabha**

Article 102 of the Constitution lays down that a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament if—

- If he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder.
- If he is so disqualified by or under any law made by Parliament.
- If he is of unsound mind and stands so declared by a competent court.
- If he is not a citizen of India or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgment of allegiance or adherence to a foreign State.
- If he is an undischarged insolvent

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