

RELEVANCE OF RAJYA SABHA IN INDIA'S PARLIAMENTARY DEMOCRACY

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Abstract

Bicameralism has been one of the most important features of India's parliamentary democracy. Since the Rajya Sabha represents the interest of the States and Union Territories, it should play a better role in preserving the federal structure mandated by the Constitution. In conclusion, although it is a fact that India is a stable and the largest democracy, yet Alistair Macmillan calls Indian democracy a "deviant" democracy. Should Indians be complacent about the democratic deficits in Indian polity? The Question Hour is repeatedly hijacked, many Members of Parliament don't consider scrutiny of governance seriously, many Indians are still denied preambular promises, our representatives, instead of presenting our views in Parliament, represent the views that party wants and there is absence of political morality. Ever since the coming into force of the Constitution, both the Chambers of Indian Parliament have been complementing each other in more than ways than one. The ever increasing activities of the Upper House - Rajya Sabha - have reinforced the expectations of founding fathers for a bicameral legislature. Over the years, the Rajya Sabha has proved to be an effective deliberative and revisory chamber. This paper inter-alia covers information about the history, organizational structure, powers and functions of the Rajya Sabha and analyses its status vis a vis the Lok Sabha. I hope this paper will be of use to all those who wish to have an over view of the Rajya Sabha in a nutshell.

Keywords: Parliament, Legislature, Bicameralism, Council of States, Rajya Sabha, Upper House, Lok Sabha
Constituent assembly Debates

INTRODUCTION

Bicameralism has emerged as a significant characteristic of most of the modern legislatures. About one-third of the Parliaments of the world today are consisting of two chambers. The role of a Second Chamber as a body scrutinizing and revising legislative proposals can hardly be overlooked. Political scientists and statesmen have always been debating the need or otherwise of a Second Chamber. Views and opinion, for and against the Second Chamber, have been diverse and divided. While the protagonists of the bicameral system have emphasized the need for having the Second Chamber as essential for an effective democratic governance and as a safeguard against the possible tyranny of a unicameral Legislature, others have described it as an outdated, unrepresentative body and being inherently undemocratic and subversive of the will of the people expressed through the directly elected Lower House. Despite the ongoing debate on the role and efficacy of the Second Chamber, the fact remains that the Second Chamber can still be described best by using the famous metaphor, the 'senatorial saucer', which can cool legislation poured into it. The existence of Second Chamber acquires added significance in a federal State whose members have to act as guardians of the interests of the constituent units. Notwithstanding with differences, the fact remains that about one-third of the democratic Parliaments of the world today have Second Chamber, for one purpose or the other.¹

Bicameralism has been one of the most important features of India's parliamentary democracy. Ever since the coming into force of the Constitution, both the Chambers of Indian Parliament have been complementing each other in more than one way. The ever increasing activities of the Upper House -Rajya Sabha - have reinforced the expectations of founding fathers for a bicameral legislature. Over the years, the Rajya Sabha has proved to be an effective deliberative and revisory chamber.

Most of the justifications for a Second Chamber are relevant in the case of Indian Second Chamber as well. The vast diversities of languages, cultures, perceptions and interests in India necessitated an institutional structure for reflecting pluralism. Those diversities have been best accommodated through the Second Chamber. India has a bicameral National Parliament. The Rajya Sabha or the Council of States is the Second Chamber. The way in which the architecture of our Constitution was conceived; it was envisioned as the House of federal bicameralism and not a simple bicameral legislature. Its nomenclatures the 'Council of States' rather than the 'Senate' appropriately justifies its federal importance.

HISTORICAL BACKGROUND

In India, a Second Chamber was envisaged for the first time under the Montague Chelmsford Reforms proposals. The Government of India Act, 1919, accordingly, provided that the Indian Legislature shall consist of the Governor-General and the two chambers, namely the Council of State and the House of Assembly. The term of the Council was fixed at five years. Under the Government of India Act, 1935, however, the Council of State was made a continuous body, not subject to dissolution. The members were to hold their seats for nine years and one-third of them retiring at the end of every three years. But the scheme envisaged for the Second Chamber under the Government of India Act, 1935, never materialized because the provisions pertaining to the federal structure under the Act were never put into operation. As a result, the Second Chamber set up under the Government of India Act, 1919 continued to function till 1947. In other words, the structure and composition of the legislative institutions provided in the previous enactments did not furnish any viable basis on which the Legislature of independent India under the new Constitution could be devised; and the Constituent Assembly had, therefore, to give thought to this matter without any guidance from the past.

THE CONSTITUENT ASSEMBLY DEBATES

One of the issues which the Constituent Assembly had to consider was about having a Second Chamber for the Indian Parliament. The Assembly had before it not only various models of Second Chambers in the major Parliaments of the world, but also the working of the then existing Central Legislature setup under the Government of India Act, 1919. The Union Constitution Committee, set up by the Constituent Assembly under the chairmanship of Jawaharlal Nehru, in its report presented to the Assembly on 21 July 1947, made certain proposals in respect of the Second Chamber at the Centre. The Report of the Committee was also discussed in the Constituent Assembly on 28 July 1947. During the discussion, divergent views were expressed in regard to having a Second Chamber. For instance, a member was of the opinion that a Second Chamber was not essential. Another member was of the view that experience in the last so many years had been that the Upper House acted as a "clog in the wheel of progress" and so it was not wise to continue the same thing in the Constitution. On the other hand, a member felt that a Second Chamber would not only be an advantage but an absolute

necessity. It would, in his opinion, introduce an element of sobriety and second thought and without A second Chamber it would be difficult to fit in the representatives of the States in the scheme of things. Replying to the debate, Shri GopaldaswamiAyyangar observed

The need for Second Chamber had been felt practically all over world wherever there are federations of any importance. After all, the question for us to consider is whether it performs any useful function. The most that we expect the Second Chamber to do is perhaps to hold dignified debate son important issues and to delay legislation which might be the outcome of passions of the moment until the passions have subsided and calm consideration could be bestowed on the measures which will be before the Legislature; and we shall take care to provide in the Constitution that whenever on any important matter, particularly matters relating to finance, there is conflict between the House of the People and the Council of States, it is the view of the House of the People that shall prevail. Therefore, what we really achieve by the existence of this Second Chamber is only an instrument by which we delay action which might be hastily conceived, and we also give an opportunity, perhaps to seasoned people who may not be in the thickest of political fray, but who might be willing to participate in the debate with an amount of learning and importance which we do not ordinarily associate with a House of the People. That is all that is proposed in regard to this Second Chamber. I think, on the whole, the balance of consideration is in favor of having such a Chamber and taking care to see that it does not prove aclog either to legislation or administration.ⁱⁱ

The motion was adopted by the Constituent Assembly on 28 July 1947. First election to the Council of States was held in March 1952 and the House was constituted on 3 April the same year. The Rajya Sabha, its Hindi nomenclature, was adopted on 23 August 1954.

RELEVANCE OF RAJYA SABHA

In the Constituent Assembly debates we find a set of four distinct reasons advanced in defence of the Rajya Sabha. First, some members of the Assembly saw it as a House of reflective and evaluative reasoning removed from the hurry-scurry of everyday life. N. Gopaldaswami Ayyangar termed it as the House which can rein in “passions of the moment”. Lokanath Mishra described it as “a sobering House, a reviewing House, a House standing for quality and the members will be exercising their right to be heard on the merits of what they say, for their sobriety and knowledge of special problems, quantity, that is, their number, is not much of moment”. In the same vein, M. Ananthasayanam Ayyangar thought that in such a platform of reflective consideration, “the genius of people may have full play”, and it can make place for people “who may not be able to win a popular mandate”.ⁱⁱⁱ

Our Constitution provided bicameral legislature at the Centre and assigned a unique role to Rajya Sabha. It is the permanent House of the Parliament of India which is the Union of States. This House provides representation to the States and is, therefore very appropriately called the Council of States. What role for Rajya Sabha did the makers of our Constitution envisage? The first Chairman, Dr. S. Radha krishnan, very lucidly defined this when the Rajya Sabha had its first Session on May 13,1952. He had observed,

“There is a general impression that this House cannot make or un make governments and, therefore, it is a superfluous body. But there are functions which a revising Chamber can fulfill

Fruitfully. Parliament is not only a legislative but also a deliberative body. So far as its deliberative functions are concerned, it will be open to us to make very valuable contributions, and it will depend on our work whether we justify this two Chamber system, which is now an integral part of our Constitution. So, it is a test to which we are submitted. We are for the first time starting under the parliamentary system, with a second Chamber in the Centre and we should try to do everything in our power to justify to the public of this country that a second Chamber is essential to prevent hasty legislation."^{iv}

During the span of last sixty nine years, Rajya Sabha has performed its expected role with distinction and success. its performance has surely strengthened the Role and Relevance of Rajya Sabha in Indian Polity. Poverty alleviation, population stabilization, electoral reforms, speedy justice, national security are such areas which need fast track action based on consensus. It is essential to evolve an approach of action in respect of such important national issues based on consensus not only amongst political parties but also between the Centre and the States. Through serious discussion, deliberations and constructive debates Rajya Sabha should be making positive and specific recommendations on new strategies and programmes for appropriate legislative and executive follow-up actions. There has been substantial and significant contribution by members in the form of reasoned and dignified debates which also highlighted political consciousness. Pages after pages of Rajya Sabha debate shows how the concerns of the people's welfare and development, with a futuristic outlook guided deliberations in the House. As an illustration, it would be relevant to recall that the issue of deforestation and displacement outrivals from the forest lands was raised by a member as early as in the year 1952 itself. Indeed, the deliberations in the House have always been guided by long-term vision for growth and development in the larger interest of the people.

In the present political scenario, Rajya Sabha has a special role to bring about coherence and congruence in national and state development policies. Some other aspects relating to functioning of Rajya Sabha also deserve are view. We should have a critical look at the system of functioning of the committees of Rajya Sabha. Can we make their functioning more effective and purposeful? Also, how shall we enthuse our Members to be more proactive on key issues of national importance and act as healthy competitors in the endeavour to serve the nation? Deliberations and constructive debates, Rajya Sabha should be making positive and specific recommendations on new strategies and programmes for appropriate legislative and executive follow-up actions.

Rajya Sabha has also to be sensitive and concerned with the aspirations of the States. In the present political scenario, Rajya Sabha has a special role to bring about coherence and congruence in national and state development policies. Many programmes and projects of national importance often touch upon the sensitivity of the Centre-State relations. Inter-State water disputes and National Mission for interlinking of rivers are the typical examples. Rajya Sabha would need to be concerned with such sensitive issues and evolve suitable and appropriate manner of performing its role towards addressing these issues. The members of Rajya Sabha have the responsibility to further strengthen the roots of democracy in our country. They have also the responsibility to make our democracy not only the largest in the world but also a great democracy by building a strong and powerful India.

CONCLUSION

Today, there is great public interest in the functioning of our Parliamentary institutions. Performance and functioning of Parliament are under watch and scrutiny of public as well as the media. As House of Elders, and as Council of States, Rajya Sabha will have to give a lead and set high standards for other elected bodies including State Legislatures and Zila Parishads to emulate. That would also enthuse and inspire the younger generation and secure their participation in improving public governance and nation building. Today we need to ponder as to how to redefine and re orient the role of Rajya Sabha so as to make its performance more relevant and effective in meeting the present and the future challenges. We have the vision of making India a front line developed Nation. In this task, we shall have to face in the coming years challenges of economic growth and public governance. There will be growing pressure to fulfill the aspirations of the people, promote their welfare and undertake speedy development with efficient, hassle free and corruption free governance.^v

In addition to its present role of representation and accountability, the Rajya Sabha could be the House that represents difference in our polity, difference marked not merely by its culture but its diversity. Difference in India is encoded not merely around regions, languages, and communities but also in its egalitarian social relations. Representation through federal units hardly captures these multiple and often overlapping differences. There are some constituencies which will never be able to ensure their adequate representation through the electoral route: Muslims, women, linguistic, religious and ethnic diversity, regions such as the Northeast and Jammu & Kashmir; urban informal labor, the rural poor, just to name a few constituencies. The Constituent Assembly debates, and the need for the Upper House to be embedded, are a sufficient justification in this regard. One can understand the deep discomfiture that some of the nominated members feel in the House given the adversarial context in which they have to function. There are probably ways to shape representation that reaches out and connects to nodal concerns without being overwhelming

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