

C O N T E N T S

Introduction

Historical Background

Constitutional provisions in respect of the Rajya Sabha

The Role of the Rajya Sabha

(1) The Rajya Sabha as a Legislative Body

(2) Rajya Sabha's role in scrutinizing performance of the executive or ventilating public grievances

(3) Role of the Rajya Sabha through Private Members

(4) Rajya Sabha as a Debating Chamber

(5) Rajya Sabha as a Federal Chamber

The Chairman and some leading luminaries of the Rajya Sabha

Relationship between the First and Second Chambers

Concluding Observations

Select Bibliography

INTRODUCTION

The *raison d'etre* of a Second Chamber for a Parliament and of its status and role in the body politic has always remained a subject of animated and fierce debate. The need or otherwise of a Second House of a Legislature has been a vexed problem for political scientists and constitutional experts. In the annals of constitution-making, there are instances of great statesmen, writers and thinkers expressing divergent views and displaying sharp differences of opinion on the utility of a Second Chamber. Some have contended that a Second Chamber is undemocratic and subversive of the will of the people expressed and articulated through the popularly elected Lower House; while others have stressed the absolute need of such a House as, among other reasons, a safeguard against the tyranny of a Single-Chamber Legislature. For instance, we have on the one hand, the great French constitutional framer, Abbe Sieyes, who totally rejected

the concept of a Second Chamber with his well-known and oft-quoted observation that "if a Second Chamber dissents from the first it is mischievous; if it agrees, it's superfluous"; on the other, we have Sir Henry Maine pleading that almost any kind of Second Chamber is better than none. Again, Benjamin Franklin strongly opposed the presence of a Second Chamber likening it to a two-headed snake in the following illustration:

"She was going to a brook- to drink and in her way was to pass through a hedge, a twig of which opposed her, direct course; one head chose to go on the right side of the twig, the other on the left. So that time was spent in the contest; and, before the decision was completed, the poor snake died with thirst."

But for George Washington, the function of a Second Chamber was to act as a check in the legislative machine, as is evident from a well known incident in his life. Thomas Jefferson was one day protesting to George Washington at the breakfast table against the establishment of two Houses in the Legislature. Washington asked him, "Why do you pour that coffee into your saucer?" "To cool it", replied Jefferson. "Even so", said Washington, "we pour legislation into the senatorial saucer to cool it".

Thus many authorities could be cited either in favour of or against the need or utility of a Second Chamber. The subject of merits and demerits of a Second Chamber or the controversy between the retentionists and abolitionists of a Second Chamber is age-old and recurs from time to time. In 1982, the Commonwealth Parliamentary Association appointed a study group to report on the role of the Second Chamber. While the debate about the utility and role of a Second Chamber goes on, the fact is that most of the modern States have adopted a bicameral system of Legislature.

The reasons for favouring and preferring a two-Chamber Legislature are many. The important ones are these. First, there is a need for sober and second look at legislation which may be the result of political passions of a momentary nature or calculated tyranny of a dogmatic majority in the popular House. The Second Chamber, it is believed, is capable of giving opinions less dependent on the transient political emotions. In other words, the Upper House acts as a check on hasty, rash, ill-conceived and ill-considered legislation. Second, a Second Chamber provides for a more careful scrutiny of an issue in a calmer atmosphere; it acts as a corrective and complements to the First Chamber. Third, in the present times of growing complexity of legislation and a heavy legislative schedule, the Upper House is useful in sharing the burden of the Lower House. It helps plan legislative programme in such a way that Parliament as a whole can discharge its duty properly and effectively. Fourth, the Second Chamber can hold debates on matters of wide ranging public issues which otherwise may not be held in a Lower House occupied as it is with voluminous legislative and financial business. Fifth, the Upper House may serve as a device to give representation to the interests which remain unrepresented in the popular House. Sixth, the country may secure the services of its best talent by sending it to the Second Chamber since such a talent is generally shy of facing the rough and tumble of the hustings. Seventh, though the Executive is responsible to the popularly elected House, it can be influenced, if not controlled by the deliberations of the Second House. Eighth, bicameralism is almost indispensable in federations; both go hand

in hand. Finally, the Upper House can serve as a mechanism for promoting unity and integrity in a country composed of diverse castes, creeds, religions, languages and ethnic groups.

HISTORICAL BACKGROUND

When the Constitution of India was being framed and adopted, the framers of the Constitution were fully aware of, and took into consideration, all the points for and against having a Second Chamber and decided in favour of indispensable bicameralism at the Centre and optional bicameralism in the States. For a decade before the transfer of power in August, 1947 the constitutional framework in India was a makeshift arrangement, with provincial autonomy under the 1935 Constitution operating under a set-up at the Centre based on the relevant provisions of the Government of India Act of 1919. The Central Legislature in India was constituted in accordance with the provisions of the latter Act; it consisted of two Chambers, the Council of State and the Legislative Assembly. The Council of State had 60 members, and the Legislative Assembly 145. The Act of 1935 also envisaged a Legislature of two Chambers, known respectively as the Council of State to be composed of 260 members and the House of the Assembly (or the Federal Assembly) to be composed of 375 members. The federal scheme and the federal executive and the legislative machinery provided by this Act, however, never came into operation. In other words, the structure and composition of the legislative institutions provided in the previous enactments did not furnish any satisfactory 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.

There was a considerable volume of opinion against having a Second Chamber which might prove to be a "clog in the wheel of progress", involving expense and adding nothing to the efficiency of work. Replying to this criticism, Shri Gopaldaswami Ayyangar pointed out that the need for Second Chamber had been felt practically all over world wherever there were federations. He said:

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 debates on 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 the 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 favour of having such a chamber and taking care to see that it does not prove a clog either to legislation or administration. The Constituent Assembly agreed that there should be two Chambers of the Legislature.

CONSTITUTIONAL PROVISIONS IN RESPECT OF THE RAJYA SABHA

The Rajya Sabha and the Lok Sabha together with the President of India constitute 'Parliament of India'. The strength of the Rajya Sabha has been fixed at the maximum of 250 members. The total number of members in the Rajya Sabha, as presently constituted is 245 including the 12 nominated members. The allocation of seats to the various States is provided in the Fourth Schedule of the Constitution. Unlike the Lok Sabha the Rajya Sabha is not dissolved as a body, but one-third of its members retire every two years and their place is taken by new members. The Vice-President of India (who is elected by an electoral college consisting of members of both Houses) is the ex-officio Chairman of the Rajya Sabha. When the Vice-President acts as the President of India or otherwise performs the duties of the President, the duties of the Chairman of the Rajya Sabha are performed by the Deputy Chairman who is elected by the members of the Rajya Sabha from amongst themselves. The Deputy Chairman presides over the sittings of the Rajya Sabha in the absence of the Chairman.

Except in certain financial matters which are to be the sole concern of the Lok Sabha, Rajya Sabha enjoys co-equal status in all respects. A Money Bill cannot be introduced in the Rajya Sabha. It has to be introduced only in the Lok Sabha and after it is passed by that House, it has to be transmitted to the Rajya Sabha for its recommendation. The Lok Sabha has the power of either accepting or rejecting the recommendations, if any, made by the Rajya Sabha. If a Money Bill is not returned by the Rajya Sabha within fourteen days of its receipt to the Lok Sabha, it will be deemed to have been passed by both Houses after the expiry of the said period. Certain category of Financial Bills also cannot be introduced in the Rajya Sabha but there is no other limitation on the power of the Rajya Sabha with regard to such Bills and the Rajya Sabha has full powers to reject or amend a Financial Bill as it has in respect of any Bill other than a Money Bill. From this it will not, however, be correct to assume that the Rajya Sabha has nothing to do with any matters relating to finance. The Annual Budget of the Government of India has to be laid before the Rajya Sabha as well and members have the right to discuss the same like the Lok Sabha. Though the Rajya Sabha does not vote on Demands for Grants of various Ministries--a privilege exclusively reserved for the Lok Sabha--no money can be withdrawn from the Consolidated Fund of India unless the Appropriation Bill is passed by the Rajya Sabha also. Similarly, the Annual Finance Bill also passes through the Rajya Sabha. In the legislative field, except in regard to financial legislation, the Rajya Sabha enjoys real and substantial power, both as an originating chamber and as a revising chamber. The Constitution provides that in case of Bills other than Money Bills, final disagreement between the two Houses should be resolved through a joint sitting of the two Houses.

Under the Constitution, the Rajya Sabha possesses equal authority and power with regard to the amendment to the Constitution-there being no provision for a joint sitting with regard to such a Bill if a deadlock were to arise between the Lok Sabha and the Rajya Sabha. In other words, a Bill to amend the Constitution has to be passed by both the Houses of Parliament separately and in case one House fails to do so, the Bill fall through.

In addition, there are two special powers of the Rajya Sabha under the Constitution, Article 249 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. If such a resolution is adopted, Parliament will be authorised, to make laws on the subject specified in the resolution, for the whole or any part of the territory of India. Such a resolution will remain in force for such 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.

Another exclusive power of the Rajya Sabha is contained in Article 312 of the Constitution whereunder 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.

Yet another special power of the Rajya Sabha relates to the Proclamation of Emergency. The proviso to clause (4) of Article 352 of the Constitution, inter alia, provides that if a Proclamation of Emergency is issued when the House of the People remains dissolved and a resolution approving the Proclamation is passed by the Council of States the Proclamation, would be legally effective upto a maximum period of 30 days from the date on which the House of the People first sits after its reconstitution. This provision, therefore, appears to suggest that there might be an occasion when the Council of States could be called into a session at a time when the House of People stands dissolved. The proviso to clause (3) of Article 356 of the Constitution which relates to the Proclamation to be issued by the President in case of failure of constitutional machinery in a State, contains a similar stipulation.

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

1. Equal right with the Lok Sabha' in the election and impeachment of the President (Articles 54 and 61).
2. Equal right with the Lok Sabha in the election of the Vice-President (Article 66);
3. Equal right with the Lok Sabha to make law defining parliamentary privileges and also to punish for contempt (Article 105);

4. 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) and even a sole right in certain circumstances; and

5. Equal right with the Lok Sabha to receive reports and papers from various statutory authorities, namely:

(a) Annual Financial Statement [Article 112(1)];

(b) Audit Reports from the Comptroller and Auditor General of India [Article 151(1)];

(c) Reports of the Union Public Service Commission. [Article 323(1)];

(d) Reports of the Special Officer for the Scheduled Castes and Scheduled Tribes [Article 338(2)];

(e) Report of the Commission to investigate the conditions of the Backward Classes [Article 340(3)];

(f) Report of the Special Officer for Linguistic Minorities [Article 350 B(2)].

THE ROLE OF THE RAJYA SABHA

In reply to the felicitations offered to him on his assuming the Office of the Chairman of the Rajya Sabha, Dr. S. Radhakrishnan said in 1952:

There is a general impression that this House cannot make or unmake government and, therefore, it is a superfluous body. But there are functions which a revising chamber can fulfil fruitfully. Parliament is not only a legislative but 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 or do not 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 new parliamentary system, with a Second Chamber in the Centre, and we should try to do every thing in our power to justify to the public of this country that a Second Chamber is essential to prevent hasty legislation.

In the light of this observation it would be instructive to review the role played by the Rajya Sabha in the Indian constitutional system during the last four decades, so as to find out whether it has been able to live up to the lofty ideals propounded by India's philosopher-statesman and one of her most illustrious sons.

(1)The Rajya Sabha as a Legislative body

Since 1952 till the end of 188th session (2nd December, 1999) 688 Government Bills were introduced in the Rajya Sabha. Considering that a large part of the legislative business of Parliament is financial, as a House of initiation, the Rajya Sabha's record is not unimpressive. An analysis of the subject matter of the Bills introduced in the Rajya Sabha would reveal that many of them were of immense social, educational, legal, labour, medical and commercial importance. The entire Hindu Law enactments, Abolition of Whipping, Prevention of Corruption, slum Areas (improvement and Clearance), Bills relating to Foreign Marriage, Children-were some of the social measures introduced in the Rajya Sabha. Amongst the Bills relating to labour welfare, initiated in the Rajya Sabha, mention may be made of the Beedi and Cigar Workers (Conditions of Employment) Bill, the Bonded Labour System (abolition) Bill and the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Bill. Similarly, some important Bills in the fields of health (Medical Termination of Pregnancy Bill); education (Copyright Bill, Bills establishing Jawaharlal Nehru University, Pondicherry University and the Indira Gandhi National Open University, and law: the Code of Criminal Procedure Bill); were introduced in the Upper House. Another very important legislation relating to trade and industry which was initiated in the Rajya Sabha was the Monopolies and Restrictive Trade Practices Act, 1969.

As a revising Chamber, the Rajya Sabha has revised a number of Bills. Among the important Bills revised are the Income-tax (Amendment) Bill of 1961 and the National Honour Bill, 1971 wherein some very substantial amendments suggested by the Rajya Sabha were accepted by the Lok Sabha. The Dowry Prohibition Bill was another legislation in which the Rajya Sabha's insistence on its amendments led to the convening of a joint sitting of the two Houses and in that sitting one of the, amendments suggested by the Rajya Sabha was adopted without a division. The Urban Land (Ceilling and Regulation) Bill, 1976 was revised in eight clauses and the schedule. Substantial amendment amounting to major revisions in the Government of Union Territories (Amendment) Bill, 1977, and the Delhi Administration (Amendment) Bill, 1977, were carried by the Rajya Sabha by divisions. The Special Court Bill saw the Rajya Sabha playing a major revisory role when on March 21, 1979, it made two major amendments of farreaching importance in the Bill. Similarly the Delhi Apartment Ownership Bill, 1986, the Goa, Daman and Diu Reorganisation Bill, 1987, the Prevention of Corruption Bill, 1988, the Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Bill, 1988, the Commissions of Inquiry (Amendment) Bill, 1990, The Prasar Bharati (Broadcasting Corporation of India) Bill, 1990, the Code of Criminal Procedure (Amendment) Bill, 1990 and the Constitution (Scheduled Tribes) Order (Amendment) Bill, 1991, Advocates (Amendment) Bill, 1992, Passports (Amendment) Bill, 1993 were also amended by the Rajya Sabha in the recent past.

In regard to Constitution Amendment Bills, as already stated, the Constitution places both the Houses on par. Though it is true that most of the Bills to amend the Constitution had been introduced in the Lok Sabha,* both Houses have got equal power with regard to the

amending process and in order to amend the Constitution, a Bill must be passed by both the Houses of Parliament separately and there is no provision for a joint sitting to resolve a disagreement between, the two over a Constitution amendment Bill. On four occasions the Rajya Sabha asserted its role as a constituent body. The Constitution (Twenty-fourth Amendment) Bill, 1970, which was intended to abolish privy purses and which was passed by an overwhelming majority in the Lok Sabha was defeated in the Rajya Sabha by only a fraction of a vote and consequently the measure fell through. In the Constitution (Forty-fifth Amendment) Bill, 1978 as passed by the Lok Sabha, the Rajya Sabha deleted as many as five vital clauses and the Lok Sabha later agreed to the deletions made by the Rajya Sabha. It became the Constitution Forty-fourth Amendment Act 1978. Similarly, the Constitution (Sixty-fourth Amendment) Bill, 1989, and the Constitution (Sixty-fifth Amendment) Bill, 1989, though passed by the Lok Sabha, fell through in the Rajya Sabha. Those Bills sought to provide more autonomy, both financial and administrative to the Village Panchayats and Nagar Palikas, respectively.

(2) Rajya Sabha's role in scrutinising performance of the Executive or ventilating public grievances

How effective and assertive the Rajya Sabha is in the matter of reflecting people's problems and highlighting public issues, can be seen by watching the House during the 'Question Hour' any day, Through the device of questions, important matter on which public mind is agitated are raised. This device has been used not only to elicit information and ventilate public grievances but also to goad and force Government to admit executive lapses or to investigate into them. It has been able to secure important assurances and policy statements. some cases and compelled the Government to review their

Some of the important Constitution Amendment Bills introduced in Rajya Sabha are following:

- The Constitution (Twenty-first Amendment) Bill, 1967. It aimed to add Sindhi as a language in the Eighth Schedule.
- The Constitution (Fifty-ninth Amendment) Bill. This Bill was about the Emergency in Punjab.
- The Constitution (Sixty-second Amendment) Hill, 1989. The Bill sought to amend article 334 of the Constitution proposing to continue reservation for a further period of ten years beyond January 26, 1990, for the members of Scheduled Caste's and Scheduled Tribes in the legislatures.
- The Constitution (Seventy-sixth Amendment) Bill, 1992. It aimed at providing representation to the legislators of the legislatures in the Union Territories in the matter of election of the President.

- The Constitution (Eighty-first Amendment) Bill, 1994 The Bill sought to include land reform laws of various States in the Ninth Schedule.

- The Constitution (Eighty-sixth Amendment) Bill, 1999. The Bill sought to strengthen the Panchayati Raj Institutions.

To illustrate, subjects like cases of corruption against Chief Ministers/Ministers In States, loans advanced to the Jayanti Shipping Company, some LIC deals, activities of some business houses etc. were brought to the front in the Rajya Sabha during the Question Hours. The raising of questions had resulted in the appointment of commissions/courts of inquiry into policies and programmes in some of them. The license scandal of Tulmohan Ram was raised first in the Rajya Sabha during the question time. Needless to say that the Question Hour has, played a very significant role in the working of the Rajya Sabha.

Another device which has become popular and Purposeful is the Calling Attention This procedure has acquired a distinct importance in the Rajya Sabha due to concerted efforts on the part of Its members to make the best use, of it in the absence of the provision for adjournment motion Due to the practice of calling one member from each party to speak on the subject of calling attention, the discussion becomes an occasion for political parties to register their views on various issues and not merely a device to secure a statement from the Government Hence, in the Rajya Sabha, unlike the other House, the subject is discussed threadbare. Many times the discussion has lasted more than two hours converting it into a mini debate. For instance, in December, 1983, the House discussed a calling attention on the re-promulgation of Ordinances in some States, This provided a good opportunity to the House to discuss the Constitutional aspects of the phenomenon, Again in December, 1985 there was a calling attention regarding the delay in assenting to Bills passed by the State Legislatures and reserved for consideration of the President under article 200 of the Constitution Both the subjects were discussed in the Rajya Sabha for the first time and highlighted the constitutional issues involved.

More recently, some issues of vital importance, such as, deepening crisis in the handloom industry. situation arising out of signing of an agreement between Doordarshan and CNN, the Government's decision to handover Bailadilla mines being run by the National Mineral Development Corporation to a Calcutta based private firm, steep fall in the value of rupee against dollar, etc. were discussed in the Rajya Sabha through the device of calling attention.

The device of "special mention", which has come to be established by practice and convention without having any specific rule for the purpose in the Rajya Sabha Rules has acquired a significant place. It is a convenient mechanism to highlight or to bring to the notice of the House and the Government, matters of urgent public importance for the raising of which a Member may not get an early opportunity by tabling a Calling Attention Notice, Short Notice Question or a Short Duration Discussion, etc. The added advantage is that Members get replies to their special mentions from Ministers individually and know the facts and react on of the Government.

Apart from these, there are such well established procedural devices as short duration discussion', 'half-an-hour discussion'. motions', etc. which have been used in the Rajya Sabha from time to time to raise issues of public importance and there by making the Rajya Sabha fulfil its watch-dog functions, assess the performance of the Executive. oversee the administration and ventilate public grievances and reflect popular will.

(3) Role of the Rajya Sabha through Private Members

The Procedural devices, such as questions, calling attention, etc. are no doubt employed only by a member who is not a Minister. But under the Rules, two and a half hours of every Friday when the House 'is in Session are allotted alternatively to Bills and Resolutions to be initiated by a Private Member. Under this procedure a number of Bills have been introduced and resolutions moved since the inception of the Rajya Sabha in 1952. Upto the end of 169th Session (1993) 803 Private Members' Bills were introduced out of which 215 were discussed Although so far only five Bills-notable among them being the Indian Marine Insurance Bill, 1959 and the Indian Penal Code (Amendment) Bill, 1963---have gone into the statute book at the initiative of Members of the Rajya Sabha, the measure of success of a Private Member in the legislative field should not be reckoned in terms of the number of Bills becoming Acts of Parliament. The real merit of the procedure of Private Members' Bills lies in the opportunity it provides to members to actively participate in lawmaking, They get an opportunity to discuss ideas which may be in advance of time. Some of the Bills may prompt and promote future legislation as happened in the case of the Prevention of Cruelty to Animals Bill, which was initiated by a Private Member but on Government's assurance to appoint a Committee to go into the measure, the Bill was withdrawn. Later on the Government brought forth a comprehensive Bill on the subject

The same can be said about Resolutions A number of Resolutions" have been moved during all these years, on various matters of general public interest. Some of the Resolutions adopted are regarding prohibition of production of undesirable films, widening the scope of NCC, suspension of nuclear tests, environmental improvement, etc. Here mention may be made of the Resolution on abolition of privy purses which was adopted by the Rajya Sabha on December 19, 1969, even before the Government had brought the Constitution Amendment Bill, which as already stated, get defeated in, the Rajya Sabha by a fraction of a vote, Another Resolution which was discussed in 1958 related to abolition of capital punishment. It was withdrawn by the mover who while doing so observed "The purpose of my resolution is served, 'he ripples are created and it is in the air", In 1961 again a Similar Resolution was moved but negatived. Two years later in answer to a question. the Government gave an assurance that the debate of the 1961 Resolution would be forwarded to the Law Commission. This was done and the Law Commission gave its 35th Report on the subject.

(4) Rajya Sabha as a Debating Chamber

The Bryce Conference had observed that it would be more useful if discussions on important questions were carried on in a House where the results of such discussions would not involve the fall of the Government. Shri Gopaldaswami Ayyangar, one of the founding fathers of the Constitution of India expressed the opinion that "the most that you would expect the Second Chamber to do is perhaps to hold dignified debates on important issues". It is almost universally accepted that the debates in the Rajya Sabha, more particularly the special debates on subjects of greater national importance, have been of a high order and better informed. Though the Rajya Sabha does not vote on the Demands for Grants, a new practice has been started since 1970, to discuss the working of a few selected Ministries every year. Since these debates on Ministries entail no risks for the Government, their nature, character and efficacy differs vitally from those in the other House. The discussions are thorough, dispassionate and non-partisan. Through scintillating debates the Rajya Sabha has contributed to the glory of our parliamentary democracy. It is therefore, correct to say that despite built in limitations, the Rajya Sabha has been successful in evolving a distinct role for itself.

(5) Rajya Sabha as a Federal Chamber

But for 12 members nominated by the President for their special knowledge or experience, the remaining members are elected by the elected members of State Assemblies by a system of proportional representation by means of the single transferable vote. Although equality of seats for each State has not been provided for, the Rajya Sabha is generally taken to represent the constituent States. The powers it enjoys as representing the States' interest singles it out as a Second Chamber in a Federation. These powers, as already mentioned, relate to the passing of resolutions (i) to enable Parliament to make a law on a State subject for the whole of India or any part thereof (Article 249), (ii) to enable Parliament to create by law an All-India Service (Article 312), and (iii) to extend the life of a Proclamation in respect of a State under President's Rule in the event of the dissolution of the Lok Sabha (Article 356).

Under Article 249, Provisional Parliament had passed a resolution in 1950 and continued it by another resolution in 1951, conferring power on Parliament to legislate with respect to (i) trade and commerce within the State, and (ii) production, supply and distribution of goods. Accordingly Parliament enacted the Supply and Prices of Goods Act, 1950. In order to continue the same further, a resolution was passed by the Rajya Sabha (which had by that time come into being under the Constitution) in July, 1952. For the first time after its constitution, the Rajya Sabha adopted in August, 1952 by a special majority a resolution under Article 249, conferring power on Parliament to make laws to deal with terrorism in Punjab. The Indian Service of Engineers, the Indian Medical and Health Services and the, Indian Forest Service were created on the basis of the resolution passed

by the Rajya Sabha in 1961 and the Indian Agricultural Service and the Indian Educational Service in pursuance of a resolution passed in 1965. As regards the extension of life of a Proclamation in respect of a State under President's Rule, a two-day Special Session of the Rajya Sabha was called on 28 February and 1 March, 1977, to approve the continuance of the Proclamations issued by the President in respect of Nagaland and Tamil Nadu since the Lok Sabha had already been dissolved. Again on 3 and 4 June, 1991, a Session of Rajya Sabha was convened due to the dissolution of Lok Sabha, to approve the Proclamation issued by the President under Article 356 of the Constitution, in relation to the State of Haryana.

THE CHAIRMAN AND SOME LEADING LUMINARIES OF THE RAJYA SABHA

As observed by Bryce, institutions are said to form men, but it is no less true that men give to institutions their colour and tendency. The Rajya Sabha is a standing testimony to the profound truth of this observation. The tradition of dignified debates which has been built up by the House is the result of a happy combination of circumstances, not the least of which is the fact that all these years the Rajya Sabha has been fortunate in having as its Chairmen persons of great eminence. Dr. S. Radhakrishnan, the first Chairman was a philosopher and statesman of world repute. He was followed by Dr. Zakir Husain who was an educationist and a scholar of eminence and a man with a gracious personality. The third Chairman, Shri V.V. Giri was a famous labour leader, a person with socialist outlook and a true representative of the common man. Dr. Gopal Swaroop Pathak who succeeded Shri Giri was an eminent legal luminary. He was followed by Shri B.D. Jatti, a distinguished social and political worker. Shri M. Hidayatullah, the leading light of law and former Chief Justice of India, was the sixth Chairman. Shri R. Venkataraman, an able and experienced administrator who later became the President of India, was the seventh Chairman of the Rajya Sabha. Dr. Shanker Dayal Sharma, a scholar of eminence and an able administrator who later became the President of India, was the Eighth Chairman of Rajya Sabha. Shri K.R. Narayanan, a renowned scholar and an educationist of great repute who at present adorns The office of President of India, was the Ninth Chairman of Rajya Sabha. The present Chairman of Rajya Sabha Shri Krishan Kant was a freedom fighter. He is also a prolific writer. All of them have given an aura of dignity of the atmosphere of the House by conducting its proceedings with judicious combination of firmness, fairness and flexibility. They have enhanced the stature of the House and helped the Rajya Sabha play its proper role in the Indian Parliamentary System.

Another factor which has contributed to the maintenance of high level of debate and dignified character of the House is the galaxy of some very eminent personalities from diverse fields of national activities who have been members of the Rajya Sabha. The names of members who have adorned the seats of the Rajya Sabha in the past runs into a legion. They have added strength and lustre to this body, It would be a matter of envy and pride for any legislative chamber in the world to have such illustrious members as Dr

Zakir Husain, Prof. Satyendranath Bose, Shrimati Rukmini Devi Arundale, Shri Kakasahab Kalelkar, Shri Maithilisharan Gupta, Dr. Radha Kumud Mookerji, Shri Prithviraj Kapoor, Sardar K.M. Pannikar, Dr Salim Ali and many others to adorn its seats. This galaxy of eminent people was later joined by Shri M.F. Husain, the famous painter, Pt. Ravi Shankar, the internationally renowned sitarist, Shri R.K Narayan, novelist, Shrimati Amrita Pritam, poetess, Shrimati Ela Ramesh Bhatt, the social worker and Magsaysay Award winner Shrimati Vyjayantimala Bali, famous danseuse and veteran cine artiste, Dr Raja Ramanna, atomic scientist, Shrimati Shabana Azmi, noted film personality and social worker, Dr. C. Narayana Reddy, a renowned Telugu poet and Shri Kuldip Nayar, a well known journalist, author and human rights activist Shri Mrinal Sen, Ms Lata Mangeshkar, a renowned singer, Shri Foli S. Narimana a noted journalist , Shri Cho. S. Ramaswamy, a noted journalist and Shri Nana Deshmukh, a well known social worker. The presence of these persons of experience and expertise has made the Rajya Sabha a body to be looked upon with reference and expectation.

RELATIONSHIP BETWEEN THE FIRST AND SECOND CHAMBERS

In constitutional literature, the Rajya Sabha is regarded as the Second Chamber. But the Rajya Sabha does not play a secondary role. It is not a replica of the other House either. At the same time barring a few instances of discord between the two Houses in the early days, the relationship between the two Houses has all along been smooth. Both the Houses have developed their distinct personality and functional identity and yet at the same time worked in cooperation rather than confrontation, in harmony rather than as hindrance to each other. They have lived upto the ideal as propounded by Shri Jawaharlal Nehru:

Our guide must be our own Constitution which has clearly specified the functions of the Rajya Sabha and the Lok Sabha. To call either of these Houses, an Upper House or a Lower House is not correct. Each House has full authority to regulate its own procedure within the limits of the Constitution. Neither House, by itself, constitutes Parliament; it is (the President and) the two Houses together that are the Parliament of India. The Constitution treats the two Houses equally, except in certain financial matters which are to be the sole purview of the House of the People.

CONCLUDING OBSERVATIONS

From the above description of the role and achievements of the Rajya Sabha, it can be said without fear of contradiction that the Rajya Sabha is fulfilling its purpose as envisaged by the founding fathers of the Constitution. Since the basic concept and the institutions of parliamentary democracy were imported into this country as a result of the British rule in India, it is sometimes thought that the Indian Parliament is nothing but a replica of the Parliament of the United Kingdom and that in composition, power and

functions, the Rajya Sabha stands on an equal footing with that of the House of Lords in England. This is an entirely misconceived notion and an examination of the composition, functions and duties of the Rajya Sabha will lead to the conclusion that it bears very little resemblance with the House of Lords either in composition or function or importance. As a matter of fact, the Rajya Sabha is one of the few active Upper Houses in the world. It is not as powerful as the Senate in the United States of America but it is certainly not as ineffective as the Second House as the House of Lords.

As a legislative chamber, it has acquitted itself well in its revisory role. In the performance of watch-dog functions, it has at times even excelled the Lower House--the Lok Sabha. Despite some functional constraints the Rajya Sabha has kept its constant guard on the national and general public interest. This has made it, at times, the most boisterous and excited House. Although deprived of the power to throw out the Government or to formally express its lack of confidence in it, the Rajya Sabha has shown on many occasions its moral prowess and the strength of its collective will to bring the Executive to its knees, to expose corruption, irregularities and malpractices in administration. The proceedings of the House are replete with glaring and glorious instances in the non-legislative sphere of the Rajya Sabha's irrepressible will and considerable power of intervention in matters conferring public life and general good of the people. It has never been the defender of the vested interests or the entrenched classes. It has always displayed ample and sustained concern for the less privileged, the oppressed and the deprived. It has made full use of all the weapons available in the parliamentary armory such as questions, calling attention, etc., for the purpose.

It is difficult to recapitulate all the achievements and work done by the Rajya Sabha in nearly five decades. But there is no gain saying that as a legislative chamber, the Rajya Sabha has developed a vigorous and unique personality of its own. As a debating House, it has pulsated the public opinion. As a nation's apex parliamentary institution, it has tried to promote and foster feelings of national unity and integrity. By discussions and decisions, the Rajya Sabha has contributed to improving the quality of life of our people and strengthening their faith in our parliamentary democracy.

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