

Fifty Years of Rajya Sabha (1952-2002)

Origin and history

The demand for popular government and representative institutions such as Parliament remained central to our struggle for independence. The stalwarts of our epic fight for freedom and the founding fathers of our Republic had thus conjured up the vision of Parliament as the institutional embodiment of our democracy and sovereign authority of our people. The Council of States, the Second Chamber of the Indian Parliament, exemplifying that grand and challenging vision, was constituted in the year 1952. However, the origin of the idea for a Second Chamber can be traced to the "Montague-Chelmsford Report of 1919". In its proposals for Constitutional Reforms for India, the Report recommended the establishment of such a chamber which, of course, was not in consonance with the avowed objectives and spirit of democracy and bicameralism as are understood in political theory and practice. Translating the proposals of this Report into action the Government of India Act, 1919, as passed by the then Imperial Parliament, created the Second Chamber, the nomenclature of which was the Council of State and which did not reflect the federal features in true sense and was in many ways a truncated and deformed version of a Second Chamber prevailing then in many democracies. Based on restricted franchise and consisting of large number of members nominated by the Government, the Council functioned as a part of a calculated strategy to go against many of the decisions of the Central Assembly which was largely an elected House. The narrow and restricted conception of the Council was evident from the fact that women were neither given the right to cast their votes in the elections to the Council nor was they permitted to stand as candidates in such elections. This decision of colonial rulers stood in sharp contrast to the submission of a petition in 1917 to the British Parliament, by a delegation of women led by Shrimati Sarojini Naidu, demanding voting rights for women of our country on the basis of equality with men. The Council, empowered with overriding authority over the Assembly, was viewed as a mechanism to protect colonial interests and, therefore, contrary to the spirit of our struggle for independence. The Second Chamber in colonial era thus could be called a Government Chamber and, therefore, was not based on the well expounded governing principles of bicameralism. The Simon Commission assessing the functioning of the Council went deep into the method of its formation and stated the following which brought to focus the kind of a convoluted Second Chamber we had in India and against the backdrop of which we strove to establish a genuine Second Chamber of the Indian Parliament.

The electorate for the Council of State has been so framed as to give the Upper House a character distinct from that of the Legislative Assembly, and indeed the franchise is extremely restricted. Property qualifications have been pitched so high as to secure the representation of wealthy landowners and merchants; previous experience in a Central or Provincial Legislature, Service in the Chair of a Municipal Council, membership of a University Senate, and similar tests of personal standing and experience in affairs qualify for a vote. Electors are for the most part grouped in communal constituencies... women

are not entitled to vote at elections to the Council of State or to offer themselves for elections...

As stated earlier, right from the days of freedom struggle attempts were made to set up a Second Chamber suited to the genius and ethos of our country and in tune with the ideals of bicameralism. In 1928, seven years after the Council of State was established, a report drafted by a Committee under the Chairmanship of Shri Motilal Nehru gave an outline of the future Constitution of India. Popularly hailed as the Nehru Committee Report, it advocated the adoption of parliamentary democracy and sharply focussed attention on the necessity of a bicameral legislature for India.

However, the Council of State continued to function till India became independent and thereby firmly giving us a tradition of bicameralism which was later reformed and reformulated taking into account the challenges of development in the context of independence from centuries of foreign rule.

The Constituent Assembly deeply applied itself to the question of the Second Chamber and established a Committee called the Union Constitution Committee under the Chairmanship of Shri Jawaharlal Nehru to submit a detailed report about the structure and function of the future legislature of our country. The Report suggested for establishment of a bicameral legislature which the Assembly after serious deliberation adopted. Even though Shri Jawaharlal Nehru was sceptical about the effectiveness of the Second Chamber and had expressed his opinion on this issue in 1936 stating that such "... Chamber will be reactionary and will... check any forward tendencies in the Lower House", he remained a moving force behind the establishment of the Council of States for independent India. His vision was amply manifested in the Report of the Union Constitution Committee which has been dealt with above. Shri Ananthaswamy Ayyangar's remarks in support of the establishment of the Council of States summed up the vision of the founding fathers of our Republic in infusing the spirit of bicameralism in our legislative framework and the need to "... find opportunity for various people to take part in politics". Referring to the buoyant mood of the people immediately after independence he said, "... it is necessary that we should have another House where the genius of the people may have full play". Outlining the rationale for such a House he noted that "... whatever hasty legislation is passed by the Lower House may be checkmated by the go-slow movement of the Upper House." Further adding that "the Upper House is a permanent body while the Lower House is not", he argued for a Second Chamber which remained permanent beyond the scope of dissolution "in the interests of the progress of this country".

The main purpose behind the creation of a legislative structure for India was to provide a democratic forum for people's representatives and to restore the political and social unity of our country. Granville Austin in his book *The Indian Constitution: Cornerstone of a Nation* articulated this idea when he wrote that "The goals of the Constituent Assembly when drafting the legislative provisions of the Constitution were to bring popular opinion into the halls of government and, by the method of bringing it there, to show Indians that although they were many people, they were but one nation". The Council of States as a unit of the legislative structure was entrusted with the historic

responsibility of unifying the nation. It did so by representing the States and Union territories and voicing their interests. Dr. B.R. Ambedkar, the Chairman of the Drafting Committee of our Constitution while clarifying an important point in the Constituent Assembly about the role of the Council of States acknowledged that "...ex hypothesi" it "represented the States".

The Council representing the units of federation, in fact, also represented in a more fundamental and deeper sense the unity of our country as expressed through its many States and diversities of cultures, religions, languages and customs. In fact, the establishment of the Council of States and its functioning for the last five decades must be seen in a much more broader and deeper context than is usually understood.

The first Vice-President of India and the first Chairman of the Rajya Sabha, Dr. S. Radhakrishnan while responding to the felicitations of the Members of the Council of States on 13 May 1952, defined in broad terms the function of the House and stated :

There is a general impression that this House cannot make or unmake governments 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 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.

Functioning within the parameters of the Constitution to carry out its mandate to legislate and deliberate, the Council of States has engaged itself incessantly to translate into action the lofty vision of the founding fathers of the Republic.

Position of Rajya Sabha in Indian Polity and its Composition

Parliament of India consists of the President of India and the two Houses known as the Council of States i.e., Rajya Sabha and the House of the People, i.e., Lok Sabha* The President thus is an integral part of Parliament. The Rajya Sabha, the Hindi nomenclature of the Council of States was adopted in 1954.

Membership of Rajya Sabha, as provided in the Constitution cannot be more than two hundred and fifty - two hundred and thirty-eight members representing the States and Union territories and twelve members nominated by the President. The representatives of the States are elected by the elected members of State Assemblies in accordance with the system of proportional representation by means of the single transferable vote. The

representatives of the Union territories in Rajya Sabha are chosen in accordance with law enacted by Parliament.

There are twelve members nominated by the President from amongst the persons having special knowledge or practical experience in such areas of life as literature, science, art and social service.

Presently, the Rajya Sabha has two hundred and forty five members. This membership has changed from time to time since its inception in 1952. It has gradually increased from 216 in 1952 to 245, its present membership.

Distribution of seats among different States/Union territories

Rajya Sabha being a federal chamber, States and Union territories have been allocated seats in this House on the basis of population. As a result, number of seats allocated to its federating units is not uniform as is the case in other federal chambers. The founding fathers of the Indian Constitution did not favour the idea of providing equal representation to the constituent units of the Indian Union. The size and population of different States and Union territories in India vary considerably. If all these States are provided equal representation in the Rajya Sabha, the smaller States and Union territories, which are greater in number, may sometimes prevail upon the wishes of the bigger States. Moreover, the special circumstances, which existed in the United States of America and Australia, which led them to provide equal representation to the federating Units in the Senate, did not exist in India. Indian federation was not formed out of any contract between the constituent units. Number of members to be elected from different States and Union territories are as follows:-

States	No. of Members
Andhra Pradesh	18
Arunachal Pradesh	1
Assam	7
Bihar	16
Chhattisgarh	5
Goa	1
Gujarat	11
Haryana	5
Himachal Pradesh	3
Jammu and Kashmir	4
Jharkhand	6
Karnataka	12
Kerala	9
Madhya Pradesh	11
Maharashtra	19

Manipur	1
Meghalaya	1
Mizoram	1
Nagaland	1
Orissa	10
Punjab	7
Rajasthan	10
Sikkim	1
Tamil Nadu	18
Tripura	1
Uttaranchal	3
Uttar Pradesh	31
West Bengal	16
Union territories	
The National Capital Territory of Delhi	3
Pondicherry	1
Nominated by the President under Article 80(1)(a) Of the Constitution	12

Total	245
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Rajya Sabha is a permanent body and is not subject to dissolution. However, one-third of its members retire biennially. A member who is elected for a full term retains his membership for six years. He is eligible for re-election. A member elected to a seat rendered vacant due to resignation, etc., serves for the remaining term only. After Rajya Sabha was constituted for the first time in 1952, the term of office of some of the members then chosen was curtailed as per the provisions contained in the Council of States (Term of Office of Members) Order, 1952, made by the President in order that as nearly as may be, one-third of the members holding seats in the House would retire every second year. As per this Order, one-third of the members retired in 1954 and 1956 and on each occasion elections were held and nominations made to fill the seats thus vacated.

Qualification for membership

A person for being chosen a member of Rajya Sabha must be a citizen of India and must not be less than thirty years of age. Besides, he has to be an elector in parliamentary constituency in the State from where he intends to seek election to Rajya Sabha.

Disqualification for membership

A person could be disqualified for being chosen a member of Rajya Sabha-

- (a) 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;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State; and
- (e) if he is so disqualified by or under any law made by Parliament.

However, being a Minister either of the Union or of any State does not amount to holding an office of profit. Parliament has enacted laws exempting holders of certain offices from being disqualified as Members of Parliament on this ground.

Disqualification on the ground of defection

Besides, the Constitution provides for disqualification of members on the ground of defection. As per the provisions contained in the Tenth Schedule to the Constitution, a person shall be disqualified for being a member, if he has voluntarily given up the membership of his political party; or if he votes or abstains from voting in the House contrary to any direction issued by the political party to which he belongs, unless such voting or abstention has been condoned by the political party within fifteen days.

An elected member who has been returned to the House as an independent candidate shall incur disqualification, if he joins any political party after such election.

A nominated member of the House shall be disqualified from the membership of the House, if he joins any political party after the expiry of six months from the date of his taking seat in the House. He can join a political party, if he so chooses within the first six months of his term.

Disqualification on ground of defection, however, does not apply in case of 'split' in a political party or 'merger' of political parties in the House. Under the provisions contained in the Tenth Schedule to the Constitution, split is said to have occurred if one-third members of a party in the House decide to break away and form a different party in the House. 'Merger' of original political party of a member is deemed to have taken place only if not less than two-thirds of the members of the party have agreed to such merger.

The provisions of disqualification, under the Tenth Schedule, will not apply to a member who on his election as the Speaker or the Deputy Speaker of Lok Sabha and the Deputy Chairman of the Rajya Sabha or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State, voluntarily gives up his membership of the political party to which he belonged immediately before his election or rejoins such political party after he ceases to hold such office.

The Chairman or, as the case may be, the Speaker has been given the final authority to decide questions of disqualification of a member of a House under the provisions of the Tenth Schedule to the Constitution.

Presiding Officers

The Vice-President of India is ex officio Chairman of Rajya Sabha. The House also elects a Deputy Chairman from among its members. There is also a 'Panel of Vice-Chairmen' in Rajya Sabha. In the absence of Presiding Officers, a member from the Panel of Vice-Chairmen presides over the proceedings of the House. The Presiding Officers play an important role in the smooth functioning of the House and their offices are of great authority and dignity. They function in the House with total impartiality, which is an indispensable concomitant for successful working of parliamentary democracy.

Secretary-General

Apart from the Presiding Officers, the Secretary-General is another functionary whose contribution to the smooth functioning of the House is of great importance. The Secretary-General is appointed by the Chairman of Rajya Sabha and holds rank equivalent to the highest civil servant of the Union. The Secretary-General works with near anonymity and is readily available to the Presiding Officers as also the members for advice on parliamentary matters. The Secretary-General is also the custodian of the records of the House. He heads the Rajya Sabha Secretariat, whose officials work behind the scene under his guidance and control.

Federal Chamber

The Indian Constitution envisages a federal polity where the lower House is directly elected by the people and the upper House is elected by elected members of the Legislative Assemblies of the States and the two Union territories except for the twelve members who are nominated by the President under the provisions of article 80(1)(a) of the Constitution. As the Legislative Assemblies are directly elected by the people, the democratic character of Rajya Sabha has been fully maintained by having its members elected by these legislative bodies.

As the term of office of members of Rajya Sabha is longer than those of the members of Lok Sabha and one-third members of Rajya Sabha retire every second year, sometimes it happens that the majority party in Lok Sabha may not have the majority in Rajya Sabha as well. There have been some occasions in the past when the Government of the day did not enjoy majority in Rajya Sabha. Rajya Sabha has played its role effectively in providing checks and balances in the legislative machine. Under article 75(3) of the Constitution, the Government of the day is responsible to Lok Sabha alone; Rajya Sabha cannot make or unmake the Government. The Government, however, is equally accountable to this House as well and this function becomes quite prominent particularly when the party in power does not enjoy majority in Rajya Sabha. In such a situation, sometimes there may arise a deadlock between the two Houses. Of course, in the case of a Money Bill, there cannot be a deadlock between Lok Sabha and Rajya Sabha. Lok Sabha clearly enjoys pre-eminence over Rajya Sabha in financial matters. As regards the Constitution amendment Bill, it has been provided in the Constitution that such a Bill has to be passed by the specific majority, as prescribed under article 368 of the Constitution, by both Houses. There is, therefore, no provision for resolving a deadlock between the two Houses in regard to a Constitution amendment Bill. In fact, in

1970, the Constitution (Twenty-fourth Amendment) Bill, which aimed at abolishing the privy purses, etc., of the erstwhile rulers, was passed by Lok Sabha. The Bill, however, was defeated in Rajya Sabha. Similarly, the Constitution (Sixty-fourth Amendment) Bill, 1989 which intended to insert in the Constitution provisions relating to Panchayats and the Constitution (Sixty-fifth Amendment) Bill, 1989, which intended to introduce provisions relating to Nagar Panchayats and Municipalities, though passed by Lok Sabha fell through in Rajya Sabha. In one of the most recent cases the Prevention of Terrorism Bill, 2001, as passed by Lok Sabha was defeated in the Rajya Sabha. However, as stated in the following paragraph subsequently the Bill was passed in a joint sitting of both the Houses.

In case of an ordinary legislation, however, to resolve a deadlock between the two Houses, a provision has been made in article 108 of the Constitution, for the joint sitting of both Houses. In fact, there have been three occasions in the past when the Houses of Parliament had met in a joint sitting to resolve the differences. In 1961, a joint sitting of Lok Sabha and Rajya Sabha was convened to resolve deadlock on the Dowry Prohibition Bill, 1959. Again, in 1978, the two Houses had met in a joint sitting on the Banking Service Commission (Repeal) Bill, 1977. In 2002, both the Houses met in joint sitting to clear the Prevention of Terrorism Bill, 2001.

President's Address

Under article 87 of the Constitution, President addresses both the Houses of Parliament assembled together at the commencement of the first session after each general election to Lok Sabha and at the commencement of the first session of each year. In this Address, President informs Parliament of the causes of its summons. The discussion on the Address is initiated through a Motion of Thanks moved by a member and seconded by another member both of whom are from the ruling party. Amendments can be moved to the Motion of Thanks and if an amendment is carried, the Motion of Thanks as amended is put to the House and adopted. A Motion of Thanks when passed in an amended form clearly reflects that the Government of the day is not enjoying majority in the House. There had been three occasions when the Motion of Thanks on the President's Address was adopted with amendments in Rajya Sabha. For the first time, the Motion of Thanks on the President's Address was amended in 1980. Again, the Motion of Thanks on the President's Address was passed in an amended form in 1989. On 12 March 2001, once again, the Motion of Thanks on the President's Address was adopted in an amended form. Such amendments to the Motion of Thanks on the President's Address constitute unique landmarks in the evolution of our democracy and impart distinct identity to the Council of States and enhance its importance as a legislative and deliberative chamber.

Legislative Functions

Social change and promotion of welfare of the people through measures emerging out of clash of opinions and passing of legislations in representative bodies remain at the core of democratic method of transforming a society. Such an approach which India adopted immediately after independence was considered by many as formidable and indeed impossible in the context of the situation prevailing then, marked by low levels of social and economic development, rampant poverty and backwardness and massive drain

of our resources arising out of centuries of colonial rule. The twin forces of our nationalism and democracy acted as the liberating force and heralded a renaissance for our country and activated us for dedicating ourselves for all round development of the country. Our constitutional apparatus, of which representative institutions formed the central lever, directed its efforts for the gigantic task of uplifting India from the depths of deprivation, illiteracy, ill-health and host of other maladies gravely retarding our progress for ages. No wonder Prof. Granville Austin described our Constitution as "first and foremost a social document". This social document enabled us to generate impulses for democratic upsurge of modern India. Dr. B.R. Ambedkar, the principal architect of our Constitution, urged everyone to avoid the unconstitutional path and adopt constitutional methods to achieve social and economic objectives. Infused by the spirit of the Constitution and democracy, the legislative bodies produced legislations behind which, for the first time, remained people's authority for change and progress. Such a democratic method of transforming India against the background of the intimidating problems we confronted, constituted a unique adventure, the scale and immensity of which is unprecedented in history. The way social and economic changes were brought about by protecting the political rights of our people and the way in which the issue of social justice was integrated with civil liberties of the citizens, make India a role model of democratic governance. India's emergence as a democratic republic and the social transformation we have hitherto experienced without causing violent upheavals and bloodshed attest to the success of democracy which has suffered serious erosion and even obliteration in many countries of the world.

The success of a legislature depends on the extent to which it becomes the spokesperson of the people. Articulation of people's interests, the redressal of their grievances and the manner in which its proceedings become relevant for their lives remain at the root of a legislature's popularity, relevance and effectiveness. Rajya Sabha as part of our Parliament initiated, deliberated and passed such legislations, which have contributed to the emergence of what former President Shri K.R. Narayanan, called "a Legislative State for the first time in our history". The people of India as a whole and the instrument of State apparatus have been enabled through such legislations to bring about desired and momentous changes in society. It has since its inception witnessed the introduction of numerous legislations the depth and content of which encompassed the interests of the common and suffering sections of our society. For instance, introduction of legislations in Rajya Sabha such as the Hindu Marriage and Divorce Bill, 1952; the Hindu Succession Bill, 1954; the Medical Termination of Pregnancy Bill, 1969; the Indecent Representation of Women (Prohibition) Bill, 1986; the Indian Succession (Amendment) Bill, 1991; the Marriage Laws (Amendment) Bill, 1999, etc., indicates the sensitivity of the House and its members towards the problems of women who have remained victims of society and outmoded social practices. The introduction of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Bill, 2001 in the Council is a step which recognises the fact that a woman, what to speak of society, is not even safe in her mother's womb. Such legislations take up the cause of women at the highest forum of our democracy and deliberations on them educate and sensitize public opinion about the problems and make people aware of the necessity of solving them by their own initiatives. Meaningful discussions on the floor of the House on path breaking legislative proposals are of paramount significance in influencing the

government, the people and civil society for effective action outside legislature. Host of other legislations introduced in the Council of States with a view to preventing food adulteration (the Prevention of Food Adulteration (Amendment) Bill, 1974); abolishing bonded labour system (the Bonded Labour System (Abolition) Bill, 1976); prohibiting and regulating child labour (Child Labour (Prohibition and Regulation) Bill, 1986); rehabilitating the physically challenged people (the Rehabilitation Council of India Bill, 1992), enabling the concerned people to get organs from the brain dead persons for transplantation purposes (The Transplantation of Human Organs Bill, 1994) point out the vision of the Council in taking appropriate measures for the welfare of the underprivileged and the needy. Such efforts of the Council to remain connected with the ordinary people's problems inspire confidence among them that their representatives with their mandate are there to safeguard their interests.

The close correspondence between the functioning of the House pulsating with problems of society and people is a pointer towards the vitality of democracy. The vitality of the Council of States is reflected by the way it addressed one of the predominant concerns of our age - dwindling wildlife and degradation of environment. Introduction of the Wildlife Protection (Amendment) Bill, 1991 in Rajya Sabha is an exemplification of the concerns of the House for one of the overriding issues of our time.

The examples cited above are not exhaustive but expressive of numbers of such measures initiated in the Council of States. In fact, espousal of an issue by the members and approval accorded to it by the House through its variety of procedural devices imparts importance and strength to it which otherwise would not have been obtained in any other forum. Therefore, legislative functions of the Council of States are of supreme importance.

Legislative Initiatives

Rajya Sabha's record in initiating legislative measures is a testimony to the fact that while it may be a Second Chamber, it cannot be treated as a secondary chamber. In matters of ordinary legislation, it has equal powers with that of Lok Sabha. In a number of cases, Rajya Sabha had recommended changes in the Bills passed by Lok Sabha and those changes were, in fact, carried out eventually. The Income Tax (Amendment) Bill, 1961; the Prevention of Insults to National Honour Bill, 1971; the Urban Land (Ceiling and Regulation) Bill, 1976; the Government of Union territories (Amendment) Bill, 1977; and the Delhi Administration (Amendment) Bill, 1977 are such instances in which the amendments made by Rajya Sabha were accepted by Lok Sabha. Similarly, the Delhi Apartment Ownership Bill, 1986; the Goa, Daman and Diu Reorganization Bill, 1987; the Prevention of Corruption Bill, 1988; the Bharat Petroleum Corporation Limited (Determination of Conditions of Employees) Bill, 1988; the Code of Criminal Procedure (Amendment) Bill, 1990; the Commissions of Inquiry (Amendment) Bill, 1990; the Prasar Bharati (Broadcasting Corporation of India) Bill, 1990; the Constitution (Scheduled Tribes) Order (Amendment) Bill, 1991; the Advocates (Amendment) Bill, 1992; the Passports (Amendment) Bill, 1993; the Small Industries Development Bank of India (Amendment) Bill, 2000; the Madhya Pradesh Reorganization Bill, 2000; the Uttar Pradesh Reorganization Bill, 2000; the Bihar Reorganization Bill, 2000; and the Indian Council of World Affairs Bill, 2001 were also amended by Rajya Sabha in the recent past.

Rajya Sabha has not remained content with its role merely as a revisory chamber. In a number of cases it has, in fact, asserted itself. Rajya Sabha was able to introduce amendments in the Constitution (Forty-fifth Amendment) Bill in 1978, which were accepted by Lok Sabha and it became the Constitution (Forty-fourth Amendment) Act, 1978. This amending Act, inter alia, took away from the category of Fundamental Rights, the right to property and put the right to life and liberty on a secure footing. This Act also provided safeguards against the misuse of emergency provisions and guaranteed the right of the media to report freely the proceedings of Parliament and the State Legislatures. In 1989, the Constitution (Sixty-fourth Amendment) Bill and the Constitution (Sixty-fifth Amendment) Bill pertaining to the Panchayati Raj and Nagar Palika institutions, respectively which had earlier been passed by Lok Sabha were defeated in the Rajya Sabha. In the year 2002, Rajya Sabha rejected the Prevention of Terrorism Bill, 2001 as passed by Lok Sabha.

As stated earlier, Rajya Sabha has on occasions amended the Motion of Thanks on the Address by the President. On 30 January 1980, an amendment to the Motion of Thanks on the Address by the President was adopted in Rajya Sabha for the first time. This happened again on 29 December 1989, when Rajya Sabha adopted six amendments to the Motion of Thanks on the President's Address. On 12 March 2001, once again, the Motion of Thanks on the Address by the President was adopted in amended form.

Private Members' Bills and Resolutions

Since in the parliamentary system, Government enjoys majority in the House and a large part of the time of Parliament is devoted to the handling of Government legislative business, legislative initiatives by private members often do not succeed. Since 1952 upto the end of the one Hundred and Ninety-seventh Session(December, 2002), 1206 Private Members' Bills have been introduced out of which 296 were considered. So far, only fourteen Private Members' Bills have found place in the statute book, out of which five were introduced in the Rajya Sabha. These are:(i) the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance(Second Amendment)Bill, 1954; (ii) the Hindu Marriage (Amendment)Bill, 1956; (iii) the Indian Marine Insurance Bill, 1959; (iv) the Orphanages and other Charitable Homes (Supervision and Control) Bill, 1959; and (v) the Indian Penal Code (Amendment) Bill, 1963. The measure of success of a private member's legislation cannot be reckoned in terms of the number of Bills becoming Acts of Parliament. The strength of the procedure of private member's Bills lies in the opportunity they provide to members to actively participate in proposing legislative measures and in influencing the Government thinking on such issues which are of great national and public importance. In fact many private members' initiatives have actuated the government to bring in comprehensive legislations on many subjects. For instance, the Bill introduced by nominated member, Shrimati Rukmini Devi Arundale to prevent the cruelty against animals influenced the government to introduce such a legislation which eventually became an Act.

Through the instrumentality of Private Members' Resolution, Members of Parliament belonging to Rajya Sabha have produced such parliamentary work which made lasting impact on the lives of our people. In fact, Private Members Resolutions are described as "...mirrors with high reflectance value". A survey of the Resolutions

adopted in Rajya Sabha educates us about their significance in sensitizing government and the people on many crucial issues of our society. Adoption of many Resolutions gave rise to important measures for taking socially useful steps. Some of the adopted Resolutions which influenced the Government to bring about important changes have been noted below:

Prohibiting exhibition of undesirable films, moved by Shrimati Lilavati Munshi (Cinematograph Act was amended in 1959); enfranchisement of displaced persons from Pakistan, moved by Shri B.C. Ghose (Citizenship Act was amended in 1955); widening the scope of NCC/ACC, moved by Dr. (Shrimati) Seeta Parmanand; giving preference to Indian owned/controlled advertising agencies for advertisements by Railways, Government companies, etc., moved by Shrimati Violet Alva; full mechanisation of coal and ore port on the West Bank of lower Hooghly, moved by Prof. Humayun Kabir; appeal to Governments in world to suspend nuclear tests, moved by Shri Mulka Govinda Reddy; appointment of a committee to enquire into procedures for sanctioning exhibition of films, moved by Shri S.B. Bobdey (Khosla Committee was appointed); abolition of privy purses and privileges of ex-rulers, moved by Shri Banka Behary Das (Constitution Amendment Bill for the purpose fell in the Rajya Sabha; later it was re-introduced and passed); advertisement to Indian owned/controlled advertising agencies moved by Shri Joachim Alva (this was in furtherance of the earlier resolution moved by Shrimati Violet Alva); improvement of urban slums, moved by Shrimati Monika Das; appealing to world community to stop blood-shed in Afghanistan, moved by Shri Chaturanan Mishra; atrocities on women, moved by Shri Viren J. Shah*.

There are several such Resolutions which can be referred to for underlining the role of the Rajya Sabha in influencing the thinking of the government and people on current and crucial problems of national and international significance.

Constituent Power

As far as the constituent power of Parliament is concerned, Rajya Sabha has equal power with Lok Sabha. A Constitution amendment Bill can be introduced in either House of Parliament and has to be passed by each House. In case there is any disagreement between Lok Sabha and Rajya Sabha, a Constitution Amendment Bill naturally falls through. There is no provision for a joint sitting of both the Houses to resolve a deadlock on a Constitution amendment Bill. The joint sitting of both Houses can be convened to iron out differences between the two Houses only on an ordinary legislation. Some of the important Constitution amendment Bills introduced in Rajya Sabha were the Constitution (Twenty-first Amendment) Bill, 1967, which aimed to add Sindhi as a language in the Eighth Schedule; the Constitution (Fifty-ninth Amendment) Bill, 1988 relating to the extension of President's rule in Punjab beyond

specified time, as the State was facing the worst kind of terrorism; the Constitution(Sixty-second Amendment)Bill, 1989, which sought to amend article 334 of the Constitution proposing to continue reservation for a further period of ten years beyond 20 December 1989 for members of the Scheduled Castes and the Scheduled Tribes in the Legislatures; the Constitution(Seventy-sixth Amendment)Bill, 1992 which aimed at providing representation to the legislators of the Legislatures of the Union territories in the matter of election of the President; the Constitution(Eighty-first Amendment)Bill, 1994, which sought to include land reform laws of various States in the Ninth Schedule; and the Constitution (Eighty-sixth Amendment)Bill, 1999, which sought to provide a legal and constitutional basis for Panchayati Raj Institutions in Arunachal Pradesh in accordance with the socio-political ethos of the State.

Some Special Powers of Rajya Sabha

Apart from making laws and amending the Constitution, in several other matters also, Rajya Sabha enjoys equal powers with Lok Sabha. In approving a Proclamation of Emergency (article 352) and in relation to a State coming under President's Rule (article 356) and any other subsequent Proclamations issued by the President during that period, Rajya Sabha has been assigned equal powers with Lok Sabha. It has been granted special powers in these matters especially when Lok Sabha has been dissolved or the dissolution of Lok Sabha takes place within the period allowed for the approval of the Proclamation. The Proclamation can remain effective if a resolution approving it is passed by Rajya Sabha. For instance, Rajya Sabha met in a brief Session on 28 February and 1 March 1977 to extend the period of President's rule in the States of Tamil Nadu and Nagaland. At that time, Lok Sabha stood dissolved. Due to the dissolution of Lok Sabha, a Session of Rajya Sabha was convened on 3-4 June 1991 to approve the Proclamation issued by the President under article 356 of the Constitution in relation to the State of Haryana. The Proclamation was approved by Rajya Sabha on 4 June 1991.

(i) Legislation on a Subject in the State List

The Constitution contains certain special provisions for Central intervention in the State legislative field. As an embodiment of the federal principle, the Rajya Sabha has been assigned two special powers in this regard. Under article 249 of the Constitution, if the Rajya Sabha adopts a resolution by a majority of not less than two-thirds of the members present and voting, stating 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 specified in the resolution, Parliament will assume power to make laws for the whole or any part of the territory of India in respect of that subject.

(ii) Creation of All India Services

Again, under article 312, if Rajya Sabha passes a resolution by a majority of not less than two-thirds of members present and voting, declaring that it is necessary in the national interest to create one or more All-India Services common to both the Union and the States, Parliament will acquire the power to create by law such services. Thus, in pursuance of a resolution passed by Rajya Sabha on 6 December 1961, the Indian Engineering Service, Indian Medical and Health Service and the Indian Forest Service were created. A similar resolution for the creation of the Indian Agricultural Service and the Indian Educational Service was passed by the House on 30 March 1965. The

Constitution has given special powers to Rajya Sabha as the resolution adopted by it by a specified majority would tantamount to the giving of consent by the States. The two-thirds majority has been prescribed as there is no equality in respect of the representation of the States in Rajya Sabha.

Financial Functions

Though Rajya Sabha has limited powers in financial matters, the role assigned to it in this regard is by no means insignificant. The Constitution provides that the Annual Budget of the Union Government is to be laid before both Houses of Parliament. Rajya Sabha discusses both the Union and the Railway Budgets, though it does not vote on the Demands for Grants of various Ministries- a matter exclusively reserved for Lok Sabha. No money, however, can be withdrawn from Consolidated Fund of India, unless the Appropriation Bill has been approved by both Houses. The Finance Bill, no doubt, also passes through Rajya Sabha and Rajya Sabha can make its recommendations which may or may not be agreed to by Lok Sabha. A new practice was started in 1970 whereby the working of a few select Ministries were discussed every year by Rajya Sabha. Since these debates on Ministries entail no risk for the Government, the nature, character and efficacy of such debates differ vitally from those in the other House, bringing it to the notice of the public, the lapses and shortcomings, if any, of the Government. The debate on the Motion of Thanks on the Address by the President is also important in this connection, as it covers almost all aspects of the financial affairs of the country. The reports of the Comptroller and Auditor-General of India relating to the accounts of the Union are also required to be laid before both the Houses of Parliament. Members of Rajya Sabha are also associated with two of the three Financial Committees, namely, the Committee on Public Accounts and the Committee on Public Undertakings. Besides, the members of Rajya Sabha also serve on the seventeen Department-related Parliamentary Standing Committees, which consider the Demands for Grants of related Ministries/Departments and report thereon. Though Money Bills are not introduced in Rajya Sabha, such Bills are sent to it for concurrence and it can recommend changes to such Bills. In fact, Rajya Sabha did recommend some amendments in some of the Money Bills. The amendments suggested by the Rajya Sabha to the Travancore-Cochin Appropriation(Vote on Account) Bill, 1956; the Union Duties of Excise(Distribution)Bill, 1957; and the Income Tax (Amendment) Bill, 1961 were accepted by Lok Sabha. Apart from Money Bills, there are also certain categories of financial Bills which cannot be introduced in Rajya Sabha. As regards other financial Bills, there is, however, no limitation on the powers of the Rajya Sabha and it has full power to reject or amend any such financial Bill, and, such Bill as in the case of any other Bill except a Money Bill, shall not be deemed to have been passed by the Houses of Parliament unless it has been passed by Rajya Sabha also

Deliberative Functions

Apart from law making, the other important function of Parliament is to focus attention on matters of public importance, affecting policies of the Government and administration and to provide a forum for ventilation of public grievances. Various time-tested procedural devices namely, questions, Half-an-hour Discussion, Short Duration Discussion, Calling Attention, Special Mention, etc. are available to members for this

purpose. As parliamentary institutions widen their scope of operation and seriously devote to the task of nation-building, the old rules and procedures need to be modified from time to time to meet the rising expectations of the people. Keeping pace with the time, Rajya Sabha has brought about changes in its rules of procedure.

Procedural Initiatives and Innovations

Commencing in 1964, the first hour of every sitting of the House has been made available for the asking and answering of questions. Prior to this, questions were permitted only on some specified days of the week. Innovations like Calling Attention and Short Duration Discussion which were then introduced, provided more opportunities to strengthen parliamentary control over the executive. Rules regarding petitions were also changed. Previously, petitions relating to pending Bills only were allowed. The modified rules incorporated more subjects on which petitions could be addressed to the House. Now, petitions can be presented on any matter of general public interest, barring the subjects which fall within the jurisdiction of a court of law and judicial and quasi-judicial bodies or matters which are not the concern of the Government of India and which can be raised through other procedural devices and for which remedy is available under the law. A cursory look at the various reports presented by the Committee on Petitions shows that the Committee has proved itself to be a valuable instrument for the redressal of public grievances. It has provided a forum for two way channel of communications between people and Parliament.

The Committee on Rules, the Business Advisory Committee, the House Committee and the Committee of Privileges are important Committees of the House. Until July 2000, the General Purposes Committee which deals with matters concerning the affairs of the House did not find mention in the Rules of Procedure. Now the rules relating to this Committee have also been incorporated in the rule book. Similarly opportunities for Members for raising matters of public importance including matters regarding their constituencies have been provided through the method of Special Mention which now have been incorporated in the rules of procedure. Normally Special Mention is made by a Member on the floor of the House and after examination by the Ministry concerned, replies are sent to the member within a period of one month.

Committee System

Success of Parliamentary democracy depends on the way in which the legislative scrutiny of the executive work is carried out. As the parliamentary functions expand and the legislators remain busy in the activities of the House they do not get enough time to apply themselves to the extended volume of work of the government departments. To meet such challenges Parliaments all over the world have broadened the committees to ensure the legislative surveillance over executive. The Indian Parliament has also been doing this by establishing new committees. For instance the establishment of the Committee on Subordinate Legislation in 1960s reflected the concerns of the House to look into the rules made by the executive on the basis of many principal legislations passed by the House. The Committee on Government Assurances was set up essentially to follow up the assurances given by the government on the floor of the House so that they are implemented in time. Another example regarding the expansion of the

Committee System is the setting up of the Committee on Papers Laid on the Table of the House. Constituted in 1980 this Committee principally examines the papers laid on the Table of the House so as to help the House and its members examine and follow up the volume and catalogue of papers submitted by the executive on crucial matters concerning national and international affairs.

Department-related Standing Committees

Scrutiny of the executive work by the legislature remains at the heart of parliamentary democracy. In fact, further intensifying the scrutiny of the executive work can ensure accountability of the executive to the legislature. It is well stated that "better legislative scrutiny makes better Government". To further elevate the legislative scrutiny to a higher plane and to examine policies before they are executed, seventeen Department-related Standing Committees were set up on 29 March 1993. Members of both the Houses serve on these Committees. Out of these, six Committees, viz., Committees on Commerce; Home Affairs; Human Resource Development; Industry; Science and Technology; Environment and Forests; and Transport, Tourism and Culture function under the direction and control of the Chairman, Rajya Sabha. These Committees have the mandate to examine the broad policies of the concerned Ministries and Departments of the Government of India. As a matter of fact, the functioning of these Committees has enabled the legislature to carry out scrutiny of the executive work before it is executed and recommend measures for further improving it. The constructive criticism and considered recommendations advanced by such Committees have been found to be useful by the Ministries and Departments concerned to tone up their functioning and policy initiatives.

Ethics Committee

Members of Parliament had on many occasions, expressed themselves in favour of evolving an internal self-regulatory mechanism for ensuring probity in public life. The Ethics Committee of Rajya Sabha was constituted by the Chairman, Rajya Sabha on 4 March 1997, with the mandate to oversee the moral and ethical conduct of members and to examine cases referred to it with reference to ethical and other misconduct of members. The Committee has presented so far three reports to the House.

Committee on Provision of Computers to Members of Rajya Sabha

In the wake of the adoption of new information and communication technologies for meeting the information requirements of members of Parliament in a more efficient manner and on a wider scale and to put the efforts of computerization of the various services of Rajya Sabha in an institutional framework, a Committee on Provision of Computers to Members of Rajya Sabha was constituted by the Chairman, Rajya Sabha on 18 March 1997. The Committee, inter alia, deals with matters relating to provision of computers and computer related information to members of Rajya Sabha, including Internet and other applications for their use. It also reviews the hardware and software requirements of members.

MPLAD Scheme and Committee on MPLADS

As a large number of complaints were being received from members about the non-implementation of various items of work under the Members of Parliament Local Area Development Scheme (MPLADS), it was felt that there should be some effective monitoring mechanism so that proper and quick implementation of projects under the MPLAD Scheme could be achieved. With this end in view, the Committee on Members of Parliament Local Area Development Scheme was constituted in Rajya Sabha on 5 September 1998.

Dignified, Responsive and Responsible House

One of the objectives of setting up of a Second Chamber is to provide opportunity for representation of seasoned and eminent people and thus facilitate a higher standard of debate. Since its inception, the functioning of Rajya Sabha has been marked by dignity and remarkable sensitiveness to public opinion. It has succeeded in combining dignity with intense activity. This is facilitated by providing opportunities to persons having special knowledge and experience in various fields of activity, who have contributed towards nation-building and socio-economic reconstruction of the society. Many eminent persons from different walks of life have served as members of Rajya Sabha. Among them, we find a galaxy of scholars, educationists, historians, scientists, artists, poets, litterateurs, jurists, engineers, economists, administrators and social workers of outstanding eminence.

Rajya Sabha has indeed carved out an important place in the Indian parliamentary set-up. Its dignified atmosphere has been sustained among other factors, by the towering personalities of those who adorned the offices of Chairman and Deputy Chairman. Out of ten Presidents that India has had so far, seven of them had earlier served as the Chairman of Rajya Sabha.

Even though the Government depends for its survival on the confidence of Lok Sabha alone, there are instances when members of Rajya Sabha have been appointed as Prime Ministers. In 1966, for example, when Shrimati Indira Gandhi was appointed as the Prime Minister, she was a member of Rajya Sabha. Similarly, during the period of 1996-97, when Shri Deve Gowda and Shri Inder Kumer Gujral were appointed as Prime Ministers one after another, they were members of Rajya Sabha. Though in financial matters, Lok Sabha has more powers compared to Rajya Sabha, the Cabinet Minister in-charge of the Ministry of Finance has largely come from among members of Rajya Sabha. The former Finance Ministers, Shri Pranab Mukherjee, Shri S.B. Chavan, Shri Narayan Dutt Tiwari, Shri V.P.Singh, Dr. Manmohan Singh, and Shri Yashwant Sinha belonged to Rajya Sabha. The present Finance Minister of India Shri Jaswant Singh also belongs to Rajya Sabha. Other important portfolios like External Affairs, Agriculture, Industry, Commerce, Planning and Programme Implementation and Tourism have also been held, at times, by members belonging to Rajya Sabha.

Women Members of Rajya Sabha

Mahatma Gandhi used to say that all our works stop half way because women were not participants in them. Account of fifty years of Rajya Sabha would remain incomplete if no reference is made to the important contributions of women members of

the Council of States. Since the inception of Rajya Sabha in 1952, women members, whether they were elected to the House or nominated by the President of India, have endearingly demonstrated, through their talents and abilities, their role as legislators. Their active and meaningful participation in proceedings of the House and its Committees attest to their phenomenal contributions to the enrichment of parliamentary work. Distinguished and renowned personalities representing different States and Union territories of our country and hailing from diverse walks of life adorned the Council and added lustre to its debates and discussions. Each woman member of Rajya Sabha with her distinctive outlook and identity has enriched the parliamentary business. Names such as Dr. (Smt.) Najma Heptulla, Shrimati Violet Alva, Shrimati Lilavati Munshi, Dr. (Smt.) Seeta Parmanand, Shrimati Nandini Satpathy, Shrimati Indira Gandhi, Shrimati Margaret Alva, Shrimati Jayanthi Natarajan, Shrimati Sushma Swaraj, Shrimati Ambika Soni, Shrimati Nargis Dutt, Prof. (Smt.) Asima Chatterjee, Shrimati Amrita Pritam, Shrimati Shabana Azmi, and others, take one to the long line of outstanding and admirable women members of the Council, whose involvement in the business of the House is beyond the realm of their routine allegiance to parliamentary responsibilities and, therefore, more substantive and fundamental. One such concrete and vibrant manifestation was witnessed in the manifold parliamentary work of Dr. (Smt.) Seeta Parmanand who as a Member of Rajya Sabha blazed a new tradition in not only asking numerous questions and participating in many discussions but also introducing Bills, resolutions and amendments to several legislations. In fact, out of fourteen private members' Bills which have so far been enacted during fifty years of our Parliament, one such Bill was initiated by Dr. (Smt.) Parmanand. She discovered that provisions for judicial separation of a couple in the Hindu Marriage Act, 1955 were not at par with the provisions in the Special Marriage Act. Therefore, she moved an amendment to the Hindu Marriage Act, 1955 which was adopted by Parliament and eventually entered the statute book. After the Bill was passed, members of the House and also the then Minister for Legal Affairs, Shri H.V. Pataskar, warmly felicitated her. The compliments offered by the then Member Shri P.N. Saprú not only reflected the mood of the House but also underlined the importance of Dr. (Smt.) Seeta Parmanand as a great parliamentarian worthy of emulation by others. Shri Saprú admired her for finding a lacuna in the Hindu Marriage Act and rectifying it through a legislation. He then described her as "a model legislator" and wished that "...we should all take as much interest in the day-to-day work of Parliament as Dr. Seeta Parmanand does".

Outlining the service rendered by Dr. (Smt.) Seeta Parmanand in introducing that important legislation, the then Minister for Legal Affairs, Shri H.V. Pataskar said, "If she had not done it there would have been many difficulties in the way of Government doing it, because there is a sense of complacent feeling having once passed an Act. It would take very long to move the Government machinery to effect the amendment".

She used to introduce many resolutions and legislations on important subjects. Practically, almost all the time the Minister concerned used to request her to withdraw them on the ground that the government would come forward with a comprehensive proposal. On one Friday when this was repeated, she commented that Friday instead of being called private members' day may be called government assurance day for comprehensive legislation. Her statement was a reflection of her ardour and initiative for parliamentary work which, she realised, had important bearing on people and society.

One more example of the importance of a lady member's parliamentary initiative in actuating the Government to take appropriate measures for changing statutes, may be mentioned here.

Shrimati Lilavati Munshi's resolution to prohibit the exhibition of undesirable films was adopted by the House in 1954. That particular resolution moved the Government to amend the Cinematograph Act in 1959. Referring to that resolution former Chairman of Rajya Sabha, Shri R. Venkataraman, in his address on the theme "The Role of a Private Member of Parliament", delivered at the Harold Laski Institute of Political Science, Ahmedabad, in 1986 said, "...Film censorship is now accepted as a fact. It is not remembered that the first steps towards this were taken as a result of a private member's resolution moved by Shrimati Lilavati Munshi and adopted in the Rajya Sabha in 1954".

The resolution introduced by the then nominated member Shrimati Ela Ramesh Bhatt concerning formulation of a national policy for hawkers and vendors who are subjected to harassment and torture by officials and vested interests, reflected the concerns of not only the lady member, but of all the sensitive people regarding suffering of a section of our society who remain victims of insult and humiliation. The House did not adopt the resolution. Even then it reflected the anxieties of the lady member about a problem which any sane person in this country is seized of. Similarly, one can refer to another nominated lady member Shrimati Rukmini Devi Arundale who asked questions on several crucial issues and eventually introduced a Bill on the issue of cruelty against animals. She wanted protection of the lives of animals and in a way upheld the rights of these voiceless creatures. While introducing the Bill, she delivered a moving speech, which stirred Prime Minister Shri Jawaharlal Nehru. He requested her to withdraw the Bill on the assurance that the Government would introduce legislation on the subject. The enactment of Government legislation on the issue of prevention of cruelty against animal largely owes to her initiative.

It is interesting to note that the first woman Prime Minister of our country Shrimati Indira Gandhi was a Member of Rajya Sabha when she occupied that high office.

Another aspect relating to the lady members of Rajya Sabha which compels attention is about their role as presiding officers. The first lady presiding officer of the House was Shrimati Violet Alva who left a resplendent tradition of conducting the proceedings of the House with grace, dignity, impartiality and efficiency. Another outstanding lady Dr. (Smt.) Najma Heptulla has the distinction of becoming the second woman presiding officer of the House. She has now the unique privilege of becoming the longest serving presiding officer of Parliament anywhere in the world. It is an important landmark in the history of our democracy. Her distinguished parliamentary career and significant contributions to the parliamentary traditions further elevated her to the unique position of the first ever woman President of the Inter-Parliamentary Council. This international acclaim for the contributions of a lady member of Rajya Sabha is rare for any person in the world. In the line of the presiding officers of the House, Shrimati Pratibha Devi Singh Patil became the third lady Deputy Chairperson and upheld the dignity of the Council of States and discharged her duties with exemplary conduct. In the Panel of Vice-Chairmen there have been several women members who have successfully conducted the proceedings of the House and set a lasting tradition of occupying such

dignified positions with rare ability and talent. This analysis of the contributions of women members is certainly not comprehensive but only indicative of their fundamental and historic role on the floor of the House.

Relationship with Lok Sabha

The history of the working of both the Houses of Parliament during the last fifty years would indicate that their relationship has been marked by a sense of cordiality, mutual respect and regard and cooperation in matters concerning the business of Parliament. A resolution was moved on 18 March 1954 in Lok Sabha seeking to abolish Rajya Sabha but it was negatived. Another resolution on the same lines was moved in Lok Sabha on 30 March 1973. Some unsuccessful efforts were also made seeking to abolish Rajya Sabha by way of introducing Constitution Amendment Bills by private members in 1971, 1972, 1975 and 1981. Notwithstanding these instances, occasional differences between the two Houses were resolved satisfactorily, laying a firm foundation for coordination and mutual consultation on matters affecting the Houses.

Indian polity had seen one party dominance for nearly four decades after its independence when the Indian National Congress party ruled at the Centre and in most of the States and Union territories. The end of the single party dominance and formation of Coalition Governments in different States and at the Centre now have added a new dimension to the relationship between the two Houses of Parliament. A party or parties different from the one ruling at the Centre now rule a number of States. And this fact has its impact not only on the composition of Rajya Sabha but its general attitude on issues affecting the powers and jurisdiction of the States. A situation has emerged whereby the Government responsible to Lok Sabha is finding itself in a minority in Rajya Sabha. In the coming years, political observers may watch keenly the role played by Rajya Sabha not only as "a check and balance" in the legislative sphere but also in handling the problems of federal adjustment made more complex and delicate by the far-reaching changes being brought about on the Indian political scene by the dynamics of electoral politics.

Conclusion:

In 1960, referring to the role of Rajya Sabha our first Prime Minister Pandit Jawaharlal Nehru had said "This House (Rajya Sabha) and the other House of Parliament perform a paramount and leading function in the country under the Constitution deciding major policies and giving a lead to the country".

During the span of five decades, the Council of States has played a remarkable role as a revisory chamber, deliberative body and legislative apparatus. Success of bicameralism in India owes a lot to the way the Council of States has redeemed itself as a democratic institution with proven record of its relevance not only for the body polity but also for our society and people. Described as "...a Constitutional caravan that goes on continuously and ceaselessly unlike the other House" the Council has distinguished itself in India and in the world through its manifold activities.

Its lively Question Hour, scintillating debates interspersed with wit and humour, serious discussions in the House on issues of national and international importance and the legislative initiatives taken by it within the parameters of its constitutional authority

have all contributed in fashioning the position of Rajya Sabha as a hallowed House of the Indian Parliament. People cutting across social positions look this august body with admiration and fascination. Prominent personalities inspite of their elevated status in our country always look forward to spending tenure in this Council not only to give a sense of fulfillment to themselves but also to be part of the mainstream of public life which this Council so wonderfully represents. Our Prime Minister Shri Atal Bihari Vajpayee had once said that the career of no public figure would be complete without a stint in the Council of States. People hold this House with great esteem and expect also that its revered traditions are carried forward so that the momentum of democratic advancement of our country is further galvanized.

The Chairman of Rajya Sabha, Shri Bhairon Singh Shekhawat, while responding to the felicitations of the members on the floor of the House had stated that "... public perceptions of the functioning of the democracy is not only based on the quality of governance provided by the executive but also on how far the proceedings in the House are relevant for its welfare". He, therefore, suggested that to find out the relevance and effectiveness of the proceedings from the viewpoint to their contribution towards public governance and public welfare, the House should evaluate them at the end of every session. In this context he further added that "... the House of Elders... take a lead in reaffirming the core value of the republic and set up the highest standards of parliamentary democracy worth emulation by others".

The Council of States, which has emerged as a front ranking second chamber, has now been famous for giving depth and content to the principles of bicameralism in theory and practice.

² The House of the People (Lok Sabha) which is the Lower House of Indian Parliament consists of five hundred and fifty-two members out of which five hundred and thirty members are directly elected from territorial constituencies in the States and twenty from the Union territories. The President from the Anglo-Indian Community nominates two members, if that community is not adequately represented in Lok Sabha. Seats are also reserved in Lok Sabha for the Scheduled Castes and the Scheduled Tribes who are elected from constituencies specially earmarked for them all over the country. The Representation of the People Act makes provision for allocation of seats to various States and Union territories. The actual strength of Lok Sabha at present is five hundred and forty-five, which includes the Speaker and the two nominated members. Lok Sabha, unless sooner dissolved, continues for five years from the date appointed for its first meeting. However, while a Proclamation of Emergency is in operation, this period may be extended by Parliament by law for a period not exceeding one year at a time and not in any case beyond a period of six months after the Proclamation has ceased to operate.

^{*} V.S. Rama Devi and B.G. Gujar, *Rajya Sabha at Work* (Rajya Sabha Secretariat, New Delhi, 1996) p.570