

CHAPTER 3

THE RAJYA SABHA

A 'Federal Chamber' or a Mere Upper House in the Indian Parliament?

SANDEEP SHASTRI

APPROACHING THE THEME

INDIA'S politics after Independence has seen several interesting twists and subtle turns. From a one-party-dominant system, the country has graduated to an authentic competitive multiparty system. While this clearly heralds the deepening of democracy, it brings in its wake a range of important and noteworthy changes in the cut and thrust of politics.¹ There are two linked issues that merit attention. First, the emerging debate on the working of the Indian democratic process, and second, the corollary changes in the contours of centre-state relations in particular, and the emerging patterns in the working of the federal institutions in general. This chapter focuses on the *Rajya Sabha*, which has the potential to effectively articulate the voice of the states at the federal level and provide a channel for the representation of diverse sociopolitical interests.

Since the 1990s, far-reaching social and political developments in India have influenced the nature and direction of federal politics. This 'new language of politics' was succinctly articulated in the Common Minimum Programme (CMP) of the 13-party United Front Government (which came to power in 1996), when it promised an 'alternative model of governance' based on 'federalism, decentralisation, accountability, equity and social justice'.²

¹ Shastri and Kailash 2017.

² CMP 1996.

The National Agenda for Governance (NAG)—formulated by the Bharatiya Janata Party (hereinafter called BJP) and its allies³—also underscored the changing contours of federalism and recognized the need for devolution of more financial and administrative powers and functions to the states (NAG 1998 and later NDA 1999). The CMP of the United Progressive Alliance (UPA), which came to power after the 2004 elections,⁴ underscored its commitment to cooperative federalism.

The BJP victory in the elections of 2014 heralded a new phase in both competitive party politics and the dynamics of centre-state relations. In its election manifesto, it held out a promise that 'Team India shall not be limited to the Prime Minister led team sitting in Delhi, but will also include Chief Ministers and other functionaries as equal partners.'⁵ The implications of the above narration for the working of federal institutions like the Rajya Sabha is assessed in that document.

THE WORKING OF INDIAN FEDERALISM

For a meaningful analysis of the developments in Indian federalism over the last seven and a half decades, five clear phases can be delineated: (a) Independence to 1967; (b) 1967–1977; (c) 1977–89; (d) 1989 to 2014; and (e) 2014 to the present. Important developments in 4 crucial years permit the clear demarcation of these five phases. In 1967, for the first time, the Congress Party was defeated in several states of India. In 1977 the Congress faced its first defeat at the federal level, and the country saw the formation of a non-Congress government, and 1989 marked the end of one-party domination in Indian politics, and the ushering in of a phase of coalition and minority governments. The year 2014 marked the return of the trend of a single party securing a majority in the elections to the Lower House of Parliament after a quarter of a century.⁶ All four developments are linked to important developments triggered by electoral outcomes!

During the first phase, the Nehruvian phase, the political leadership underscored the inevitability of centralization of power to ensure 'nation-building'. When ticklish state problems demanded immediate solutions, Nehru counselled the disputing parties to 'keep in mind the larger view'.⁷ Further, this phase saw the thinning down of the line of distinction between party and government.⁸

The second phase (1967–1977) was witness to non-Congress governments⁹ being voted to power in the states, on the one hand, and Indira Gandhi attempting to

³ The BJP-led alliance, which formulated the NAG, came to power in 1998.

⁴ The UPA was re-elected in 2009.

⁵ BJP 2014.

⁶ Shastri and Kailash 2017.

⁷ For details see Shastri 1990, 59.

⁸ Shastri 1991, 15.

⁹ Till 1989; political parties other than the Congress Party were referred to as non-Congress parties, and this was reflective of the Congress Party occupying the centre stage in Indian politics.

increasingly assert her authority within the party, on the other. The constitutional provisions relating to centre-state relations were systematically misused.¹⁰

With the Janata Party coming to power (at the central level) in 1977, it was hoped that the aberrations in federal-state relations would be corrected. However, within months of assuming power, the new government established a record of sorts by resorting to the mass dismissal of Congress governments in the states, by invoking Article 356. The return of the Congress to power at the national level in 1980 saw continued tensions in centre-state relations and the rise in the demand for state autonomy.¹¹

The political developments of the 1990s have seen the democratic process 'seeping downwards';¹² new social and political alliances have been formed, and this has permanently altered the landscape of Indian politics. Regional parties (hereinafter referred to as state-based parties¹³) have been key players in the coalition governments formed at the centre since 1989.¹⁴ Most of the state-based parties in India are state-specific, and given the nature of their electoral support base, they have increasingly attempted to articulate state-rights issues at the federal level.

The last phase in the growth of Indian federalism and centre-state relations was inaugurated with the 2014 national elections. The BJP won a majority on its own but retained its pre-election coalition—the National Democratic Alliance (NDA). Yet this coalition saw the BJP being the visibly dominant party in the coalition. This phase also saw the ruling coalition led by the BJP, returning to power in 2019, securing a more robust majority. Another critical trend that this phase witnessed was the clear distinction that voters in India made between a national election and a state election. Distinctly different verdicts were witnessed in national and state-level elections held at close proximity.¹⁵

¹⁰ Politicization of the office of the governor, Misuse of Article 356, and further erosion of the fiscal autonomy of states.

¹¹ Commission on Centre State Relations 1988.

¹² The implication here is that social groups which had earlier been denied their rightful role in the political or electoral process were now demanding their legitimate share of the 'political cake'.

¹³ This term is being used as in the post-1990s period, the nature and the focus of the so-called regional parties have nothing specifically 'regional' about them. Their support base is limited to a particular state, and, therefore, the term 'state-based parties' is used.

¹⁴ Four of the six parties in the National Front Coalition government (1989–1990) were regional parties. In the 13-party United Front Governments (1996–1998), 11 were regional parties. In the NDA government today, all parties in the alliance, save the BJP, are powerful regional players. The United Progressive Alliance, which came to power in 2004, is made up of 12 parties, of which 10 are regional parties.

¹⁵ While in the 2014 and 2019 elections in the Lower House of Parliament, the BJP swept all the seats in Delhi. When the elections were held to the State Assembly within a year, the Aam Admi Party (AAP) was voted to power with an overwhelming majority. Similarly, while the NDA coalition won a majority of seats in the state of Bihar in the elections to the Lower House of Parliament in 2014, in the state assembly elections held in a year the ruling alliance in the state (which was opposed to the NDA) emerged victorious. Similarly, in the State Assembly elections held in December 2018, in Chattisgarh, Rajasthan, and Madhya Pradesh, the Congress came to power. Yet in the elections to the Lower House of Parliament held in the summer of 2019, the BJP won most of the seats from these states. A final example would be the state of Jharkhand, where the NDA led by the BJP won a majority of seats in the elections

The above developments are an authentic expression of the changing power equations within the Indian federal system. To what extent do important federal institutions represent the interests of the states? Do states have an effective platform at the federal level to articulate their problems and participate in decision-making on matters of critical national relevance? The Rajya Sabha assumes relevance when an attempt is made to answer the above questions.

THE RAJYA SABHA IN CONTEXT

The Upper House of the Indian Parliament—the Rajya Sabha (Council of States)—as the name indicates, was expected to offer a platform for those representing the interests of different states to place on the national agenda, issues of relevance and critical concern to the diverse regions of India.

It becomes important to take into account the debate in the Constituent Assembly on the provisions relating to the Rajya Sabha. While commending the Draft Constitution's provisions on the Upper House, Gopalaswamy Ayyangar categorically stated that the 'most that we expect ... the Second Chamber to do is perhaps ... *hold dignified debates* on important issues and to *delay legislation*'.¹⁶ During this stage of the debate, no mention was made either by Ayyangar or the others who participated about the status of the Rajya Sabha as a chamber that represented and articulated 'state rights'.¹⁷

In the Constituent Assembly, it was only during the debate on the composition and powers of the Rajya Sabha, that a few members made specific reference to fact that the House would represent the states of the Indian Union. It was in this context that K. T. Shah pleaded for incorporating the principle of equality among the states, while distributing the Rajya Sabha seats,¹⁸ and Lakshminarayana Sahu made out a case for a more just representation to the smaller states.¹⁹ Loknath Misra was among the more assertive and took the stand that as 'the Council of States is going to represent the States, it is but fair, to the States units that these units should be dealt with as units and every unit is equally represented. Otherwise, there is no sense in saying that the State shall be represented in the Council.'²⁰

to the Lower House of Parliament held in 2019, but the rival opposition alliance led by the JMM came to power in the State Assembly elections held later the same year. This trend was first seen in 1984–1985 in the state of Karnataka. The Congress under Rajiv Gandhi won 24 of the 28 seats in the Lower House of Parliament from the state in the December 1984 elections. Within 3 months, in March 1985, the rival Janata Party secured a majority in the State Assembly polls.

¹⁶ *Constituent Assembly Debates* [hereinafter referred to as CAD] vol. 4:876:28. July 1947. [Emphasis added].

¹⁷ See Austin 1962; Morris Jones 1959.

¹⁸ CAD vol. 7:1202.

¹⁹ CAD vol. 7:1209.

²⁰ CAD vol. 7:1208, 3 January 1949.

The suggestions made in the Constituent Assembly for a more equal representation of the states in the Upper House were not accepted, and this reflected the majority opinion in the Constitution-making body. Later in the debate in the Constituent Assembly on the special powers to be conferred on the Rajya Sabha to empower Parliament to make laws on subjects in the state list on the grounds of 'national importance', Ambedkar opined that as the 'Upper House represents the State', its 'resolution would be tantamount to the authority given by the States'.²¹ Save for these few specific references, the Constituent Assembly appeared to view the Rajya Sabha as a mere second chamber, with a peripheral role in the larger federal design.

It would be useful to examine the constitutional provisions and clearly outline the structure, role, and functions of the Rajya Sabha.

- The Constitution mandates that the Rajya Sabha shall consist of a maximum of 250 members.²² Of them, 238 are elected from the states and those union territories which have a Legislative Assembly,²³ and 12 are nominated by the President of India. The elected seats are not equally divided among all the states. The 238 elected seats are divided among the states and union territories on two principles population and the need to ensure that the smallest states or union territories are given at least one seat each. The members from a particular state are elected by the members of the Legislative Assembly.
- While the powers of the two Houses are assessed, the Council of Ministers is principally accountable to the Lower House. On matters of legislation, the powers of the two Houses are equal on nonfiscal matters whereas the Lower House (the *Lok Sabha*) is more powerful on money matters. A non-Money Bill can be introduced first in either House and has to be passed in identical form to become a law. If any one of the Houses does not consent to the bill, it lies deadlocked between the two Houses. There is an option to break the deadlock (which need not be mandatorily exercised). The president (on the advice of the Council of Ministers) can call a Joint Session of the two Houses to discuss a deadlocked non-Money Bill. In a Joint Session the Lower House is likely to have an upper hand as its strength is more than double that of the Upper House. In the case of a Money Bill, it can be first introduced only in the Lower House. If this House passes the legislation it is sent to the Upper House. On money matters, the Rajya Sabha can, at best, delay the bill by 14 days or force the Lok Sabha to consider it once again. In a later section of this chapter, a recent debate on what constitutes a Money Bill is discussed in detail.²⁴

²¹ CAD vol. 9:1118.

²² Article 80 (1).

²³ A few Union Territories (Pondicherry) and special category states (Delhi) have been permitted to have their Legislative Assemblies. They also have representation in the Rajya Sabha.

²⁴ The 2018 Supreme Court Judgment is discussed at length involving Parliament passing legislation as Money Bills.

- With regard to a Constitutional Amendment Bill, the Constitution is clear that it needs to be passed by the specific majority, as prescribed under Article 368 of the Constitution, by both Houses of Parliament. In a sense the Rajya Sabha enjoys the same powers as the Lok Sabha in this regard.
- The Rajya Sabha has three exclusive powers. The Rajya Sabha can declare by a resolution supported by not less than two-thirds of the members present and voting 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.²⁵ A similar resolution can be passed by the Rajya Sabha, for the creation of one or more all-India services.²⁶ The Rajya Sabha can approve special emergency proclamations initially or extend them subsequently while Lok Sabha is under dissolution.²⁷

As part of the analysis of the role and position of the Rajya Sabha, an assessment of the membership pattern of the Rajya Sabha (1952–2019) was undertaken.²⁸ The profile of the 2270 individuals, who have been Rajya Sabha members during this period, provides an indication of the role that political parties and states assigned to this House. Several factors have been kept in mind in this analysis. These include: (a) whether the members actually belonged to the state that they were elected from; (b) the number of terms an individual member has been elected for; (c) whether they had been members of the State Legislative Assembly or Council or active in state politics or office bearers of state units of the party prior to being elected to the Rajya Sabha; and (d) whether they were office bearers in the state unit of the party or was there proof of their involvement in state politics prior to their becoming Rajya Sabha members.²⁹ The analysis also attempts to examine whether there are any major variations in the above aspects when those elected before and after 2002 are taken into account.³⁰ The year 2002 is being chosen as a benchmark in view of two factors. The year 2002 saw the crystallization of the political trends ushered in by the 1989 elections of a competitive party system. Political parties by this point of time shared power in the centre and the states, and one rarely saw a party monopolizing authority at the two levels.

The study shows that 6% of the elected Rajya Sabha members (hereinafter referred to as members) do not belong to the state that they have been elected from. This percentage

²⁵ Article 249. The powers of the union and the state are divided into three list: Union List, State List, and Concurrent List.

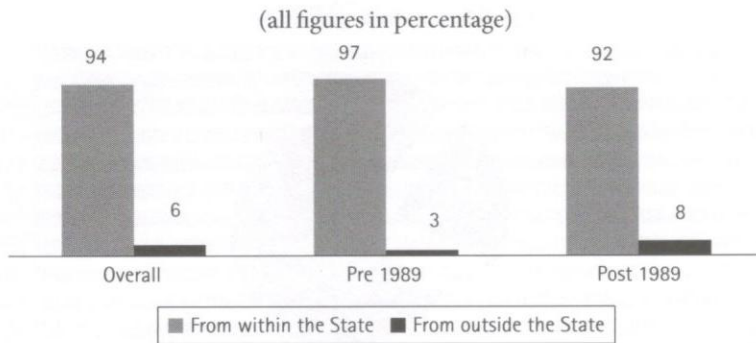
²⁶ Article 312. All-India services are elite civil services.

²⁷ Under Articles 352, 356, and 360.

²⁸ The author had undertaken a study of the membership profile of the Rajya Sabha in the first half of the century (1952–2002) and the same was published (Shastri 2015). This study has now been extended to include the membership profile from 2002 to 2019, a further period of 17 years.

²⁹ While an attempt was made to secure details relating to all the members, it was not possible to secure the full information pertaining to 52 members. This is one of the limitations of this study.

³⁰ Those members who were elected prior to 1989 and continued to be members after 1989 (single term or multiple terms) are included in the post-1989 category.



Source: Rajya Sabha – Who's Who 1952–2019

n-2225

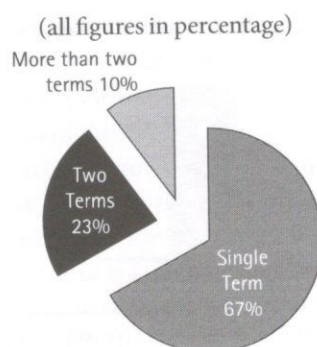
FIGURE 3.1 Elected Rajya Sabha Members – 1952 to 2019

increases to 8% if only those elected after 1989 are considered (Figure 3.1). Ever since a competitive party system was ushered in, national parties tended to use the 'Rajya Sabha' route to increasingly bring in senior members who were not able to get elected from their home state or were defeated in Lok Sabha elections. Secondly, since the Amendment of Section 3 of the Representation of People's Act in 2003, it became possible for candidates to contest Rajya Sabha elections as long as they were registered electors anywhere in the country. Earlier, the provision stated that to contest Rajya Sabha elections, a candidate needed to be 'ordinarily resident in the state'.

This amendment was upheld by the Supreme Court, in the *Kuldip Nayar versus Union of India* case. The Court held that there is absolutely no basis for the contention that a person who is an elector in the state concerned is more representative in character than one who is not. This amendment to the law and the Supreme Court judgement has in some ways diluted the requirement of members elected to the Rajya Sabha hailing from the state. This has clearly contributed to an increasing number of members from outside the state being elected to the House.

Elected Rajya Sabha Members—1952 to 2019

A few trends are witnessed with regard to the party affiliations of those elected to the Rajya Sabha from states other than their home state. Eight of every ten hail from the 'national parties'. This is largely because these parties have used the route of Rajya Sabha members to accommodate senior leaders who hail from states where the party does not have a significant presence. Further, when a national party is in power at the centre, it often uses the Rajya Sabha membership to accommodate those who are inducted as ministers and need to be inducted as members of Parliament within 6 months. Secondly, one notices a trend in the last 2 decades of business leaders getting elected to the Upper House as Independents. Such leaders when seeking out the most 'winnable' seat, often focus on states outside their home states. Select state-based parties have also specifically



Source: Rajya Sabha – Who's Who 1952–2019

n-2261

FIGURE 3.2 Rajya Sabha Members – 1952 to 2019: Number of terms elected

focused on getting their interests represented in the Rajya Sabha through articulate spokespersons who do not necessarily hail from the state³¹ they are elected from.

More than two-thirds of the members have been elected for a single term (Figure 3.2).³² A little less than one-fourth of the members have enjoyed a 2-year term, and just 1 of every 10 members have been in the House for more than two terms. The relative lack of stability in tenure implies that political parties tend to frequently change their representative in the Upper House. This raises the question as to whether Rajya Sabha membership is often viewed by political parties and their leaders as an opportunity to distribute the benefits of power among those loyal to the party or leader.

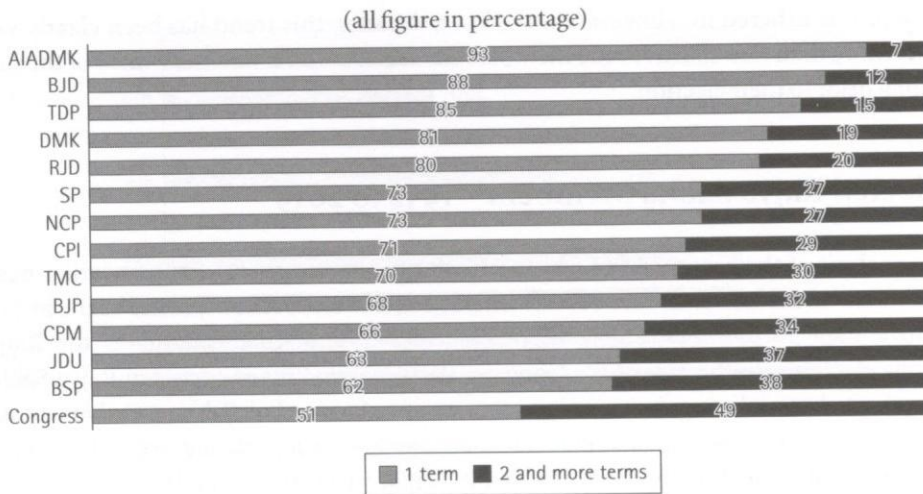
Rajya Sabha Members—1952 to 2019

When a party-wise analysis³³ of the number of terms members have served is undertaken, it is noticed that the lowest percentage of single-term member were in the Congress Party (Figure 3.3). This is essentially due to the fact that the Congress enjoyed a majority in most of the states of India for several years and could ensure that its members were re-elected. Interestingly, in the case of the BJP too, one-third of its members have had more than one term. This percentage has increased in the last 2 decades, as it emerged as a ruling party in several states as well as at the centre. The CPI and CPM have close to one-third of their members having more than one term. The two communist parties have used the Rajya Sabha route to get in senior party workers who do not contest direct elections to come through this route. Secondly, especially in the case of the CPM, there is a party norm that Rajya Sabha members will not be renominated beyond two terms.

³¹ The parties include the Trinamool Congress, Nationalist Congress Party (NCP), and the Samajwadi Party.

³² Those who served for less than one full term are included in the one-term category.

³³ For the purpose of analysis, only those parties on whose ticket a significant number of members have been elected have been taken into account.



Source: Rajya Sabha – Who's Who 1952–2019

n-2261

FIGURE 3.3 Elected Rajya Sabha Members – 1952 to 2019: Number of Terms – Party wise

It is also noticed that parties like the Bahujan Samaj Party (BSP), Samajwadi Party (SP), Janata Dal (United), Nationalist Congress party (NCP), and Trinamool Congress (TMC) have close to three of its ten members having served more than a single-term. These parties have sought to balance representations between seniors and first timers. There is a small group of members who are renominated either because of their proximity to the party leadership or because their presence in the House enhances the stature of the party.

In the case of many state-based parties, it is noticed that sitting Rajya Sabha MPs often are not given the party ticket or presented as new faces of the party. This is especially true in the case of the AIADMK, DMK, Biju Janata Dal (BJD), TDP, and RJD. In all these parties, more than eight of every ten members elected have been sent to the Upper House for a single term only. The state-based parties that have been analysed have had a presence in the states for over 2 decades, and, thus, an analysis of the pattern of membership is spread over more than three terms. It is clear that many state-based parties prefer to rotate the membership of its Rajya Sabha members as a reward for service to the party or loyalty to the party leadership.

Elected Rajya Sabha Members—1952 to 2019

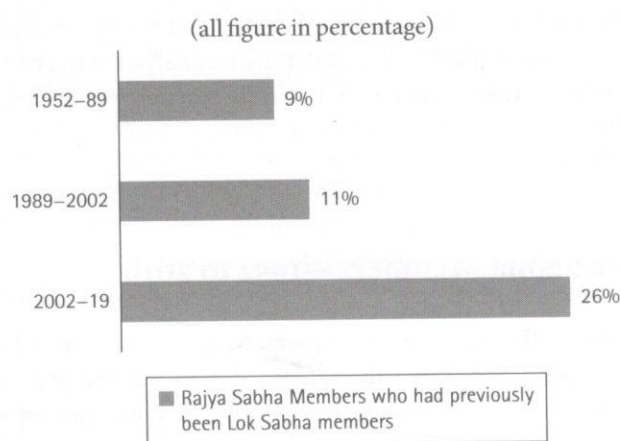
Did political parties offer Rajya Sabha membership to those who had earlier been elected to the Lok Sabha and were subsequently defeated at the polls or not given the party ticket. Till 1989 when the country was witness to a one-party dominant system, less one of every ten Rajya Sabha members had earlier been a member of the Lower House. These percentages marginally increased in the decade after a competitive party

system was ushered in. However, in the last 2 decades, this trend has been clearly visible. More than one-fourth of the members elected after 2002 were members of the Lok Sabha prior to their election.

Elected Rajya Sabha Members—1952 to 2019

An analysis of the party-wise break-up of Rajya Sabha members who had earlier been members of the Lower House reveals interesting patterns. A few parties seem to prioritize their former Lok Sabha members when nominating candidates for Rajya Sabha elections. In the case of the Congress Party, nearly four of every ten Rajya Sabha members elected during the period 2002–2019 were former Lok Sabha members. Many of its senior leaders having lost Lok Sabha elections were accommodated in the Upper House of Parliament by the party leadership (Figure 3.4). This trend is also seen in the case of parties like the Janata Dal (United), NCP, DMK, and the Samajwadi Party. In this period, one-fourth of the BJP members elected to the Rajya Sabha were former Lok Sabha members. Especially after becoming a ruling party, it has accommodated many of its senior leaders through the Rajya Sabha route. Political Parties like the Trinamool Congress, BJD, and AIADMK have preferred not to nominate too many former Lok Sabha members to the Rajya Sabha (Figure 3.5).

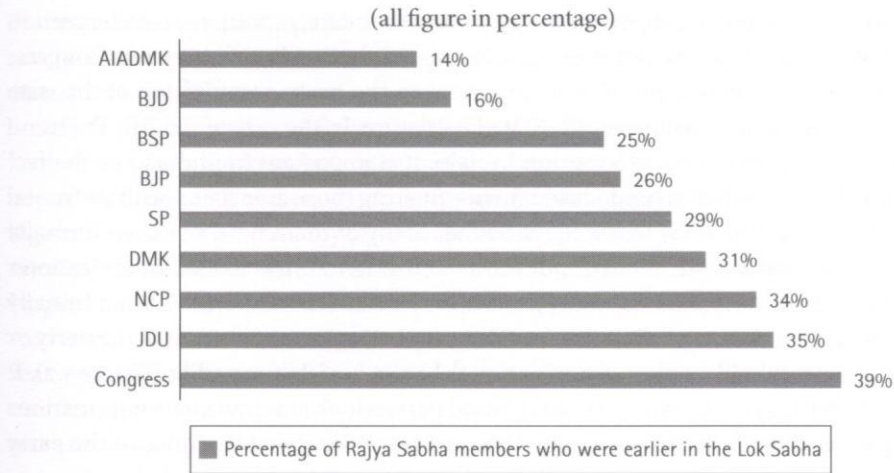
The fact that in the recent past there is a sharp increase in the percentage of Rajya Sabha members who had an earlier stint in the Lok Sabha is indicative of political parties using the Rajya Sabha route to politically accommodate or rehabilitate senior leaders of the party who were unable to win the direct election or preferred to opt for the indirect route. It raises questions on whether the House is thus seen by political parties and leaders as a 'space for accommodating' senior leaders who need to be in Parliament.



Source: Rajya Sabha – Who's Who 1952–2019

n-2225

FIGURE 3.4 Elected Rajya Sabha Members – 1952 to 2019: those who have been Lok Sabha members earlier



Source: Rajya Sabha – Who's Who 1952–2019 n-459

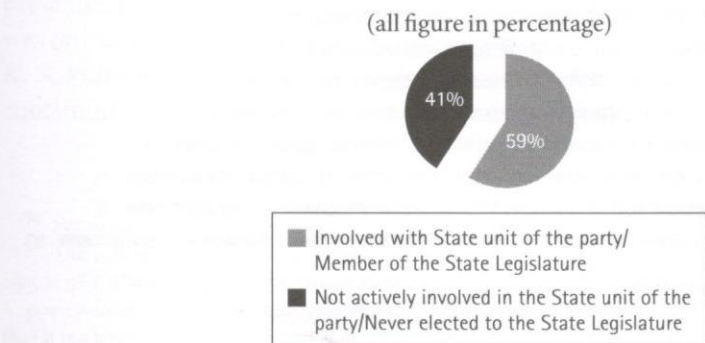
FIGURE 3.5 Elected Rajya Sabha Members – 2002 to 2019: Those who have been Lok Sabha members earlier – select parties

Elected Rajya Sabha Members—2002 to 2019

When the political background of the Rajya Sabha members was examined, it was found that a little over four of every ten members were either active in state politics as office bearers in the state unit of their party or elected as members of the State Legislature prior to being elected to the Upper House (Figure 3.6).

Elected Rajya Sabha Members—1952 to 2019

There are minor changes in the trends when one looks at individual political parties. This difference is evident if one were to separate the membership profile in the first 5 decades (1952–2002) and in the next 17 years (2002–2019). In the case of the Congress Party, the



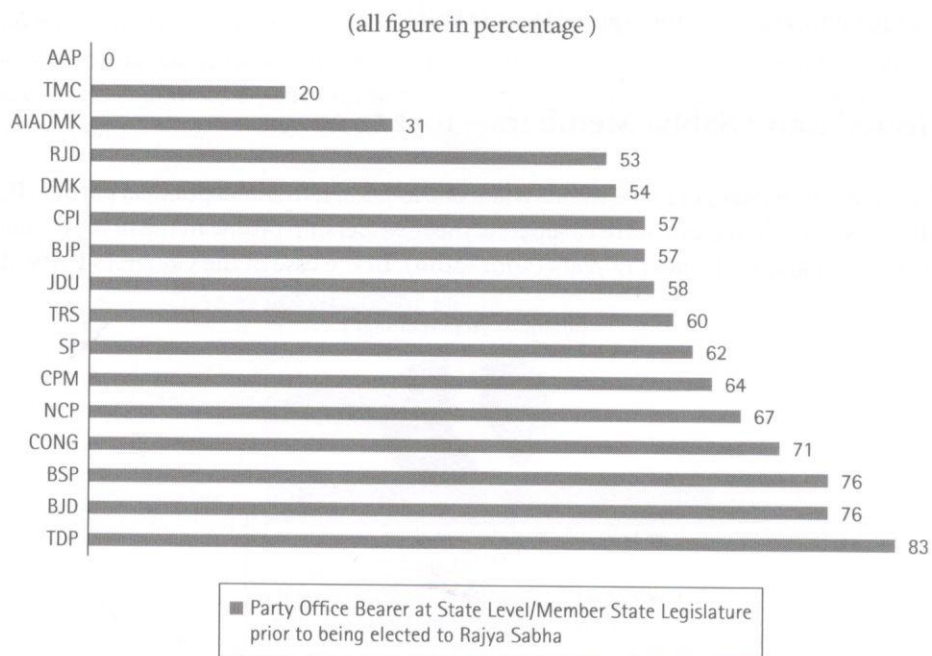
Source: Rajya Sabha – Who's Who 1952–2019 n-2221

FIGURE 3.6 Elected Rajya Sabha Members – 1952 to 2019: Involved in party politics at state level/ Members of State legislature

overall trend holds good if its membership profile in the Rajya Sabha was to be seen in the first half of the century. Since 2002, it is noticed that seven of every ten Congress Rajya Sabha members had proof of involvement in the party organization at the state level or held an elected position in the State Legislature. In the case of the BJP, the trend seems to be uniform since its formation in 1980. It is important to underscore the fact that in the case of the BJP, it has focused on nominating those associated with its frontal organizations (like the RSS) to the Rajya Sabha. Many of them have not been formally or directly associated with the BJP but have been active in the frontal organizations. There is a distinct difference in the approach of the AIADMK and the DMK. Initially both favoured nominating those who were not very active in the state unit of the party or those who did not hold an elected position in the State Legislature earlier (Figure 3.7). It could well be that in the initial years, state-based parties look at Rajya Sabha nominations as a way of sending to the Upper House those who can represent the voice of the party or those close to the party leaders. Their involvement in state politics and experience in State Legislatures appears to become a key factor as the party grows.

Elected Rajya Sabha Members—2002 to 2019

A linked development is the trend followed by political parties like the Congress, to provide Rajya Sabha nomination as a means to secure greater representation to those from



Source: Rajya Sabha – Who's Who 1952–2019

n-541

FIGURE 3.7 Elected Rajya Sabha Members – 2002 to 2019: Involved in party politics at state level/Members of State legislature – select parties

the minorities. As parties find it difficult to ensure the victory of those from the minority communities in the direct election to the Lok Sabha, the Rajya Sabha route is often preferred.³⁴

A very distinct profile of Rajya Sabha membership emerges from the above analysis. In the first place, the founding fathers of the Constitution viewed the Upper House as a necessary Second Chamber, which held dignified debates and delayed hastily conceived legislation. In a sense, the Rajya Sabha membership profile provide little evidence of any attempt on the part of states or political parties to mirror and voice state interests in the Upper House. Viewed from another perspective, more than one-fourth of the members were earlier Members of the Lower House of Parliament. This implies that a Rajya Sabha seat was offered by parties to senior leaders who were either defeated in Lok Sabha elections or were diffident to seek re-election to the Lower House. Another trend is the increase (though marginal) in the percentage of members who have been elected from states that they do not belong to. The above facts point, in significant ways, to a 'lack of direction' of the Rajya Sabha. Its present structure and membership pattern provide clear evidence of the same.

With the emergence of a competitive party system and different parties being in power at the centre and the states, the composition of the Rajya Sabha assumes special significance. Ever since the late 1990s when the BJP led NDA came to power, one has noticed situations in which the ruling party or alliance at the national level did not enjoy a majority in the Rajya Sabha.³⁵ As a result, ruling parties or alliances have faced a challenge of not being able to ensure the passage of legislation in the Upper House.

In the recent past there has been a debate on the interpretation by the government in power on what constitutes a Money Bill.³⁶ To circumvent the possibility of a road-block in the Rajya Sabha, the government of the day has treated proposed legislation as a Money Bill. The opposition has alleged that this route was chosen by the government to circumvent the possible opposition in the Upper House, which would make difficult the process of taking the proposed legislation forward as Acts of Parliament.

The Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits, and Services) Act 2016 and later the amendments to the Foreign Contribution Regulatory Act (FCRA) 2010, Reserve Bank of India Act 1934, when introduced as legislation, were presented by the government as Money Bills. The opposition alleged that this measure was on account of the ruling party not enjoying a majority in the Upper House. In the *K. S. Puttaswamy versus Union of India* case, the Supreme Court held (in 2018) that containing a provision involving 'expenditure to be paid out of the Consolidated Fund

³⁴ Farooqui and Sridharan 2020.

³⁵ The ruling party or alliance forms a government on account of the majority it secures in the Lower House of Parliament, the Lok Sabha. Frequently, especially since 1998, the party or alliance which comes to power does not enjoy a majority in the Rajya Sabha on account of the way it is constituted and the fact that it is a permanent House with one-thirds of the members retiring every 2 years.

³⁶ In an earlier section, the comparative powers of the two Houses of Parliament on a Money and non-Money Bill have been discussed.

of India' allows for a measure to be categorized as a Money Bill, and endorsed the decision of the government of the day.

In the post-2014 phase, the ruling party has overcome the challenge of not having a majority in the Rajya Sabha by securing (on a case-by-case basis) the support of political parties who are not part of the NDA. Thus, it is becoming increasingly clear that the role of the Rajya Sabha as an authentic federal chamber has been whittled down as has been its role as a 'revising chamber'.

Politics in India in the first 2 decades of the twenty-first century have been witness to major changes ushered in by the establishment of a competitive party system and the electoral process reflecting this intense political competition between key political players. The institutional framework for ensuring greater coordination between the states and the centre needs to be reworked in the light of the emerging trends. An important institutional platform in this regard is the Rajya Sabha.

It would be useful to look at two domains relating to the Rajya Sabha which call for a review. Firstly, given the emerging role of the states in the Indian political process, the Rajya Sabha needs to become an authentic voice for representing the interests of the states at the national level. This would require political parties to relook at who are nominated by it to contest the elections to the Rajya Sabha. It may be useful for political parties to look at the Rajya Sabha as a platform to safeguard the interests of the states. Parties would thus need to resist the temptation of using Rajya Sabha membership as a political accommodation for defeated senior politicians or a reward for loyalty to the party leadership.

Secondly, if the Rajya Sabha is to become a legitimate 'federal chamber' or a strong 'second chamber' it would be important to protect its role and position as one of the chambers of Parliament that acts against any attempt by the party in power to push its way forward with hasty legislation. Major interstate and centre-state disputes can be effectively managed and resolved if institutionalized bargaining structures are strengthened and accorded a major role in the federal process.

With these two reforms, the Rajya Sabha could well be better positioned to play its role as a House that articulates the interests of the states of India. It is an important institutional platform that can represent the changing contours of Indian politics in general and centre-state relations in particular.

CONCLUSION

The imperative need for effective institutional mechanisms in the federal system to provide a meaningful forum for states to participate in federal decision-making assumes significance in the light of these developments. If this 'new way of doing federalism' is to truly mirror the multiverse Indian democracy, the changing landscape of Indian politics, and the finer nuances of state politics, it would require, in the least, a new look at

the Rajya Sabha. This federal institution, if reformed, would provide an ideal platform for charting the course of centre-state relations on a fairer, balanced, and just basis.

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