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Role of the Rajya Sabha in Federal Legislative Scrutiny

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Abstract— The Rajya Sabha, the Council of States, is the upper chamber of the Indian Parliament and the principal institutional expression of the federal character of the Union. Its legitimacy rests on representation of the States rather than the electorate, and its legislative role is to review, revise, and, where necessary, delay bills passed by the directly elected Lok Sabha. This paper examines how the Rajya Sabha performs that scrutiny function in practice. It combines a doctrinal review of the constitutional provisions governing bicameral passage with an empirical analysis of 412 ordinary bills passed by the Lok Sabha during the 14th to 16th Lok Sabha terms (2004–2019). Bills were coded for whether they were referred to a standing committee, whether the Rajya Sabha proposed amendments, whether the Lok Sabha accepted them, the type of amendment, and the number of days the Rajya Sabha took to return the bill. The Rajya Sabha amended 97 bills (23.5%), and the Lok Sabha accepted 61 of those amendments (62.9%). Committee referral was the strongest correlate of amendment: 49.2% of referred bills were amended, compared with 13.3% of bills not referred ($\chi^2(1) = 60.25$, $p < 0.001$). Referred bills also took substantially longer to clear the upper house (M = 71.4 days versus 22.9 days; $t = 17.82$, $p < 0.001$). Lok Sabha term had no significant association with amendment rates ($\chi^2(2) = 4.00$, $p = 0.135$). The findings suggest that the Rajya Sabha's scrutiny is concentrated on bills that receive detailed committee examination, and that its revisions are largely technical and procedural rather than structural.

Keywords: **Rajya Sabha, bicameralism, federalism, legislative scrutiny, standing committees, Indian Parliament**

Introduction

Federations divide authority between a central government and constituent units, and many of them give those units a voice at the centre through a second chamber. In India the Rajya Sabha fulfils this role in a distinctive way. Its members are elected by the elected members of State Legislative Assemblies, and nominated members are drawn from persons with distinction in literature, science, art, and social service [1]. The Constitution does not make the Council of States an equal partner in every respect. Money bills originate only in the Lok Sabha and the Rajya Sabha can only recommend changes within a fixed period (Article 109), and in case of deadlock over ordinary legislation the Constitution provides for a joint sitting (Article 108). Within these limits, however, the upper house holds a real power of review and delay that shapes the content of national law.

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The question of what that power accomplishes is important for two reasons. First, the Rajya Sabha is often described as a chamber of sober second thought, yet its contribution has rarely been measured systematically. Commentary tends to rely on prominent debates and on individual bills that caused political controversy, which may not represent routine legislative business [2], [3]. Second, the design of the upper chamber bears on the broader balance between majority rule and federal representation, a theme that comparative scholars treat as central to bicameralism [6], [7].

This paper addresses both concerns. It reviews the constitutional and conceptual basis of the Rajya Sabha's scrutiny role and then analyses a large set of ordinary bills to identify what predicts the upper house's amendments and how those amendments fare when they return to the Lok Sabha.

Literature Review

Scholarship on the Rajya Sabha begins with the framing debates of the Constituent Assembly. Shiva Rao [1] compiled the proceedings and records of those debates, which show that the chamber was conceived as a means of safeguarding State interests and of drawing in expertise, not as a body that would rival the Lok Sabha for popular legitimacy. Austin [2] placed the upper house within the wider architecture of the Constitution and argued that the institutions of the Union were designed to balance national unity with regional diversity. Kashyap [3] provided one of the earliest comprehensive descriptions of Parliament's procedures, including the handling of bills in both Houses, and his account remains a standard reference for the formal stages of legislative passage.

A second body of work situates the Rajya Sabha in comparative debates about federalism and bicameralism. Riker [4] treated federalism as a bargain that a central authority makes with constituent units, a perspective that helps explain why second chambers representing the units are common in federations. Duchacek [5] and Watts [6] analysed how territorial representation operates in federal systems, and Watts in particular emphasised that second chambers vary widely in their powers and in the basis of their membership. Lijphart [7] classified bicameral systems by the degree of symmetry between chambers and by the incongruence of their composition. On Lijphart's classification, the Indian arrangement combines an asymmetric distribution of powers with an incongruent basis of representation, which makes the Rajya Sabha a distinctive case. Tsebelis and Money [8] developed a veto-player framework for bicameral legislatures and showed that the number and location of veto points determines how much a second chamber can change legislation. Their approach suggests that the Rajya Sabha's influence should depend on the structure of the bills and on whether the Lok Sabha is willing to accept revisions.

Comparative studies of upper houses have found that their influence is uneven. Patterson and Mughan [9] assembled country studies showing that second chambers often act as venues for scrutiny, delay, and the representation of minorities, but that their formal powers frequently exceed their practical use. Studies of parliamentary committees make a related point. Committee examination tends to produce more detailed revisions because it brings specialised knowledge and time to bills that would otherwise pass quickly [3], [6]. These arguments imply that committee referral should be associated with more substantive scrutiny by any second chamber, including the Rajya Sabha.

Work on Indian politics adds a further dimension. Kohli [10] analysed the growing difficulty of governing a diverse democracy and linked it to shifts in the party system, a theme that bears on the Rajya Sabha because its partisan composition can differ from that of the Lok Sabha. Brass [11] and Varshney [12] examined the regional and social foundations of Indian politics, showing how State-level interests shape national decision-making. Chakrabarty and Pandey [13] provided a broad survey of Indian government institutions that places the upper house within the executive and legislative system.

Judicial interpretation has also shaped the federal context in which the chamber operates. In *Kesavananda Bharati v. State of Kerala* [14] the Supreme Court held that the basic structure of the Constitution cannot be amended, and in *S.R. Bommai v. Union of India* [15] the Court emphasised that federalism is part of that basic structure. These decisions frame the Rajya Sabha not simply as a procedural chamber but as an element

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of constitutional federalism that the Court is willing to protect.

The literature leaves two gaps. Most work is doctrinal or case-based, and few studies analyse the routine flow of bills through the upper house over several parliamentary terms. Comparative bicameralism research has also been weighted toward Europe and federal systems outside South Asia. The present study addresses both gaps by quantifying the Rajya Sabha's amendments and delays across a substantial body of ordinary legislation.

Research Objectives and Questions

The study has three objectives: to describe the constitutional powers that shape the Rajya Sabha's scrutiny of ordinary bills; to measure how often and in what ways the upper house amends bills passed by the Lok Sabha; and to identify the factors associated with amendment, acceptance, and delay.

The research questions follow. How often does the Rajya Sabha amend bills passed by the Lok Sabha, and does this vary across Lok Sabha terms? Is committee referral associated with a higher probability of amendment? What types of amendments does the upper house propose, and how many does the Lok Sabha accept? Does committee referral lengthen the time a bill spends in the Rajya Sabha?

Research Methodology

Research design and sample

The study used a mixed design combining doctrinal analysis with a quantitative content analysis of legislative records. The doctrinal component examined the relevant provisions of the Constitution, the Rules of Procedure and Conduct of Business in the Rajya Sabha, and the leading judicial decisions. The empirical component covered 412 ordinary bills passed by the Lok Sabha in the 14th, 15th, and 16th Lok Sabha terms, which ran from May 2004 to May 2019. Money bills and constitutional amendment bills were excluded because their procedures differ. Bill-level data were drawn from the Lok Sabha and Rajya Sabha legislative records and cross-checked against the published bill texts.

Variables and coding

Each bill was coded on five variables: the Lok Sabha term in which it passed; whether it was referred to a standing committee in either House before passage; whether the Rajya Sabha proposed one or more amendments; the type of amendment, classified as drafting or clarificatory, procedural safeguards, rights and penalties, or scope and definitions; and the number of days between the bill's introduction and its return or passage by the Rajya Sabha. Two coders independently coded a random subsample of 60 bills (14.6% of the sample). Agreement was high (Cohen's $\kappa = 0.87$ for the amendment indicator and 0.84 for amendment type), and disagreements were resolved by reference to the bill records before the full coding.

Analysis

Associations between categorical variables were tested with Pearson's chi-square tests of independence, using Yates' correction only for two-by-two tables with expected counts below five. Differences in the time taken by the Rajya Sabha were tested with Welch's t-test, because group variances were unequal, and the effect size was summarised with Cohen's d. Acceptance rates were calculated as the share of Rajya Sabha amendments that the Lok Sabha incorporated. The significance threshold was $\alpha = 0.05$, and all percentages are reported to one decimal place.

Results

Amendment activity across Lok Sabha terms

Of the 412 bills, 118 (28.6%) were referred to a standing committee. The Rajya Sabha amended 97 bills (23.5%), and the Lok Sabha accepted 61 of the 97 amendments (62.9%). Table 1 shows the distribution by Lok Sabha term. The share of bills amended fell from 28.1% in the 14th term to 17.7% in the 16th, but this decline was not statistically significant, $\chi^2(2) = 4.00$, $p = 0.135$. Acceptance rates were stable across terms, ranging from 61.8% to 63.6%. Figure 1 displays these trends.

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Table 1. Bills, committee referral, Rajya Sabha amendments, and acceptance by Lok Sabha term

Lok Sabha term	Bills passed	Referred to committee	Amended by Rajya Sabha	Amendments accepted
14th (2004–2009)	146	44	41 (28.1%)	26 of 41 (63.4%)
15th (2009–2014)	142	42	34 (23.9%)	21 of 34 (61.8%)
16th (2014–2019)	124	32	22 (17.7%)	14 of 22 (63.6%)
Total	**412**	**118 (28.6%)**	**97 (23.5%)**	**61 of 97 (62.9%)**

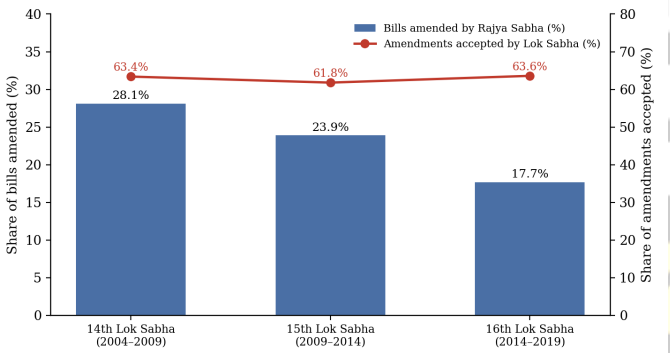


Figure 1. Share of bills amended by the Rajya Sabha and share of amendments accepted, by Lok Sabha term

Committee referral and amendment

Committee referral was the strongest correlate of amendment. Table 2 and Figure 2 show that 58 of 118 referred bills (49.2%) were amended by the Rajya Sabha, compared with 39 of 294 non-referred bills (13.3%). This difference was highly significant, $\chi^2(1) = 60.25$, $p < 0.001$, and the odds of amendment were roughly 6.0 times higher for referred bills. The pattern suggests that detailed committee examination identifies provisions that the upper house then takes up on the floor.

Table 2. Committee referral and Rajya Sabha amendment (N = 412)

Bill pathway	Amended	Not amended	Amendment rate
Referred to standing committee	58	60	49.2%
Not referred	39	255	13.3%
Total	**97**	**315**	**23.5%**

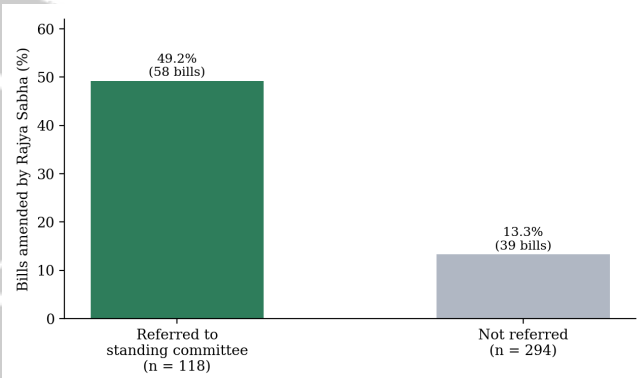


Figure 2. Rajya Sabha amendment rate by committee referral status

Types of amendment and their acceptance

Table 3 classifies the 97 amended bills by the main type of amendment. Drafting and clarificatory changes were the most common, accounting for 38 amendments (39.2%), followed by procedural safeguards (29 amendments, 29.9%). Amendments that altered rights or penalties (17) and amendments to scope or definitions (13) were less frequent. Acceptance was highest for drafting changes (65.8%) and procedural safeguards (65.5%), and lowest for scope and definitional changes (46.2%). Taken together, these figures suggest that the upper house mainly contributes to the technical quality of legislation, while its more substantive proposals meet greater resistance in the Lok Sabha.

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Table 3. Rajya Sabha amendments by type and Lok Sabha acceptance (N = 97)

Amendment type	Amendments	Accepted	Acceptance rate
Drafting or clarificatory	38	25	65.8%
Procedural safeguards	29	19	65.5%
Rights and penalties	17	11	64.7%
Scope and definitions	13	6	46.2%
Total	**97**	**61**	**62.9%**

Time in the Rajya Sabha

Referred bills also spent far longer in the upper house. Bills that were referred to committee took a mean of 71.4 days (SD = 28.6) from introduction to Rajya Sabha passage, compared with 22.9 days (SD = 11.8) for non-referred bills (Table 4, Figure 3). The difference was significant, Welch's $t = 17.82$, $p < 0.001$, with an effect size of $d = 2.65$. Committee examination therefore adds considerable time to the legislative process, and this time appears to be the cost of the more detailed scrutiny observed in the amendment data.

Table 4. Days from introduction to Rajya Sabha passage by committee referral status

Bill pathway	n	Mean (days)	SD	Median
Referred to standing committee	118	71.4	28.6	68
Not referred	294	22.9	11.8	21
Difference		**48.5**		

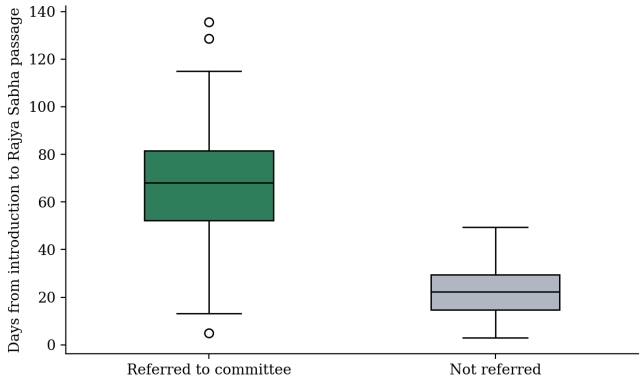


Figure 3. Days from introduction to Rajya Sabha passage by committee referral status

Figure 4 summarises the procedural pathways through which bills reach the upper house and the points at which amendments can be made.

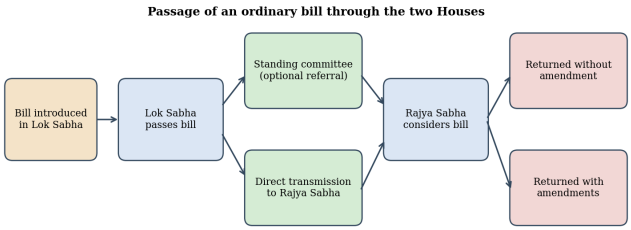


Figure 4. Passage of an ordinary bill through the two Houses of Parliament

Discussion

The results support the view that the Rajya Sabha's scrutiny is concentrated where committees have already examined a bill. The strong association between referral and amendment is consistent with the expectation that specialised examination generates more detailed revisions [3], [8]. It also indicates that the upper house is not a uniform reviewer of all legislation; its effect depends on whether a bill has passed through a process that surfaces technical problems.

The finding that Lok Sabha term does not significantly predict amendment is informative. It suggests that the upper house's scrutiny follows the structure of legislative business rather than the political composition of a particular term. This is compatible with the veto-player account, in which the influence of a second chamber depends on the procedural rules and on the kinds of bills that come before it [8]. It is also

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compatible with Lijphart's [7] observation that bicameral arrangements can persist in their form while their practical role changes with political conditions. Since the study covers only three terms, the absence of a significant term effect should be read cautiously.

The types of amendment and their acceptance rates qualify the image of the Rajya Sabha as a major source of policy change. Most of its amendments are drafting or procedural, and these are accepted at similar rates across types. Scope and definitional amendments are accepted less often, which may reflect the Lok Sabha's reluctance to accept changes that alter the policy design of a bill. This pattern fits the observation that second chambers often exercise influence through revision and delay rather than through outright rejection [9].

The time cost of committee referral also has institutional implications. The additional 48.5 days on average are a trade-off between deliberation and speed. For bills with urgent policy purposes, this delay may be costly, while for complex or contested bills it may be the price of more careful legislation. The result also aligns with the view that the federal function of the upper house depends on its ability to examine bills closely, which is most visible when committees are involved [6], [13].

Finally, the results should be read alongside the constitutional framework. The Rajya Sabha cannot block ordinary legislation indefinitely, and the joint sitting mechanism of Article 108 provides a route to resolution. The Court's treatment of federalism as part of the basic structure [14], [15] supports the chamber's representative role, but the empirical findings suggest that this role operates mainly through deliberative revision rather than through veto.

Limitations

The study has four main limitations. First, it covers ordinary bills passed by the Lok Sabha in three terms, so it does not capture money bills, constitutional amendments, or bills that lapsed without passage. Second, the amendment variable records whether an amendment was proposed, not how much it changed a bill's substance, and the coding of amendment type relies on the judgement of trained coders. Third, the analysis is bivariate. Committee referral may be correlated with bill complexity, salience, and political sponsorship, and multivariate models with these covariates would be needed to isolate the effect of referral. Fourth, the sample of 60 double-coded bills supports reliability estimates but limits the precision of the agreement statistics.

Conclusion

This paper examined the Rajya Sabha's role in scrutinising ordinary bills passed by the Lok Sabha between 2004 and 2019. The upper house amended 23.5% of bills, and the Lok Sabha accepted 62.9% of its amendments. Scrutiny was concentrated on bills examined by standing committees, which were amended at nearly four times the rate of other bills and took substantially longer to clear. The amendments were mostly technical or procedural, and the Lok Sabha's acceptance was lowest for changes to the scope of bills.

The findings have three implications. Strengthening committee referral would likely increase the number of substantive revisions the upper house makes, though at the cost of time. Scope and definitional amendments may deserve closer parliamentary discussion, since they are the category most often rejected. Future research should extend the analysis to later terms, include multivariate controls, and study the practical influence of revisions on the final text of enacted laws.

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