

Representation in the Rajya Sabha/Upper House of the Parliament

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Rajya Sabha Latest News

- The Union Law and Justice Ministry recently **rejected** the Election Commission's (EC) **proposal** for a presidential order **to stagger the terms of Jammu and Kashmir's (J&K) four Rajya Sabha seats**.
- This has **left the Union Territory (UT) without representation** in the Upper House since 2021.

Background

- **Vacancy of seats:** J&K's four Rajya Sabha seats became vacant in 2021 when MPs completed their terms during President's Rule.
- **Elections 2024:** Despite Assembly elections being held in Sept-Oct 2024, Rajya Sabha elections are yet to be conducted.
- **Political concern:** The current Chief Minister of the UT of J&K has raised questions about the delay.

EC's Proposal

- **Proposal:** A presidential order to curtail the terms of some of the Rajya Sabha seats of J&K.
- **Objective:** Ensure staggered retirement of J&K's Rajya Sabha members, **preventing simultaneous vacancy.**
- **Reference:** A similar presidential order was issued in **1952** after the first Rajya Sabha election to create a staggered cycle.
- **Article 83:** Provides that one-third of Rajya Sabha members retire every two years, ensuring continuity. It is a **permanent** House as opposed to the Lok Sabha that has a fixed five-year term.
- **Disturbance in cycle:** In J&K (since the 1990s) and in Delhi (post-1991 NCT of Delhi Act), terms have become concurrent due to President's Rule or institutional changes.

Law Ministry's Response

- **Reason for rejection:** No provision in current law to issue such an order.
- **Past precedents:** Orders were issued only in 1952 and 1956 under the Representation of the People Act (**RPA**), 1951 and subsequent **Seventh Constitutional Amendment** (1956).
- **Legal position:** According to **Section 154 of the RPA 1951**, the term of Rajya Sabha members is six years. Presidential orders for staggering were permitted only at the first constitution (1952) and after the 1956 amendment.
- **Implication:** Any new order **requires a statutory amendment to the RPA, 1951** and must cover all affected states/UTs, not only J&K.

Current Status

- **No representation:** J&K has had no Rajya Sabha MPs for four years.
- **National impact:**
 - J&K had no vote in the 2022 Presidential and Vice-Presidential elections.
 - It will also remain unrepresented in the Vice-President election (Sept 9, 2025).
- **Pending action:** Uncertainty remains over when the EC will schedule Rajya Sabha elections for J&K.

Conclusion

- **A clear legislative amendment** to the Representation of the People Act, 1951 can ensure staggered Rajya Sabha representation for all affected states and UTs, **safeguarding federal continuity.**
- **Restoring J&K's voice** in the Upper House will not only **uphold democratic legitimacy** but also **strengthen its integration** into India's parliamentary framework.

Source: **IE**

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