
1. Chandigarh's Proposal to Amend Article 80 of the Constitution

Prelims Syllabus: Polity - Institutional Reforms

Mains Syllabus: GS-II Indian Constitution- historical underpinnings, evolution, features, Amendments, Significant Provisions and Basic Structure.

Why in News?

- The Chandigarh Municipal Corporation has approved a proposal to amend Article 80 of the Constitution.

Background of the Issue:

- This amendment says, its councillors could send a representative to the Rajya Sabha.
- A Private Member's Bill in this regard has also been introduced.
- Article 80 of the Constitution of India deals with the composition of the council of states also called the Upper House and Rajya Sabha (Upper House).
- Chandigarh is a Union Territory without any legislative assembly. Chandigarh has a seat of Member of Parliament (MP) in the lower house (Lok Sabha) or House of the People.
- Chandigarh residents elect an MP every five years through direct voting.

What is the Demand of the Proposed Bill?

- The bill (Private Member Bill) sought the adding of a provision "provided that the representative of the Union Territory of Chandigarh in the council of states shall be elected by an electoral college.
- The electoral college should consist of elected members of the Municipal Corporation of Chandigarh constituted under the Punjab Municipal Corporation (Extension to Chandigarh) Act, 1994 in Article 80 of the Constitution.
- An amendment has also been sought to the Fourth Schedule of the Constitution with 'Entry 32, Chandigarh.
- The fourth Schedule contains provisions as to the allocation of seats in the Council of States.

What's the Legal Issue now? Why can't municipal councillors elect?

- The elected Municipal Corporation Councillors do not form the electoral college for selecting a member for Upper house (Rajya Sabha) because it is beyond the powers of the Municipal Corporation (As defined by the Constitution).

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- If the functions of the civic body are to be extended beyond the listed scope of functions it would not be feasible and would go against the constitutional mandate of any such Municipal Corporation.

How Rajya Sabha Members are elected?

- Rajya Sabha members are elected indirectly by the people, that is, by the MLAs.
- Members of a state's Legislative Assembly vote in the Rajya Sabha elections in proportional representation with the single transferable vote (STV) system. Each MLA's vote is counted only once.
- To win a Rajya Sabha seat, a candidate should get a required number of votes. That number is found out using the below formula. Required vote = Total number of votes / (Number of Rajya Sabha seats + 1) + 1.

