

# Types of Majorities in the Indian Parliament - Indian Polity

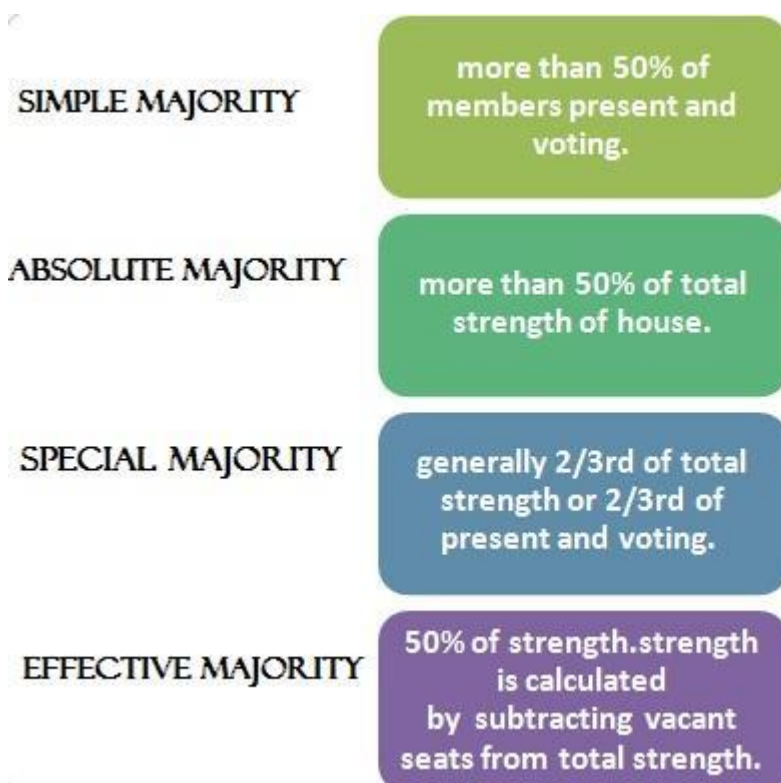
India follows a parliamentary democracy. In a parliamentary democracy, all major decisions are taken by the Parliament. To pass bill to make them laws, the Parliament needs to pass them with a majority. There are different types of majorities in the Indian Parliament.

## Types of Majorities in Indian Parliament

Although the Constitution of India does not provide an explicit classification for the kinds of majorities needed for passing various kinds of bills, a careful interpretation of the Constitution provide four major types of majorities.

They are as follows:

1. Simple
2. Absolute
3. Effective
4. Special



### Simple Majority

- This refers to a majority of more than 50% of the **members present and voting** in the House.
- Also known as Functional or Working majority.
- This is the most commonly used type of majority.
- When the law does not specify the kind of majority needed, simple majority is used for passing bills or motions.
- Ordinary bills require only a simple majority.
- For example, in the Lok Sabha, out of the total strength of 545, suppose 45 were absent and 100 abstained from voting. This means, only 400 members were present and voting. In this case, the simple majority needed is 201 (50% + 1).

- Instances where a simple majority is needed:
  - To pass money/financial/ordinary bills
  - To pass Adjournment Motion/Non-Confidence Motion/Censure Motion/Confidence Motion
  - To declare financial emergency
  - To declare President's Rule (state emergency)
  - To remove the Vice President, simple majority is needed in the Lok Sabha
  - To elect the Speaker and Deputy Speaker of the Lok Sabha
  - Constitution Amendment Bill under Article 368 which needs to be ratified by the states, need only a simple majority at the State Legislatures.

## Absolute Majority

- This refers to a majority of more than 50% of the **House's total membership**.
- This means that in the Lok Sabha, absolute majority is 273. (50% more than 545, the total membership of the Lok Sabha).
- Instances where an absolute majority is needed:
  - Used during the general elections, for government formation at the Centre and the States.

## Effective Majority

- This refers to a majority of more than 50% of the **effective strength of the House**.
- For example, in the Lok Sabha, out of the total strength of 545, suppose 5 are vacant seats and 50 members decide to abstain. This means, the effective strength of the House is  $(545 - 5) - 50 = 490$ . In this case, the effective majority is 246.
- In the Constitution, effective majority is mentioned as "all the then members".
- Instances where an effective majority is needed:
  - Removal of the Vice President in the Rajya Sabha (Article 67(b)).
  - Removal of the Speaker and the Deputy Speaker of the Lok Sabha and the State Legislatures.

## Special Majority

Any majority other than simple, absolute and effective are called Special Majorities. There are four types of special majorities. They are as follows:

- a. Special Majority according to Article 249
- b. Special Majority according to Article 368
- c. Special Majority according to Article 368 + 50 percent state ratification by a simple majority
- d. Special Majority according to Article 61

### Special Majority according to Article 249

This refers to a majority of 2/3rd members present and voting. This is used to pass a Rajya Sabha resolution to empower the Parliament to make laws in the State List.

### Special Majority according to Article 368

This refers to a majority of 2/3rd members present and voting supported by over 50% of the total strength of the House. This is chiefly used for most of the Constitution Amendment Bills.

Instances where this type of majority is used:

1. Passing a constitutional amendment bill which does not affect federalism.
2. Removing judges of the Supreme Court or High Court.
3. Removing the Comptroller and Auditor General of India (CAG) or the Chief Election Commissioner (CEC).
4. National emergency
5. Resolution by the State Legislature for the abolition or creation of the Legislative Council.

### Special Majority according to Article 368 + 50 percent state ratification by a simple majority

This type of majority is needed when a constitutional amendment tries to change the federal structure. E.g. The bill that introduced the National Judicial Appointments Commission. It needed the support of at least 15 state legislatures out of the 29 states.

### **Special Majority according to Article 61**

This refers to a majority of 2/3rd of the total strength of the House. This is used in the case of impeachment of the President of India.

### **UPSC Questions related to types of Majorities in the Indian Parliament**

#### **How many types of majority are there?**

There are four types of majorities in the Indian Parliament.

#### **How much majority in the parliament is required to amend any part of the Indian Constitution?**

A special majority is needed for the amendment of the Constitution.

#### **Can President reject a bill?**

The President can give his assent or withhold his assent to a bill or he can return a bill, other than a money bill which is recommended by the president himself to the houses. If the President is of the opinion that a particular bill violates the constitution, he can send it back with his recommendations to pass the bill under the constituent powers of parliament following the Article 368 procedure. If the bill is then duly passed by the Parliament as per Article 368, he cannot withhold his assent.

#### **How many amendments are there in India?**

As of March 2019, there have been 103 amendments to the Constitution.