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**News: Majorities in Indian Constitution**

- Recently, the BJP led NDA coalition requested to the President to form a government as they feel that they're enjoying the majority.

## **Majority**

- In the context of a legislature, the term 'Majority' refers to the minimum number of votes required to pass a decision or a law. As a concept, fundamental to parliamentary procedure, it ensures that any decision made has the support of a plurality of the members of the legislature, thus upholding the fundamental principles of democracy.

### **Majority in Indian Parliament**

- The Indian Parliament, as the apex legislative body of the nation, is entrusted with the responsibility of enacting laws and shaping the course of governance. Moreover, being the supreme legislative body of the world's largest democracy, it has to ensure that its every decision is made in accordance with the democratic principles of plurality support. It is in this requirement that the

Indian Parliament operates on various types of majorities for various types of decision-making processes.

### **Types of Majorities in Indian Parliament**

- Simple Majority
- Absolute Majority
- Effective Majority
- Special Majority

### **Simple Majority**

- The 'Simple Majority' is also known as the Ordinary Majority, Functional Majority or Working Majority.
- It refers to a majority of the members present and voting in the House.
- For example, suppose 324 members are present and voting in the Lok Sabha. In this case, Simple Majority =  $[324/2 + 1] = 163$ .
- In a particular day, if there are 324 members present, but 24 of them resented to vote, then the simple majority would be  $(324-24)/2 + 1 = 151$ .

## Usage of Simple Majority

- **Article 100 of the Indian Constitution** states that except as otherwise provided in this Constitution, **all questions at any sitting of either House or joint sitting of the Houses shall be determined by a majority of votes of the members present and voting.**
- This means that the **simple majority is the general rule prescribed by the Constitution for the determination of questions in the Parliament.**

The 'Simple Majority' is required in the following cases:

- Passing of Ordinary Bills, Money Bills, and Financial Bills.
- Passing of the Adjournment Motion, No Confidence Motion, Confidence Motion, Censure Motion, and Motion of Thanks.
- Removal of the Vice-President in the Lok Sabha (Article 67).
- Approval of the imposition of the President's Rule (Article 356).
- Approval of the Proclamation of Financial Emergency (Article 360).
- Election of the Speaker and the Deputy Speaker of the Lok Sabha (Article 93).
- Election of the Deputy Chairman of the Rajya Sabha (Article 89).
- Passing of a resolution by the Lok Sabha for disapproving the continuance of the National Emergency (Article 352).

## Effective Majority

- The term 'Effective Majority' refers to a majority of the total membership of the House excluding the vacant seats.
- In other words, it is the majority of the then effective strength of the House.
- For example, suppose 15 seats are vacant out of the total number of seats in the Lok Sabha (i.e. 543). In this case, Effective Majority would be  $[(543 - 15)/2 + 1] = 265$ .

### Usage of Effective Majority

The 'Effective Majority' is required in the following cases:

- Removal of the Vice President in the Rajya Sabha (Article 67).
- Removal of the Deputy Chairman of the Rajya Sabha (Article 90).
- Removal of the Speaker and the Deputy Speaker of the Lok Sabha (Article 94).

## Absolute Majority

- The term 'Absolute Majority' refers to a majority of the total membership of the House, irrespective of the fact whether there are vacant seats or absentees.
- For example, since the total strength of the Lok Sabha is 543, the Absolute Majority for the Lok Sabha =  $([543/2) + 1] = 272$ .

## Usage of Absolute Majority

- This 'Absolute Majority' is not prescribed by the Constitution for any case or purpose as a standalone single requirement. It is, rather, required in certain cases as a component of the Special Majority.
- Thus, the Parliament or the State Legislature does not use the 'Absolute Majority' for normal businesses.
- It is mainly used for the formation of government at the Centre as well as State levels.

## Special Majority

### Special Majority-I

- The 'Special Majority-I' refers to the majority of the total membership of the House and a two-thirds majority of the members present and voting.

### Usage of Special Majority-I

The 'Special Majority-I' is required in the following cases:

- Amendment of the Constitution (Article 368)
- Removal of the Judges of the Supreme Court (Article 124)
- Removal of the Judges of the High Courts (Article 217)

- Removal of the Comptroller and Auditor General of India (Article 148)
- Removal of the Chief Election Commissioner (Article 324)
- Removal of the State Election Commissioner (Article 243K) Parliamentary approval of proclamation of national emergency (Article 352).

## Special Majority-II

- Special Majority-II refers to the two-thirds majority of the total membership of the House.

### Usage of Special Majority-II

- Special Majority-II is required for the impeachment of the President (Article 61).
- The President can be removed from his office before the completion of his term of 5 years by the procedure of impeachment for 'Violation of the Constitution'.
- Both Houses of the Parliament need to pass the motion by  $2/3^{\text{rd}}$  of the total strength of the House.

### Special Majority-III

- Special Majority-III is used only by the Rajya Sabha.
- It refers to a two-thirds majority of the members present and voting.

## **Usage of Special Majority-III**

Special Majority-III is required in the following cases:

- Recommendation for the creation of new All-India Services (Article 312)
- Parliamentary legislation on matters in the State List (Article 249).