

TYPES OF
MAJORITIES AND
CONSTITUTIONAL AMENDMENTS
IN INDIA

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 provides four major types of majorities.

Type of majority	Simple
Features	<ul style="list-style-type: none">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, a simple majority is used for passing bills or motions.
Instances where it is needed	<ul style="list-style-type: none">To pass money bill/financial/ordinary billsTo pass Adjournment Motion/Non-Confidence Motion/Censure Motion/Confidence MotionTo declare a financial emergencyTo declare President's Rule (state emergency)To elect the Speaker and Deputy Speaker of the Lok Sabha
Constitutional Amendment where it is required	<ul style="list-style-type: none">Admission or establishment of new states.Formation of new states and alteration of areas, boundaries or names of existing states.Abolition or creation of legislative councils in states.Second Schedule-emoluments, Allowances, privileges and so on of the president, the governors, the Speakers, judges, etc.Quorum in Parliament.Salaries and allowances of the members of Parliament.Rules of procedure in Parliament.Privileges of the Parliament, its members and its committees.Use of the English language in Parliament.Number of puisne judges in the Supreme Court.Conferment of more jurisdiction on the Supreme Court.Conferment of more jurisdiction on the Supreme Court.Citizenship-acquisition and termination.Elections to Parliament, state legislatures.Delimitation of constituencies.Union territoriesFifth and Sixth Schedule

Type of majority	Absolute
Features	<ul style="list-style-type: none">This refers to a majority of more than 50% of the House's total membership.
Instances where it is needed	<ul style="list-style-type: none">Removal of Vice-President where Rajya Sabha has to pass a resolution with an absolute majority.Removal of Lok Sabha speaker where the house has to pass a resolution with an absolute majority.

Type of majority	Effective
Features	<ul style="list-style-type: none">This refers to a majority of more than 50% of the effective strength of the House.In the Constitution, an effective majority is mentioned as “all the then members”.
Instances where it is needed	<ul style="list-style-type: none">Removal of the Deputy Chairman in the Rajya Sabha (Article 67(b)).Removal of the Deputy Speaker of the Lok Sabha and the State Legislatures.

Type of majority	Special
Features	<ul style="list-style-type: none">Any majority other than simple, absolute and effective are called Special Majorities. Special Majority as Per Article 249: requires a majority of 2/3rd members present and voting. To pass the Rajya Sabha resolution to empower the parliament to make laws in the state list.
Instances where it is needed	<ul style="list-style-type: none">Special Majority as Per Article 249: requires a majority of 2/3rd members present and voting. To pass the Rajya Sabha resolution to empower the parliament to make laws in the state list.Special Majority as Per Article 61: requires a majority of 2/3rd members of the total strength of the house. For the impeachment of the Indian President.
Constitutional Amendment where it is required	<p>Special Majority as Per Article 368: requires a majority of 2/3rd members present and voting supported by more than 50% of the total strength of the house. This type of majority is used for most of the Constitutional amendment bills. Cases where special majority as per article 368 is used:</p> <ul style="list-style-type: none">To pass a constitutional amendment bill which does not affect federalism.Removal of judges of SC/HC.Removal of CEC/CAG.Approval of national emergency requires special majority as per Article 368 in both houses.Resolution by the state legislature for the creation/abolition of Legislative Council.

Special Majority as Per Article 368 plus State ratification: required when a constitutional amendment bill try to change the federal structure. Special majority as per article 368 plus state ratification requires a majority of 2/3rd members present and voting supported by more than 50% of the state legislatures by a simple majority.

- Election of the President and its manner.
- Extent of the executive power of the Union and the states.
- Supreme Court and high courts.
- Distribution of legislative powers between the Union and the states.
- Any of the lists in the Seventh Schedule.
- Representation of states in Parliament.
- Power of Parliament to amend the Constitution and its procedure (Article 368 itself).