

Types of Majority

The Constitution of India provides four major types of majorities, namely:

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

The Indian Constitution makes no express distinction between majorities.

Simple Majority in Parliament

This is a majority of more than 50 percent of those members who are present and voting. This could also be referred to as a functional majority, also known as a working majority. In Parliamentary business, the simple majority is one of the most regularly encountered majority types. A simple majority is used when the constitution or laws do not specify the type of majority required.

Examples of when the simple majority is used:

- Ordinary or Money or Financial bills to be passed.
- Non-Confidence Motion, Adjournment Motion, Censure Motion, or Confidence Motion to be passed.
- The simple majority that is required in Lok Sabha to remove the Vice President is A67 (b).
- Declaring any financial emergency
- Declare any form of state of emergency (Presidential power).
- Election of the state legislatures and Lok Sabha Speakers, and Deputy Speakers
- Article 368 Constitutional Amendment Bills states must approve require just a simple majority in state legislatures.

Absolute Majority

It denotes a majority of more than 50% of the house's total membership. Given that the total number of Lok Sabha members is 242, an absolute majority in Lok Sabha implies - 50% of 242 plus 1, which means 122.

Incidences in which the absolute majority can be used is- Absolute majority is rarely used in the ordinary business of the Parliament or State Legislature. However, this majority is used during the general election to form government at the Centre and States.

Special Majority in Parliament

Article 249 needs a Special Majority of two-thirds of those present and willing to vote. For comparison purposes, if only 150 of the Rajya Sabha's 245 members are present and willing to vote, the special majority required under Article 249 is 101. The cases in which the special majority of article 249 is utilized could be passing a Rajya Sabha authorizing the legislature to build laws on the state list. (this is Valid for one year but could also be renewed an unlimited number of times).

Special Majority in terms of Article 368

Article 368 specifies that a special majority of two-thirds of the members present and willing to vote must be aided by more than half of the overall strength of the house. Most constitutional amendment bills require this type of majority. To carry out a constitution amendment bill in Rajya Sabha, the bill must be backed by more than two-thirds of the members who are willing to vote, along with 123 members.

Cases requiring a special majority under Article 368:

- Passing an amendment bill in the constitution has no impact on federalism.
- To pass a constitutional amendment bill that has no impact on federalism.
- CEC/CAG removal.
- Permitting a national emergency needs a special majority in both houses under Article 368.
- Resolution of the state legislature establishing/abolishing the Legislative Council (Article 169).

What is an Effective Majority?

The term "effective majority of the parliamentary house" refers to greater than 50% of the total effective strength of the house. Unoccupied seats are subtracted from the total number of seats to understand it better. The phrase "all the then members" used in the Indian Constitution signifies the term effective majority. For instance, in Rajya Sabha, if there are 42 vacancies out of 242 members, the productive strength of the house would be 200. The effective majority, in this case, would be 50% of 200 and the addition of 1, which makes it 101.

Examples of when the effective majority is put to use:

1. Removal of the Vice-President in the Republic of Serbia - Article 67 (b).
2. Removal of Lok Sabha and State Legislative Assembly Speakers and Deputy Speakers

Special Majority According to Article 368 + 50 Percent State Ratification by a Simple Majority

When an amendment bill in the constitution attempts to change the federal structure, a special majority is required. A special majority, being defined in Article 368, and ratification by the state requires a simple majority of more than 50 percent of the legislatures of the states, present, and voting. An example is a bill that established the National Judicial Appointments Commission (NJAC). It is said to require the backing of at minimum 15 of the 29 existing state legislatures.

Cases in which a special majority, according to Article 368 plus the state ratification, is utilized for clearing an amendment bill in the constitution that impacts federalism, such as the placement of High Court justices.

Special Majority in terms of Article 61

Article 61 requires a special majority of two-thirds of the full strength in the house. The special majority required by article 61 in the Lok Sabha is 364; in the Rajya Sabha, the special majority required by article 61 would be 164.

The cases in which a special majority is used under Article 61 could be for the Impeachment of the President of India.

