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**EDITORIAL ANALYSIS**

# Deservedly Dead: Why the 131st Amendment's Defeat is a Constitutional Achievement, Not a Failure

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# Deservedly Dead: Why the 131st Amendment's Defeat is a Constitutional Achievement, Not a Failure

 The Hindu    18 April 2026    **GS2**

 The Hindu    3 tags



## INTERVIEW ANGLE

*"The Constitution (131st Amendment) Bill — proposing Lok Sabha expansion to 850 seats based on the 2011 Census — was defeated in the Lok Sabha on April 17, 2026, with 298 votes for against the 352 required. The Hindu argues this defeat is not a setback but a constitutional achievement: it demonstrates that India's federal architecture functions as designed, and that majoritarian impulses cannot override federal-equity concerns. How should India approach the next attempt at delimitation reform?"*

Source: [Original editorial](#)  

## EDITORIAL SUMMARY

The Hindu argues the defeat of the 131st Amendment Bill is a constitutional achievement, not a failure — the special-majority requirement of Article 368 worked as designed, the federal-equity concerns of southern and northeastern states proved binding, and the Bill's Census-timing anomaly and TFR-divergence injustice were so substantial that defeat was appropriate. Calls for legitimate delimitation reform after 2021 Census publication, with Inter-State Council consultation and JPC process.

## THE 131ST AMENDMENT DEFEAT — VOTE MATH

METRIC	VALUE
Date of vote	April 17, 2026
Votes in favour	298
Votes against	230
Special-majority threshold (2/3 of 528 if all present)	352
Simple-majority threshold (50% of 543)	272
Result	DEFEATED — cleared simple but failed special majority
Last constitutional amendment defeat (Modi govt)	12 years prior

## POPULATION-TFR DIVERGENCE — THE FEDERAL EQUITY QUESTION

STATE	TFR (2024)	DIRECTION UNDER 2011 CENSUS ALLOCATION
Bihar	~2.9	Significant seat gain
Uttar Pradesh	~2.4	Significant seat gain
Madhya Pradesh	~2.1	Some gain
Tamil Nadu	~1.7	Loss in proportional share
Kerala	~1.8	Loss in proportional share
Karnataka	~1.7	Loss in proportional share
Andhra Pradesh + Telangana	~1.6	Loss in proportional share

The 1976 freeze (42nd Amendment) was designed precisely to prevent this penalty on family-planning success.

## ARTICLE 368 — THREE PROCEDURAL STREAMS

STREAM	PROCEDURE	EXAMPLES
Simple majority	First Schedule, Second Schedule	State reorganisation acts
Special majority alone	Most amendments, FRs, DPSPs	24th Amendment 1971
Special majority + State ratification (federal-affecting)	Article 81-82, Lists I-III, SC-HC	42nd, 84th, 73rd-74th, 101st GST, <b>131st (defeated)</b>

## PRE-BILL CONSULTATION ARCHITECTURE THAT WAS BYPASSED

MECHANISM	ARTICLE/STATUTE	FUNCTION
Inter-State Council	Article 263	Centre-state contentious questions
Sarkaria Commission	1988 report	Federal restructuring principles
Punchhi Commission	2010 report	Centre-state relations review
CABE	Education-similar consultative body	Multi-stakeholder consultation model

## UPSC RELEVANCE

PAPER	ANGLE
GS2 — Polity	Article 368, special majority, state ratification, Article 81-82 delimitation, federal architecture
GS2 — Polity	42nd Amendment 1976, 84th Amendment 2001, 106th Amendment 2023, 131st Amendment 2026 (defeated)
GS2 — Governance	Inter-State Council Article 263, Sarkaria Commission, Punchhi Commission, JPC mechanism
GS1 — Society	TFR divergence, demographic transition, federal equity, regional identity
GS3 — Economy	16th Finance Commission devolution; population-equity in fiscal federalism
GS4 — Ethics	Procedural ethics in constitutional amendment; representation justice
Mains Keywords	Constitution 131st Amendment defeated, Article 368, special majority, 352 votes, 84th Amendment 2001 freeze, 42nd Amendment 1976 freeze, 106th Amendment Nari Shakti Vandan Adhiniyam, 2011 Census, 2021 Census, Sarkaria Commission, Punchhi Commission, Inter-State Council, North-South demographic divergence, federal equity

### ● KEY ARGUMENTS AT A GLANCE

**The defeat of the Constitution (131st Amendment) Bill on April 17, 2026 — 298 votes for against the 352-vote special-majority threshold under Article 368 — is not a procedural failure but a constitutional achievement: it demonstrates that the special-majority and state-ratification requirements designed by the Constituent Assembly to protect federal structure remain operationally binding constraints, and that majoritarian impulses cannot override the legitimate federal-equity concerns of southern and northeastern states; the Bill's defects — using 2011 Census data while the 2026-27 Census is underway, and proposing a 543-to-850 expansion that would disproportionately reward states that did not control population growth — were so substantial that defeat was the appropriate constitutional response.**


**SUPPORTING**

- The 84th Constitutional Amendment Act, 2001 had extended the freeze on Lok Sabha seat allocation (originally imposed by the 42nd Amendment 1976) until the first Census after 2026 — explicitly to protect states that successfully managed population. The 131st Amendment sought to use the 2011 Census instead — a politically convenient but procedurally anomalous choice given that the 2021 Census remains unpublished and the 2026-27 enumeration is itself underway.
- The Total Fertility Rate (TFR) divergence among Indian states is profound: Bihar (~2.9), Uttar Pradesh (~2.4) vs Tamil Nadu/Kerala/Maharashtra/Karnataka/AP/Telangana (1.6-1.7 range). Population-proportional seat allocation based on 2011 Census would penalise states that successfully implemented family planning — a substantive injustice that the 1976 freeze was designed to prevent.
- Article 368(2) requires special-majority (more than 50% total membership AND two-thirds present-and-voting) plus ratification by half of state legislatures for amendments affecting representation in Parliament. The Bill failed even the first parliamentary hurdle (298 vs 352 needed) — meaning the political-federal coalition against it was strong enough that state ratification could not have been obtained either.
- The Centre's decision to withdraw the accompanying Delimitation Bills shows the Government recognises that piecemeal advance on the package is impossible without the constitutional amendment foundation. This signals that the entire delimitation reform must now be redesigned with broader consultation.


**COUNTER**

Some argue that the 131st Amendment's defeat damages India's representative democracy — seat allocation has been frozen since 1976, the Lok Sabha at 543 is significantly under-sized compared to other major democracies (US House at 435 for ~330 million; India at 543 for 1.4 billion), and the Women's Reservation Act now remains operationally inert. There is a real cost to indefinite postponement of delimitation. The Centre's approach was politically bold but procedurally sound — using the last published Census is constitutionally defensible.


**WAY FORWARD**

Six-pillar approach to legitimate delimitation reform: (1) **Wait for 2021/2026-27 Census publication** — use authoritative current data, not 15-year-old estimates; (2) **Pre-amendment Inter-State Council deliberation** under Article 263 — formal Centre-state consultation before reintroduction, building on Sarkaria/Punchhi Commission

recommendations; (3) **Joint Parliamentary Committee mechanism** — broad consultation across regional parties, not just executive-led drafting; (4) **Calibrated formula design** — capping seat additions per state, weighting by TFR-adjusted population, or maintaining minimum representation guarantees; (5) **Parallel state-level ratification track** — beginning state-by-state assembly delimitation under non-amended provisions where federal-bargain is more manageable; (6) **Constitutional bench reference under Article 143** — seek Supreme Court interpretation of Article 81-82 to clarify constitutional constraints on delimitation design.

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### MAINS ANSWER FRAMEWORK

#### QUESTION

*The defeat of the Constitution (131st Amendment) Bill in the Lok Sabha reflects the resilience of India's federal architecture. Critically examine the constitutional and political reasons for the defeat, and suggest a roadmap for legitimate delimitation reform that balances population-proportionality with federal equity. (250 words)*

#### INTRODUCTION

On April 17, 2026, the Lok Sabha defeated the Constitution (131st Amendment) Bill — proposing expansion of Lok Sabha from 543 to 850 seats based on the 2011 Census — with 298 votes in favour against the 352 required for the special majority under Article 368. The Centre subsequently withdrew the accompanying Delimitation Bills.

This is the first defeat of a constitutional amendment for the Modi government in 12 years. The Hindu's editorial argues that the defeat — far from being a setback — is a constitutional achievement that vindicates the federal architecture designed by the Constituent Assembly.

#### BODY

**The constitutional procedural test:** Article 368(2) requires that amendments affecting representation of states in Parliament (including Article 81 — seat allocation) clear two distinct hurdles: special majority in each House (more than 50% of total membership AND two-thirds of members present and voting) PLUS ratification by at least half of all state legislatures. The Bill failed the very first parliamentary hurdle.

**The substantive constitutional defects:** (a) **Census timing anomaly** — using 2011 Census data while the 2026-27 enumeration is underway, and the 2021 Census remains unpublished, creates an awkward

15-year disconnect between population data and constitutional consequence; (b) **TFR-divergence injustice** — Bihar TFR ~2.9 and Uttar Pradesh ~2.4 vs Tamil Nadu/Kerala/Maharashtra/Karnataka/AP/Telangana 1.6-1.7 range means population-proportional seat allocation penalises successful family-planning states; © **84th Amendment 2001 spirit** — the freeze was extended until the first census after 2026 specifically to protect southern and northeastern states; the 131st Amendment violated this protection by switching to 2011 data; (d) **Women's Reservation entanglement** — bundling the Nari Shakti Vandan Adhiniyam operationalisation with controversial seat-expansion was a tactical error that complicated political coalition-building. **The federal political response:** Southern parties (DMK, AIADMK, BRS, YSRCP, JD-S, KCM), Trinamool Congress, Samajwadi Party, NCP-SP, Congress, and northeastern regional parties (Tipra Motha, NPP) coalesced against the Bill on federal-equity grounds.

The DMK's mobilisation deliberately recalled its 1976 stance on the original delimitation freeze. **The institutional lesson:** The Inter-State Council under Article 263 — designed for Centre-state dialogue on contentious federal questions — was not activated for pre-Bill consultation. The Sarkaria Commission (1988) and Punchhi Commission (2010) had explicitly emphasised that federal-restructuring exercises require institutional consultation rather than majoritarian imposition. The defeat operationalises this constitutional wisdom.

### CONCLUSION

The 131st Amendment's defeat is not a constitutional failure but a constitutional success: the federal architecture worked as designed — special-majority requirements imposed on federal-affecting amendments forced cross-regional political consensus-building, and when that consensus failed, the Bill was rightly defeated. India's next attempt at delimitation reform must begin with the 2021 (or post-2026) Census publication, pre-amendment Inter-State Council consultation, a Joint Parliamentary Committee process, and a calibrated formula that protects federal equity.

The Women's Reservation Act 2023 deserves earlier operationalisation through alternative pathways — perhaps state-level adoption following the J&K-Puducherry model — without being tied to the contentious seat-expansion question. Procedural patience is constitutional virtue when the alternative is majoritarian shortcut.

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