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# 131st Amendment Defeated in Lok Sabha: A First in 12 Years and the Federal-Equity Question

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# 131st Amendment Defeated in Lok Sabha: A First in 12 Years and the Federal-Equity Question

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## WHY IN NEWS:

On April 17, 2026, the **Constitution (131st Amendment) Bill** — which proposed to expand the Lok Sabha from 543 to 850 seats, based on the 2011 Census, and to operationalise the **Women’s Reservation Act, 2023** — was **defeated in the Lok Sabha**. The bill received **298 votes in favour and 230 against**, falling short of the **352 votes** 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 and reflects the depth of federal-equity concerns of southern and northeastern states.

## THE VOTE AND ITS CONSTITUTIONAL SIGNIFICANCE

### Article 368 — The Special Majority Bar

For amendments affecting the federal structure (including representation of states in Parliament under Article 81), Article 368(2) requires:

- ❶ **Special majority in each House** — more than 50% of the total membership of the House AND two-thirds of members present and voting; AND
- ❷ **Ratification by at least half of all state legislatures.**

**The Lok Sabha math:** With 543 members, 50% of total membership is **272**. Two-thirds of members present and voting (assuming all 528 voting) is approximately **352**. The Bill received 298 — clearing the 272 absolute-majority bar but failing the two-thirds-of-present test. This means the Bill was **defeated on its very first hurdle** — even before the state ratification stage could be tested.

### Why This Matters Constitutionally

This is the **first time in 12 years** that the Modi government has failed to pass a constitutional amendment bill. The defeat illustrates:

- **The genuine federal architecture** — special-majority + state-ratification requirements are not formal procedures but binding political constraints.

- **Inter-state political coalitions can defeat central majoritarian moves** — particularly when southern, northeastern, and regional parties combine on federal-structure questions.
- **Constitutional amendments are not technocratic** — they remain political acts requiring genuine inter-regional consensus.

## WHY THE OPPOSITION COALESCED AGAINST THE BILL

### 1. The North-South Demographic Divergence

The Bill proposed seat allocation based on the **2011 Census**, the last published Census. India's demographic trajectory creates a profound regional asymmetry:

| STATE                      | 2011 POPULATION (CR) | TFR (2024) |
|----------------------------|----------------------|------------|
| Uttar Pradesh              | 19.9                 | 2.4        |
| Bihar                      | 10.4                 | 2.9        |
| Maharashtra                | 11.2                 | 1.7        |
| Tamil Nadu                 | 7.2                  | 1.7        |
| Kerala                     | 3.3                  | 1.8        |
| Karnataka                  | 6.1                  | 1.7        |
| Andhra Pradesh + Telangana | 8.5                  | 1.6        |

States with higher Total Fertility Rate (TFR) — primarily in the Hindi belt — would gain disproportionate seats; states that successfully managed population (Tamil Nadu, Kerala, Karnataka, AP, Telangana) would lose proportional representation. This is the core federal-equity grievance.

### 2. The 42nd and 84th Amendment Freeze Logic

The **42nd Constitutional Amendment Act, 1976** had froze seat allocation based on the 1971 Census specifically to protect states that succeeded in family planning. The **84th Constitutional Amendment Act, 2001** extended this freeze until the first census after 2026. The 131st Amendment sought to use the 2011 Census — bypassing both the 1971-freeze rationale and the 2021 Census (which remains unpublished due to COVID-related delays).

### 3. Opposition Party Strategy

- **Southern parties** (DMK, AIADMK, BRS, YSRCP, JD-S, KCM) opposed on federal-equity grounds.
- **Trinamool Congress, Samajwadi Party, NCP-SP** opposed citing process concerns.

- **Congress** opposed citing both federal asymmetry and procedural haste while the 2026-27 Census is underway.
- **Regional parties from northeast** (Tipra Motha, NPP) opposed on representation concerns.

The **DMK** in particular orchestrated cross-regional opposition, recalling its 1976 stance on the original delimitation freeze.

#### 4. The Census Timing Anomaly

The **2021 Census** has not been published. Using the 2011 Census for a constitutionally significant exercise occurring 15 years after that census, while the 2026-27 enumeration is itself underway, was widely criticised as a procedural anomaly.

### THE WOMEN'S RESERVATION IMPLICATION

The defeat of the 131st Amendment leaves the **Constitution (106th Amendment) Act, 2023** — the **Nari Shakti Vandan Adhiniyam** — in legal force but practically inoperative. The Act provides for **33% reservation in Lok Sabha and state Legislative Assemblies**, but its implementation was conditioned on completion of **delimitation after the next published census**. With the 131st Amendment defeated:

- The Centre has notified women's reservation in J&K and Puducherry UTs separately (April 17, 2026).
- National-level operationalisation continues to depend on the 2021 (or later) Census + delimitation cycle.
- Effective implementation may now be deferred to the 2029 general elections at the earliest.

### WHAT HAPPENS NEXT?

#### Constitutional Pathways

- 1 **Reintroduce in modified form** — the Bill can be reintroduced with a different formula (e.g., capping seat additions to maintain proportional representation, or using TFR-adjusted population).
- 2 **Wait for 2021 Census publication** — reintroduce after authoritative current data.
- 3 **State-by-state assembly delimitation first** — politically lower-stakes path.
- 4 **Constitutional reference to Supreme Court** under Article 143 for interpretation of Article 81-82.

#### Political Pathways

The Government may:

- Engage southern Chief Ministers in formal consultation (similar to the Punchhi Commission approach).
- Build cross-regional consensus through a **Joint Parliamentary Committee** before reintroduction.
- Use the 16th Finance Commission devolution debate (which has explicit population-equity adjustments) as a parallel federal-bargain mechanism.

## THE BROADER FEDERAL LESSONS

### Sarkaria-Punchhi Insight Reaffirmed

The **Sarkaria Commission (1988)** and **Punchhi Commission (2010)** both emphasised that federal-restructuring exercises require institutional consultation, not majoritarian imposition. The Lok Sabha defeat reaffirms this constitutional wisdom.

### The Inter-State Council

Under **Article 263**, the **Inter-State Council** (constituted 1990) is the formal forum for centre-state dialogue on contentious federal questions. Its underutilisation in pre-Bill consultation contributed to the political failure.

### Comparative Federalism

Other federations face similar tensions:

- **United States:** Apportionment Act 1929 fixed House at 435; population shifts cause state gains/losses.
- **Australia:** Senate guarantees equal state representation regardless of population.
- **Germany:** Bundesrat gives states weighted votes irrespective of population.

The Indian challenge is unique in scale — 28 states with 2x+ TFR variance and political mobilisation along regional lines.

## UPSC RELEVANCE

| PAPER           | ANGLE  |
|-----------------|--|
| GS-2 Polity     | Article 368 procedure; Article 81-82 (delimitation); special majority; state ratification; Constitutional amendments procedure   |
| GS-2 Polity     | 42nd Amendment 1976; 84th Amendment 2001; 106th Amendment 2023 (Women's Reservation); 131st Amendment defeated   |
| GS-2 Governance | Federal balance; Inter-State Council (Article 263); Sarkaria/Punchhi Commission recommendations  |
| GS-1 Society    | Demographic divergence; North-South TFR gap; gender representation   |
| GS-3 Economy    | 16th Finance Commission devolution; population-equity in fiscal federalism   |
| GS-4 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 Adhinyam, 2011 Census, 2021 Census, Sarkaria Commission, Punchhi Commission, Inter-State Council, North-South demographic divergence |

## FACTS CORNER

| ITEM   | DETAIL   |
|--|--|
| Date of vote   | April 17, 2026   |
| Votes in favour  | 298  |
| Votes against  | 230  |
| Threshold needed (special majority)                    | 352  |
| Bill name  | Constitution (131st Amendment) Bill, 2026  |
| Bill proposal  | Lok Sabha 543 → 850 seats; Women's Reservation operationalisation; basis: 2011 Census    |
| Linked Act   | Nari Shakti Vandan Adhiniyam (Constitution 106th Amendment Act, 2023)                    |
| Procedure required                                     | Article 368: special majority in each House + ratification by half of state legislatures |
| Last constitutional amendment defeat (Modi government) | 12 years prior   |
| Centre's response                                      | Withdrew accompanying Delimitation Bills   |
| Women's Reservation interim notification               | J&K and Puducherry UTs (April 17, 2026)  |

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