

When Numbers Reshape the Constitution: A Constitutional Analysis of the 131st Amendment Bill, 2026 And Its Implications for Bicameralism, Federalism, And Executive Accountability

Dr. Manoj Kumar Sharma

Assistant Professor
Government Law College, Bharatpur, Rajasthan.

Abstract:

The Constitution (131st Amendment) Bill, 2026, introduced alongside the Delimitation Bill, 2026, represented one of the most significant proposals for restructuring India's parliamentary framework since the constitutional freeze on delimitation. By proposing to operationalize the Nari Shakti Vandan Adhiniyam, 2023 through the adoption of the 2011 Census as the basis for delimitation and by increasing the maximum strength of the Lok Sabha from 550 to 850 members, the Bill sought to recalibrate the architecture of representative democracy in India. Although the Bill failed to obtain the constitutionally mandated special majority under Article 368, it generated an important constitutional discourse concerning the future of parliamentary representation, federalism, and institutional governance. This paper adopts a doctrinal research methodology to critically examine the constitutional validity and institutional implications of the proposed amendment through an analysis of constitutional provisions, judicial precedents, parliamentary debates, government reports, and scholarly literature. It argues that the proposed expansion of the Lok Sabha, without a corresponding enhancement of the Rajya Sabha's institutional strength, has the potential to dilute the effectiveness of bicameralism during Joint Sittings under Article 108 and thereby weaken an essential federal safeguard. The study further evaluates the constitutional implications of population-based delimitation on regional representation, cooperative federalism, and demographic justice, while analysing the unintended expansion of the Union Executive resulting from the operation of Article 75(1A). Drawing upon the Constituent Assembly Debates, comparative constitutional practices, and the Basic Structure Doctrine, the paper contends that constitutional reforms affecting parliamentary representation must preserve the delicate balance between democratic equality, federal participation, and institutional accountability. It concludes by proposing constitutionally sustainable alternatives that reconcile electoral reform with the preservation of India's federal structure, bicameral equilibrium, and principles of responsible governance.

Keywords: Constitution (131st Amendment) Bill, 2026; Delimitation; Bicameralism; Rajya Sabha; Cooperative Federalism; Basic Structure Doctrine; Parliamentary Representation; Article 108; Article 75(1A); Nari Shakti Vandan Adhiniyam, 2023.

INTRODUCTION

The physical arrangement of parliamentary constituencies in post-independence India has constantly navigated between two opposing democratic mandates: the concept of equitable citizen representation as stipulated in Article 81, and the requirements of cooperative federal governance. To avert states employing progressive demographic containment techniques from incurring an institutional cost of reduced national representation, the Constitution (42nd Amendment) Act, 1976, mandated a freeze on seat allocation to the states based on the data from the 1971 Census.¹ The temporary freeze was later prolonged for an additional twenty-five years by the Constitution (84th Amendment) Act, 2001, which mandated that no new readjustment of state seat allocation could occur until the official publication of the first census conducted after 2026.²

The introduction of the Constitution (131st Amendment) Bill, 2026, aimed to substantially modify this timeframe.³ The clear statutory aim was to expedite the enforcement of the 33% legislative quota for women set by the 106th Constitutional Amendment, which was initially dependent on a census after 2026 and subsequent delimitation.⁴ The 131st Amendment Bill aims to eliminate this procedural bottleneck by repealing the third proviso of Article 82, thereby dissociating the delimitation procedure from the unexecuted post-2026 census framework and replacing the 2011 Census as the operational baseline. Concurrently, it suggested an unparalleled structural modification: amending Article 81 to augment the maximum allowable strength of the Lok Sabha from 550 to 850 members (including up to 815 representatives from the States and 35 from the Union Territories).⁵

The Bill, portrayed as an administrative imperative to balance the population-to-representative ratio, encountered significant criticism and did not achieve the requisite two-thirds majority under Article 368, garnering 298 votes in favor and 230 against. However, the fundamental constitutional mechanisms of the Bill require meticulous examination, as they reveal significant systemic weaknesses in India's bicameral democracy.

• **Review of Literature**

Over the years, delimitation, bicameralism and parliamentary representation have received considerable scholarly attention in terms of their constitutional implications. However, the new constitutional discourse has been set by the recently tabled Constitution (131st Amendment) Bill, 2026 that linked women's reservation with the restructuring of Parliament. The existing literature provides useful discussion of federalism, representation, and institutional design, but does not consider the mathematical and structural consequences of the proposed amendment. The following academic works constitute the core literature relevant to the current study:

1. M.P. Jain – Indian Constitutional Law⁶

M.P. Jain elaborately discusses the constitutional philosophy behind Articles 80, 81 and 108 and points out the delicate balance between democratic representation and federalism. It deals with the constitutional evolution of Parliament and the doctrine of bicameralism but does not think through the

¹ The Constitution (Forty-Second Amendment) Act, 1976 (India).

² The Constitution (Eighty-Fourth Amendment) Act, 2001 (India).

³ The Constitution (131st Amendment) Bill, 2026, Bill No. 46 of 2026 (as introduced in the Lok Sabha, India).

⁴ The Constitution (One Hundred and Sixth Amendment) Act, 2023 (India).

⁵ PRS Legislative Research, *Legislative Bried: The Constitution (131st Amendment) Bill, 2026 and Allied Delimitation Bills* 3-4 (June 2026).

⁶ M.P. Jain, *Indian Constitutional Law* 435–458 (8th ed., LexisNexis 2018).

question of how the institutional strength of the Lok Sabha could mathematically diminish the effectiveness of the Rajya Sabha in the setting of joint sittings.

2. D.D. Basu – Introduction to the Constitution of India⁷

D. D. Basu discusses constitutional framework of parliamentary democracy, process of delimitation, principles of representative governance etc. The author argues in favor of the constitutional suspension of the allocation of seats and the need to preserve the federal balance. This paper was written prior to the Constitution (131st Amendment) Bill, 2026 and does not take into account the constitutional implications of linking women's reservation with a significant increase in the size of Parliament.

3. PRS Legislative Research – Legislative Brief: Constitution (131st Amendment) Bill, 2026 and Allied Delimitation Bills⁸

The PRS Legislative Brief provides an overview of the provisions of the proposed amendment and the Delimitation Bill. It sets out the legislative intentions, the proposed amendments and the policy rationale for the Bill. The report is comprehensive but its legislative approach is simply descriptive and does not critically evaluate the long-term constitutional consequences, such as the bicameral balance, the expansion of the presidency, or the representation of the federal system.

4. Granville Austin – Working a Democratic Constitution⁹

Granville Austin has studied the working of the constitutional institutions of India and laid stress on the importance of cooperative federalism for constitutional stability. His analysis suggests that the development of constitutional institutions has been based on political accommodation rather than structural upheaval. The study, however, does not deal with the constitutional implications of the demographic redistribution which will ensue from the extensive legislative rearrangement following the recent amendment.

5. Subhash C. Kashyap – Our Parliament¹⁰

Subhash C. Kashyap has made a comprehensive institutional study of the Indian Parliament. He discusses the functions of both Houses, legislative procedures and parliamentary conventions. The present study emphasizes the significance of the Rajya Sabha as a revising chamber in the federal structure of India. But it does not take into account how a large increase in the members of the Lok Sabha affects voting dynamics during joint sittings, or the constitutional efficacy of bicameralism.

Research Gap

The current literature mostly focuses on delimitation, parliamentary representation, federalism, and bicameralism as distinct constitutional topics. Minimal scholarly research has been conducted on the Constitution (131st Amendment) Bill, 2026, from the standpoint of institutional mathematics and constitutional design. Significantly, there is an absence of an exhaustive analysis on the effects of the suggested augmentation of the Lok Sabha's strength on the legislative veto of the Rajya Sabha, on federal representation, and on the indirect enhancement of the executive as stipulated in Article 75(1A). This paper seeks to address this deficiency by examining the structural distortions inherent in the proposed constitutional amendment from a doctrinal constitutional viewpoint.

⁷ D.D. Basu, *Introduction to the Constitution of India* 157–174 (27th ed., LexisNexis 2023).

⁸ PRS Legislative Research, *Legislative Brief: The Constitution (131st Amendment) Bill, 2026 and Allied Delimitation Bills* (June 2026).

⁹ Granville Austin, *Working a Democratic Constitution: A History of the Indian Experience* 296–325 (Oxford University Press 1999).

¹⁰ Subhash C. Kashyap, *Our Parliament* 68–95 (National Book Trust, India, 2015).

- ***Hypothesis***

The hypothesis of this study posits that while the Constitution (131st Amendment) Bill, 2026 was introduced with the valid aim of expediting women's reservation in legislative bodies, its suggested structural amendments carry unintended constitutional ramifications beyond electoral representation. The expansion of the Lok Sabha's size without a corresponding alteration in the composition of the Rajya Sabha may undermine the constitutional principle of bicameralism, disrupt the federal equilibrium envisioned by the Constitution, and indirectly augment the executive through the automatic application of Article 75(1A). The paper posits that forthcoming constitutional revisions regarding parliamentary delimitation should maintain institutional proportionality between the two Houses, while guaranteeing a constitutional equilibrium among democratic representation, federalism, and administrative efficiency.

- ***Objectives of Study***

The present study seeks to achieve the following objectives:

1. To examine the constitutional provisions of delimitation, parliamentary representation and bicameralism as contained in the Constitution of India.
2. To examine the constitutional aspects of the proposed Constitution (131st Amendment) Bill, 2026, regarding the re-organization of the Lok Sabha.
3. As required by Article 108 of the Constitution, to determine how the proposed expansion of the Lok Sabha would affect the legislative function and effectiveness of the Rajya Sabha during Joint Sittings.
4. To determine if the amendment's planned redistribution of parliament based on population adequately safeguards the principles of cooperative federalism and regional equity.
5. To study the indirect constitutional effect of the proposed change on the composition and working of the Union Executive as envisaged in the Constitution under article 75(1A).
6. To find out whether the structural changes proposed by the amendment are in consonance with the constitutional principles of representative democracy, bicameralism and the basic structure doctrine.
7. To present workable alternatives that can be implemented legally in order to facilitate legislative and electoral reforms in India while simultaneously protecting the country's institutional stability and federal equilibrium.

- ***Research Methodology***

This study employs a doctrinal (non-empirical) research technique, primarily focusing on the analytical and interpretative analysis of constitutional provisions, statutory texts, court rulings, parliamentary debates, and authoritative secondary sources. This research rigorously examines the Constitution (131st Amendment) Bill, 2026, in relation to the constitutional concepts of bicameralism, cooperative federalism, representative democracy, and the basic structure doctrine. The principal sources comprise the Constitution of India, Constitutional Amendment Acts, proposed legislation, and rulings of the Supreme Court of India. The secondary sources comprise books, journal articles, government papers, publications from PRS Legislative Research, and various scholarly commentaries. The study employs a qualitative and descriptive analytical technique to evaluate the institutional and constitutional implications of the proposed amendment and to offer appropriate recommendations for future legislative modifications.

THE DILUTION OF RAJYA SABHA'S VETO

The most profound structural disruption introduced by the 131st Amendment Bill lies in its mathematical manipulation of the bicameral equilibrium. Under Article 80 of the Constitution, the maximum strength of the Rajya Sabha (the Council of States) is strictly capped at 250 members.¹¹ The 131st Amendment Bill left this upper limit completely untouched while scaling the Lok Sabha's upper limit to 850, with an immediate operational projection of 816 seats under the proposed "50 % pro-rata increase model."¹²

This asymmetrical inflation of the lower house alters the basic structural interaction between the two chambers during a legislative deadlock. Under the existing framework, the numerical ratio between the Lok Sabha (543 seats) and the Rajya Sabha (245 seats) is approximately 2.2 to 1. If a non-money bill faces a deadlock between the houses, the invocation of a joint sitting under Article 108 merges the chambers into a single voting body of 788 members, requiring a simple majority of members present and voting to pass the contested legislation.¹³ Within this existing 788-member matrix, Lok Sabha members command 68.9% of the total voting power, while Rajya Sabha members hold the remaining 31.1%.

By expanding the Lok Sabha's operational parameters to 816 seats while retaining the Rajya Sabha at 250, the total joint sitting pool scales up to 1066 members. In this expanded pool, the bicameral ratio stretches to 3.3 to 1. Consequently, the Lok Sabha's voting share expands to 76.5%, while the Rajya Sabha's collective presence shrinks to just 23.5%.

This mathematical shift alters the constitutional utility of the Rajya Sabha as a revising chamber. In the existing architecture, a robust opposition majority in the Rajya Sabha can block ordinary legislation unless the ruling coalition commands a significant majority in the Lok Sabha. Under the 3.3 to 1 ratio model, even if the opposition commands a strong two-thirds majority in the Rajya Sabha (occupying 166 out of 250 seats), a ruling executive requires only a thin simple majority of roughly 56% within the Lok Sabha (457 out of 816 seats) to completely override the upper house during a joint sitting. Consequently, the Rajya Sabha's federal check is diminished, shifting the legislative process closer to a de facto unicameral structure during periods of executive dominance.

The constitutional ramifications of the suggested numerical disparity extend far beyond a mere reallocation of legislative voting power. Bicameral legislatures are established not merely to comprise two parliamentary houses, but to institutionalize deliberation, enhance legislative scrutiny, and maintain the federal equilibrium within a constitutional democracy. In the majority of federal constitutions, the Upper House serves as an institutional safeguard against the political majoritarianism that often emerges in the popularly elected legislature. The efficacy of bicameralism depends not merely on the legal presence of two Houses, but on whether each Chamber possesses adequate institutional power to significantly influence the legislative process.¹⁴

This ideology is deliberately embraced by the Indian Constitution. The composition of the Lok Sabha is predominantly determined by population and direct electoral representation. The constitutional legitimacy of the Rajya Sabha is founded on its representation of the constituent States of the Union. This dichotomy illustrates the dual character of the Indian Constitution, which integrates democratic majoritarianism with federal constitutionalism. Consequently, the Rajya Sabha was not intended to

¹¹ INDIA CONST. art. 80, cl. 1.

¹² Press Information Bureau (Ministry of Home Affairs), *Union Home Minister Replies in Lok Sabha to the Discussion on the Delimitation Bill, 2026 and the Constitution (131st Amendment) Bill, 2026*, PIB Delhi (Apr. 17, 2026).

¹³ INDIA CONST. art. 108, cl. 4.

¹⁴ M.P. Jain, *Indian Constitutional Law* 452–456 (8th ed., LexisNexis 2018).

function as a typical reviewing chamber within the parliamentary framework. It is an institutional structure through which the interests of the States engage in national law-making. This guarantees that Parliament's legislation reflects both the democratic will of the populace and the federal ambitions of the Union.¹⁵

The discussions of the Constituent Assembly strengthen the constitutional interpretation. Certain members expressed concerns on the necessity of bicameralism, apprehensive about potential legislative delays and functional redundancies. The Assembly recognized bicameralism as an essential constitutional protection. Dr. B.R. Ambedkar stated, "A second chamber facilitates 'second thoughts' and enables Parliament to reevaluate legislative proposals prior to their enactment."¹⁶ N. Gopalaswami Ayyangar advocated that the Council of States should function as a revising entity, somewhat shielded from the immediate political influences affecting the popularly elected House, so enhancing the maturity and stability of the legislative process.¹⁷ The constitutional architecture intentionally combined democratic responsiveness with institutional restraint, acknowledging that constitutional governance necessitates both efficient decision-making and thorough discussion.

This institutional ideology is also evident in the distinctive constitutional powers granted solely to the Rajya Sabha. The powers of the Council of States extend beyond mere legislation, as demonstrated by Articles 249 and 312 of the Constitution. According to Article 249, Parliament may legislate on matters in the State List only if the Rajya Sabha adopts a resolution with a two-thirds majority of members present and voting, affirming that such legislation is essential for national interest. Article 312 grants Parliament the authority to create new All India Services solely upon the passage of a special resolution by the Rajya Sabha. These provisions illustrate that the Constitution assigns duties to the Upper House that are closely connected to India's federal framework and institutional equilibrium. These unique powers demonstrate that the Rajya Sabha was intended to be more than a ceremonial legislative body; it is an essential constitutional entity reflecting the federal interests of the States.¹⁸

In this constitutional environment, the structural ramifications of the Constitution (131st Amendment) Bill, 2026 are significantly more consequential. The proposed modification does not officially modify the textual authorities of the Rajya Sabha as delineated in Articles 107, 108, 249, and 312; nonetheless, constitutional efficacy encompasses not merely the presence of legal powers but also the institutional capability to implement such powers substantively. The numerical strength of the Lok Sabha has significantly expanded, resulting in a lessened practical influence of the Rajya Sabha during Joint Sittings under Article 108. The constitutional procedure remains fundamentally same; nevertheless, the likelihood of the Upper House exerting significant influence on legislation is substantially reduced. This unbalanced institutional arrangement jeopardizes the transformation of bicameralism from a significant constitutional safeguard into a predominantly procedural formality.¹⁹

The practical ramifications of this numerical asymmetry are exacerbated when examining modern coalition politics and the movement towards further executive centralization. Article 108 was designed as an extraordinary constitutional procedure to address rare legislative impasses, rather than as a standard method to circumvent ongoing dissent in the Council of States. However, when the Lok Sabha numbers become excessively large, governments with a significant majority in the Lower House have

¹⁵ D.D. Basu, *Introduction to the Constitution of India* 169–174 (27th ed., LexisNexis 2023).

¹⁶ Constituent Assembly Debates, Vol. VII, 28 July 1947, Speech of Dr. B.R. Ambedkar, at 36–39.

¹⁷ Constituent Assembly Debates, Vol. VII, 28 July 1947, Speech of N. Gopalaswami Ayyangar, at 40–45.

¹⁸ INDIA CONST. arts. 249 & 312.

¹⁹ Subhash C. Kashyap, *Our Parliament* 83–91 (National Book Trust, India 2015).

diminished incentive to negotiate or address issues presented in the Rajya Sabha. The constitutional culture of inter-house discourse may gradually yield to legislative majoritarianism, so compromising one of the most crucial institutional balances inherent in India's parliamentary democracy.

Comparative constitutional practice emphasizes the importance of institutional balance among legislative chambers. For example, in Australia, the House of Representatives is population-based, and the Senate is equal-representation for each State irrespective of demographic variation, so federal interests are not dominated merely by population majority.²⁰ In the United States Senate each State has equal representation regardless of population. This preserves the federal compact upon which the Constitution is based. The German Bundesrat is the direct representative of the governments of the Länder in the federal legislative process and thus institutionalizes cooperative federalism in parliamentary decision-making.²¹ These jurisdictions are different from the Indian constitutional model with its asymmetric federalism, but the basic constitutional philosophy is the same: the Upper House is not meant to reflect the democratic legitimacy of the Lower House but to bring an independent federal viewpoint to national legislation. Constitutional changes that seriously undermine this institutional balance therefore need careful constitutional scrutiny.

The Constitutional issues are more important when viewed through the prism of Basic Structure Doctrine. Ever since the landmark judgment in *Kesavananda Bharati v. State of Kerala*, the Supreme Court has always known that the power of amendment of the Parliament is limited by the basic structure of the Constitution.²² Later judgments reaffirmed federalism as a basic feature of the constitutional structure especially *S.R. Bommai v. Union of India*, *Kuldip Nayar v. Union of India*, acknowledged Rajya Sabha as an important part of India's federal constitutional structure.²³ These judicial decisions suggest that constitutional amendments cannot be judged merely by their express alteration of constitutional provisions, but must be judged also by the extent to which they substantially impair the functional effectiveness of institutions central to the constitutional order.

The suggested enlargement of the Lok Sabha, without a proportional increase in the institutional capacity of the Rajya Sabha, raises concerns that extend beyond mere legislative arithmetic. The concern lies not in the formal reduction of the Upper House's constitutional powers, but in the potential gradual diminishment of their practical effectiveness due to a significant numerical disparity. The legitimacy of constitutional institutions derives not only from their textual authority but also from their ability to successfully perform the constitutional responsibilities entrusted to them. If the institutional equilibrium between the two Houses is substantially disturbed, the constitutional objective of bicameralism itself risks gradual erosion. Consequently, any forthcoming suggestions for parliamentary growth must preserve the numerical relationship between the two Houses to uphold the constitutional equilibrium envisioned by the framers, so safeguarding both democratic representation and the federal nature of the Indian Union.

This undermines the fundamental principles of bicameralism established in *Kuldip Nayar v. Union of India*, 2006, when the Hon'ble Supreme Court confirmed that the Rajya Sabha is an essential component of the federal basic structure.²⁴

²⁰ Commonwealth of Australia Constitution Act 1900, §§ 7 & 24.

²¹ Basic Law for the Federal Republic of Germany, arts. 50–53.

²² *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225; MANU/SC/0445/1973.

²³ *Kuldip Nayar v. Union of India*, (2006) 7 SCC 1; MANU/SC/3865/2006; *S.R. Bommai v. Union of India*, AIR 1994 SC 1918; MANU/SC/0444/1994.

²⁴ *Kuldip Nayar v. Union of India*, (2006) 7SCC 1; MANU/SC/3865/2006.

POPULATION METRICS VS RESPONSIBLE GOVERNANCE

Article 81(2)(a) stipulates that the ratio of Lok Sabha seats assigned to each state according to its population should, to the extent feasible, be consistent throughout all states. The 131st Amendment Bill, by reintroducing population as an active variable through the 2011 Census, highlighted enduring regional demographic changes.

The fundamental conflict arises from varying Total Fertility Rates (TFR) throughout regions during the last fifty years. The southern states, including Tamil Nadu (TFR 1.7) and Kerala (TFR 1.8), effectively executed national demographic policies. In contrast, numerous northern states, such as Bihar (TFR 3.0) and Uttar Pradesh (TFR 2.4), have elevated population increase.²⁵ If the normal population-based delimitation were to decrease from 39 to 32 states, Kerala's representation would decline from 20 to 15 states, while northern states would experience substantial increases.²⁶

To address this regional issue, the administration suggested a “50% pro-rata increase model,” elevating the seat total to 816, hence augmenting the absolute seat counts in all states (e.g., Tamil Nadu from 39 to 59 seats; Karnataka from 28 to 42 seats).²⁷

This concept maintains relative percentage shares on a state-by-state basis, although it does not entirely address the fundamental constitutional issue of regional legislative power.

The constitutional discourse over parliamentary representation cannot be limited to a mere demographic analysis. Article 81 establishes the democratic ideal that representation ought to be proportionate to population; nevertheless, the Indian Constitution concurrently acknowledges that the Union is a federation of States with diverse historical, geographical, cultural, and developmental attributes. Parliamentary representation serves a dual constitutional function: it embodies democratic equality among citizens while also preserving the political equilibrium essential for sustaining India's federal framework. Any constitutional revision that prioritizes one purpose over another jeopardizes the fragile constitutional equilibrium that underpins the Indian Union.²⁸

The historical growth of the delimitation framework in India illustrates the Constitution's balancing act. The decision to suspend the delimitation of Parliamentary seats via the Constitution (Forty-Second Amendment) Act, 1976 was not an administrative action but a calculated constitutional policy designed to guarantee that States excelling in the execution of national family planning initiatives would retain their parliamentary representation. The Parliament acknowledged that demographic responsibility ought not to constitute a constitutional disadvantage. The Constitution (Eighty-Fourth Amendment) Act, 2001 reaffirmed the extension of this freeze and postponed the redistribution of seats among States until after the first Census held post-2026.²⁹ These constitutional decisions indicate that Parliament has traditionally seen representation not solely through the lens of population but also through the wider frameworks of equity, fairness, and national integration.

Hence, the proposed reliance on 2011 Census in the Constitution (131st Amendment) Bill, 2026 revives a constitutional dilemma that was consciously deferred by earlier amendments. They worry that their success in reaching replacement-level fertility through sustained investments in education, health care,

²⁵ Ministry of Health and Family Welfare, *National Family Health Survey (NFHS-5), 2019-21: India Report 42-45* (2022).

²⁶ Eleventh Finance Commission, *Report of the Eleventh Finance Commission (2000-2005)*, Paragraphs 6.12-6.15 (discussing the historical necessity of extending the 1971 population freeze to shield performing states).

²⁷ Press Information Bureau (Ministry of Home Affairs), *Statement of the union home minister During Interventions in the Lok Sabha on the Delimitation Bill, 2026*, PIB Delhi (Apr. 16, 2026).

²⁸ M.P. Jain, *Indian Constitutional Law* 367–374 (8th ed., LexisNexis 2018).

²⁹ The Constitution (Forty-Second Amendment) Act, 1976 (India); The Constitution (Eighty-Fourth Amendment) Act, 2001 (India).

women's empowerment, and public welfare could inadvertently diminish their relative power in the national legislative body. In contrast, states with a high demographic growth may have relatively higher parliamentary representation despite slower demographic change. These results set up an inherent constitutional tension between incentivizing demographic accountability and preserving the democratic principle of equal representation.³⁰

The tension is not just one of electoral arithmetic but goes to the very principle of cooperative federalism. The Supreme Court has time and again explained that the Indian federalism is based on cooperation, coordination and mutual respect between the Union and the States and not competitive political supremacy.³¹ As parliamentary representation is increasingly based on demographic majoritarianism, States with stable populations may see their institutional influence in national decision-making gradually diminished. Such perceptions could threaten the spirit of cooperative federalism by creating a mismatch between representation by population and the federal principle of meaningful participation.

Another important constitutional consideration relates to the difference between nominal equality and real equality in democratic representation. Absolute population proportionality assumes that each State begins with identical social and developmental conditions. In fact the demographic scenario in India has changed due to the varying degree of economic development, literacy, urbanization, public health infrastructure and implementation of family welfare measures. Hence, if we evaluate parliamentary representation solely in terms of numerical population figures, we will overlook the constitutional significance of accountable governance and sustainable public policy achievements. Democratic equality demands a more generous reading of the Constitution, one that includes not only representational justice but also developmental equity.³²

Analogous problems can be found in comparative constitutional practice. Canada — Canada has representation based mostly on population, but the smaller provinces are protected by the constitution — things like the " Senatorial Clause " and the " Grandfather Clause " help prevent a huge drop in representation in Parliament from a smaller province because of population changes. In Germany, population-based representation in the Bundestag is combined with institutional representation of the Länder through the Bundesrat, ensuring that demographic changes do not completely eclipse the federal participation in national governance. Australia's constitutional structure is intended to give equal State representation in the Senate, and proportional representation in the House of Representatives, so that a federal balance is maintained despite the large demographic inequalities between the states. Such comparative analyses demonstrate that established federal constitutions rarely use population alone as the determining factor for political representation.

The constitutional goal should be to ensure not only the ratio of population to representative, but also the integrity of the federal compact. Constitutional representation should facilitate accountable governance, promote sustainable demographic strategies and ensure adequate protection of the institutional voice of all constituent States in Parliament. Any future exercise of delimitation should therefore be on the basis of a balanced constitutional approach that reconciles democratic equality with the enduring principles of cooperative federalism, regional fairness and national unity.

³⁰ Ministry of Health & Family Welfare, *National Family Health Survey (NFHS-5), 2019–21: India Report* 42–46 (2022).

³¹ *State (NCT of Delhi) v. Union of India*, (2018) 8 SCC 501; MANU/SC/0770/2018; *S.R. Bommai v. Union of India*, AIR 1994 SC 1918; MANU/SC/0444/1994.

³² D.D. Basu, *Introduction to the Constitution of India* 182–188 (27th ed., LexisNexis 2023).

Critics argue that evaluating representation solely through population metrics fails to account for other vital federal indicators, such as a state's economic output or its implementation of national welfare mandates. Shifting the balance of a representation based on demographic growth patterns raises significant concerns regarding asymmetric federalism, as articulated in *S.R. Bommai v. Union of India* (1994), which recognized federalism as an integral part of the basic structure of the Indian Constitution.³³

The constitutionality of the upcoming delimitation processes is another equally important issue. Furthermore, because the distribution of legislative power is determined by parliamentary representation over decades, a major reorganisation should preferably be based on a broad political consensus, not narrow parliamentary majorities. Any constitutional amendment affecting the distribution of political power at the federal level will necessarily have an impact on Centre-State relations and, therefore, requires extensive consultation with State Governments, constitutional experts and independent bodies like the Law Commission of India and the Delimitation Commission. Article 368 requires that constitutional reform be procedurally valid and accepted by the constituent parts of the federation, so that the reform is institutionalized.³⁴

EXECUTIVE INFLATION: REPURPOSING THE CAP

The 131st Amendment Bill has an unassessed institutional consequence regarding its structural effect on the size of the Union Executive. The Constitution (91st Amendment) Act, 2003, incorporated Article 75(1A) to abolish the formation of extensive, politically driven cabinets during periods of coalition rule.³⁵ This article stipulates that the aggregate number of ministers, inclusive of the Prime Minister, in the Council of Ministers should not surpass 15% of the total membership of the Lok Sabha.

The 91st Amendment was enacted to promote institutional efficiency and economic discipline by imposing a stringent limit on cabinet size. Before this intervention, the executive authority was often broadened as a means of political compromise, transforming the Westminster governance model into an excessively stretched system. Article 75(1A) correlates this cap directly to the total membership of the lower house as a variable percentage rather than a fixed number, therefore every enlargement of the Lok Sabha inherently and automatically raises the maximum size of the Council of Ministers. With the existing lower house limit of 543 members, the Union Cabinet's maximum allowable size is restricted to 81 ministers.

Should the Lok Sabha's membership increase to 816 per the provisions of the 131st Amendment Bill, the 15% threshold will adjust accordingly. A 15% limit on an 816-member assembly sets a maximum allowable threshold of 122 ministers. This signifies a 50.6% increase in the prospective scope of the political executive. This inflationary increase presents significant problems to the constitutional principle of collective responsibility as outlined in Article 75(3) of the Constitution. The Hon'ble Supreme Court of India has constantly asserted that the Council of Ministers functions as a unified constitutional entity.³⁶ In the landmark case of *A. Sanjeevi Naidu v. State of Madras*, the Supreme Court noted that the cabinet system under the Indian Constitution presupposes a coordinated body wherein the conduct of individual ministers are subject to collective accountability.³⁷

³³ *S.R. Bommai v. Union of India*, AIR 1994 SC 1918; MANU/SC/0444/1994.

³⁴ Sarkaria Commission, *Report on Centre-State Relations* Vol. I, Ch. II (Government of India 1988).

³⁵ The Constitution (Ninety-First Amendment) Act, 2003 (India).

³⁶ *Manoj Narula v. Union of India* (2014) 9 SCC 1; MANU/SC/0736/2014.

³⁷ *A. Sanjeevi Naidu v. State of Madras*, (1970) 1 SCC 443; MANU/SC/0064/1970.

The establishment of a 122-member ministry through the 131st Amendment Bill unwittingly jeopardizes this unified internal responsibility. In constitutional theory, as a cabinet increases in size, its operational dynamic transitions from a cohesive deliberative entity to a fragmented bureaucratic network. This fragmentation requires the establishment of a comprehensive network of Cabinet Committees and Groups of Ministers to address inter-ministerial impasses, so effectively centralizing decision-making authority within a more restricted inner cabinet or the Prime Minister's Office (PMO).³⁸

This automatic escalation contradicts contemporary standards of administrative governance. A comparative review of prominent worldwide constitutional frameworks indicates a purposeful focus on sustaining streamlined executive structures to ensure administrative concentration and financial efficiency. The United States Federal Government limits its core Cabinet to the leaders of 15 executive departments.³⁹ Likewise, the United Kingdom, from which India adopted its Westminster model, limits ministerial salaries and cabinet positions to prevent the executive from automatically increasing in tandem with changes in legislative seats.⁴⁰ The automatic inflation authorized by the 131st Amendment Bill lacks a definitive administrative rationale. Instead of improving departmental efficiency, a 122-member executive structure establishes overlapping authorities, escalates public spending, and generates administrative silos, contradicting the constitutional intent of the 91st Amendment.

CONCLUSION

The Lok Sabha's rejection of the Constitution 131st Amendment Bill, 2026, underscores the difficulty of implementing significant election reforms in the absence of substantial political support. The Bill aimed to accelerate the adoption of women's reservation; nevertheless, its structural connections to seat growth and population-based delimitation generated considerable conflict with established constitutional balances.

The Indian state must contemplate alternate constitutional frameworks to accommodate future legislative or demographic changes without undermining the fragile equilibrium between democratic representation and federal stability. The structural distortions revealed by the 131st Amendment Bill indicate that future amendments should separate progressive gender changes from comprehensive regional seat reallocations. Attaining gender parity under the Nari Shakti Vandan Adhiniyam does not necessarily need an unequal augmentation of the lower house. The legislature could establish internal rotational reservation systems inside the current 543-seat structure, so adhering to the constitutional requirement without altering regional voting influence or impacting the relative power of the states.

Should a future extension of the Lok Sabha be required to reduce the citizen-to-representation ratio, the constitutional structures must evolve to maintain the bicameral balance. Any increase in the Lok Sabha's seats under Article 81 must be followed by a corresponding adjustment to the Rajya Sabha's seat limit under Article 80. Preserving the historical 2.2 to 1 ratio is crucial to uphold the structural checks and balances established in Joint Sittings under Article 108. Neglecting to maintain this ratio diminishes the Rajya Sabha's function as an autonomous revising chamber, compromising its status within the federal framework as established in *Kuldip Nayar v. Union of India*.⁴¹

The text of Article 75(1A) should be revised to impose a definitive numerical limit on the Council of

³⁸ Thomas Pguntke & Paul Webb, *The Presidentialization of Politics: A Comparative Study of Modern Democracies* 12-15 (Oxford Univ. Press 2005).

³⁹ 3 U.S.C. § 101 (2024).

⁴⁰ Ministerial and Other Salaries Act 1975, c. 27 (U.K.).

⁴¹ Supra Note 10.

Ministers, entirely unaffected by variations in parliamentary seats. Decoupling the executive's size from the Lok Sabha's numerical strength would avert the automatic expansion of the cabinet throughout future delimitation processes, so preserving the institutional efficiency and fiscal responsibility envisioned by the 91st Amendment.

A successful restructuring of India's legislative framework must adhere to the underlying principles of cooperative federalism as defined in *S.R. Bommai v. Union of India*. Genuine democratic representation cannot be assessed solely through absolute population measurements; it must also include comprehensive indices of sustainable development, governance, and regional equity. By tackling these structural features, forthcoming constitutional amendments can guarantee that democratic modifications reinforce, rather than undermine, India's federal system.

The Constitution (131st Amendment) Bill, 2026 is a significant attempt at reforming the parliamentary system of India in recent years. However, the Bill, which was originally supposed to ensure the timely passage of the Nari Shakti Vandan Adhiniyam, 2023, went far beyond the arena of women representation and proposed sweeping changes to the institutional structure of Parliament itself. The analysis reveals that the proposed expansion of the Lok Sabha, along with the status quo in the Rajya Sabha, has important constitutional implications for bicameralism, cooperative federalism and executive accountability.

This paper argues that constitutional reforms affecting representative institutions cannot be assessed solely by demographic proportionality or administrative efficiency. The mathematical redistribution of legislative power has a direct bearing on the balance of authority between the two Houses of Parliament, alters the efficacy of the Rajya Sabha during Joint Sitzings in terms of Article 108, and indirectly expands the executive by virtue of the operation of Article 75(1A). Institutional implications suggest that constitutional construction requires a comprehensive strategy, so that changes in one constitutional entity do not inadvertently weaken another.

Besides, the delimitation debate should not be confined to demographic numbers. Any future reorganization of parliamentary representation must be based on regional equity, administrative efficiency, governance effectiveness and national integration, as India's constitutional commitment to cooperative federalism demands. India's complex constitutional democracy demands reforms that simultaneously bolster democratic legitimacy and federal stability.

The rejection of the Constitution (131st Amendment) Bill, 2026, should not be viewed as merely a legislative loss, but as a significant constitutional moment for considering the principles that must underpin future changes in Parliament. In any future exercise of constitutional amendment either by way of delimitation or legislative expansion, the institutional balance between democratic representation and constitutional governance has to be maintained. Structural reforms should strengthen and not undermine the core values enshrined in the Constitution of India.

Suggestions

On the basis of the results of the present study, the following measures are proposed:

1. The strength of the Rajya Sabha should be revised in proportion to the expansion of Parliament so as to preserve the constitutional balance contemplated in the Indian system of bicameralism and to make the Joint Sitzings under Article 108 effective.
2. The institutional separation of women's reservation from large-scale restructuring of parliament is necessary to achieve gender representation without unintended distortions of federal representation.

3. Future delimitation exercises should be multi-dimensional and take into account not only population but also governance indicators, demographic management, regional development and the principles of cooperative federalism.
4. Article 75(1A) should be revisited by fixing a numerical upper limit to the Council of Ministers instead of making it dependent solely on the strength of the Lok Sabha, so as to avoid automatic executive expansion in the event of future delimitation.
5. Wider institutional consultation should be undertaken before any major constitutional reform affecting parliamentary representation, including deliberations with State Governments, constitutional experts, parliamentary committees and the Law Commission of India before legislative enactment.
6. A detailed mechanism of Constitutional Impact Assessment should be instituted for proposed amendments to the Constitution to assess their likely impact on federalism, bicameralism, separation of powers and institutional governance before they are presented before Parliament.
7. Electoral reforms in the future should be carried out in the framework of the constitutional doctrine of institutional equilibrium, so that democratic representation, federal balance and administrative efficiency go forward hand in hand and not in separate directions.
8. Amendments to the Constitution on the structural composition of Parliament should be guided by the principles of the Basic Structure Doctrine so that the short-term legislative objectives do not undermine the long-term constitutional architecture of the Republic.