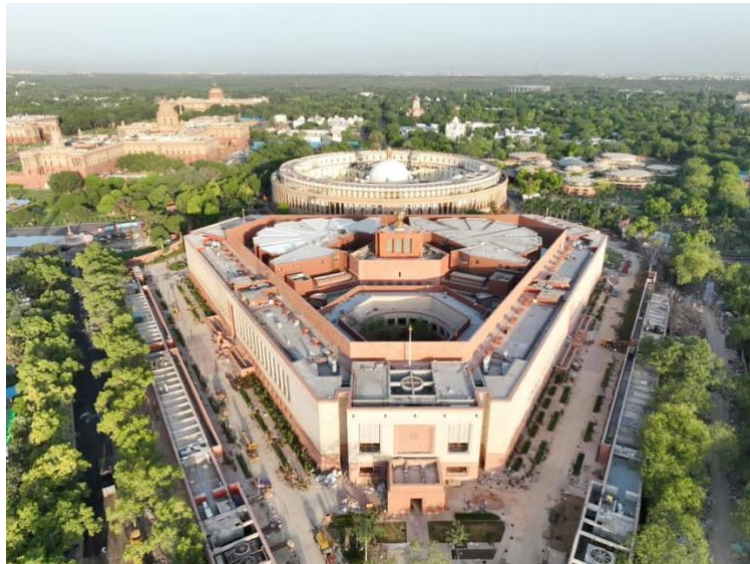


# Parliament in the World's Most Populous Democracy: An Overview of India's Lok Sabha and Rajya Sabha

By Jack Liddall and Janani Mohan

March 2024



## *Type of political system*

India is a parliamentary democracy and a federal system.<sup>2</sup> The country has a “union” structure, constituting of a president as its head of state; a prime minister as its head of government; a bicameral parliament (consisting of the Lok Sabha and Rajya Sabha); and a judiciary headed by a supreme court.<sup>3</sup> India’s Constitution underpins the rights of its citizens—from freedoms of assembly and speech to equality under the law—and articulates governmental structures and powers.<sup>4</sup> Although India has always been and remains a deeply

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<sup>1</sup> Ministry of Parliamentary Affairs, ‘Glimpses of the New Parliament Building in New Delhi’, 2023. Available at: <https://static.pib.gov.in/WriteReadData/Gallery/PhotoGallery/2023/May/T20230527132672.JPG>. Accessed: March 2024.

<sup>2</sup> National Portal of India, ‘Governance and Administration’, 2024. Available at: <https://www.india.gov.in/topics/governance-administration#:~:text=India%20is%20a%20Sovereign%20Socialist,constitutional%20head%20of%20the%20country>. Accessed: March 2024.

<sup>3</sup> Ibid.

<sup>4</sup> Legislative Department, ‘The Constitution of India’, 2022. Available at: <https://cdnbbsr.s3waas.gov.in/s380537a945c7aaa788ccfcd1b99b5d8f/uploads/2023/05/2023050195.pdf>. Accessed: March 2024.

diverse country, the Constitution has been amended over time to enshrine secularism and prohibit prejudice on the basis of religious beliefs.<sup>5</sup>

In addition, the Constitution underpins the authority of India's Parliament. The original 1949 Indian Constitution established Parliament with legislative powers, giving it authority over the states (consolidating the federal system) and a key role in electing the Prime Minister (consolidating the parliamentary system).<sup>6</sup> The powers of Parliament have since expanded and narrowed during various stages of Indian history. Notably, in 1976, the Forty-second Amendment of the Constitution granted Parliament with the ability to amend the Constitution without judicial review.<sup>7</sup> Although subsequent amendments and a Supreme Court ruling later nullified elements of this Amendment, India's Parliament has retained a robust authority over various aspects of the economic, social, and political fabric of India today.<sup>8</sup>

### ***Size, structure, and descriptive representation***

The Constitution allows for up to 550 members of the Lok Sabha (House of the People).<sup>9</sup> This is made up of 530 seats for the States and 20 for the Union Territories.<sup>10</sup> Currently, there are 543 parliamentarians in the lower house.<sup>11</sup> The Lok Sabha utilises a quota system so that its members better represent the diversity of the Indian people. Of its seats, 47 are reserved for Scheduled Tribes and 84 are reserved for Scheduled Castes.<sup>12</sup> In 2023,

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<sup>5</sup> Rajeswari Sunder Rajan and Anuradha Dingwaney Needham, 'Introduction' in Rajeswari Sunder Rajan and Anuradha Dingwaney Needham (eds.) *The Crisis of Secularism in India* (Durham, 2007), p.15; Wilfried Swenden, 'Review Article: The territorial and non-territorial management of ethnic diversity in South Asia', *Regional and Federal Studies*, 22(5), 2012, p.614.

<sup>6</sup> Legislative Department, 'The Constitution of India', 2022. Available at: <https://cdnbbsr.s3waas.gov.in/s380537a945c7aaa788ccfcdf1b99b5d8f/uploads/2023/05/2023050195.pdf>. Accessed: March 2024.

<sup>7</sup> National Portal of India, 'The Constitution (Forty-second Amendment) Act, 1976', 2012. Available at: <https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-forty-second-amendment-act-1976>. Accessed: March 2024.

<sup>8</sup> Legislative Department, 'The Constitution of India'.

<sup>9</sup> T.K. Viswanathan, 'The Indian Parliament', *Lok Sabha Secretariat*, 2012, p.5. Available at: [https://eparlib.nic.in/bitstream/123456789/68/1/The\\_Indian\\_Parliament\\_Eng.pdf](https://eparlib.nic.in/bitstream/123456789/68/1/The_Indian_Parliament_Eng.pdf). Accessed: March 2024.

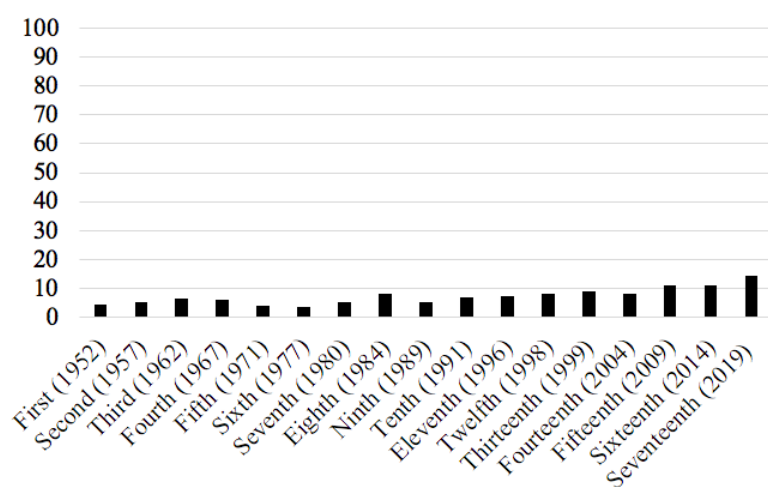
<sup>10</sup> Lok Sabha: House of the People, 'List of members', 2024. Available at: <https://sansad.in/ls/members>. Accessed: March 2024.

<sup>11</sup> Adnan Farooqui and E. Sridharan, 'The Rajya Sabha as a Corrective Mechanism for Muslim Underrepresentation?' in Volker Kaul and Ananya Vajpeyi (eds.) *Minorities and Populism — Critical Perspectives from South Asia and Europe* (Cham, 2020), p.110.

<sup>12</sup> This was enshrined in Article 334 of the Constitution and extended by the 104<sup>th</sup> constitutional amendment in 2019. See Legislative Department, 'The Constitution of India', p.192.

India's 106<sup>th</sup> constitutional amendment further allocated one-third of the Lok Sabha's seats to women for future elections.<sup>13</sup> The Rajya Sabha (Council of States), which is not subject to dissolution, has up to 250 members and no reserved seats.<sup>14</sup>

In terms of representation, the current parliamentary session of the Lok Sabha (2019-2024) has seen just 78 female members, which means that less than 15% of the house are women.<sup>15</sup> As shown in Graph 1, this is still, in fact, the highest number of women that there has ever been in the Lok Sabha, demonstrating a pattern of significant underrepresentation of women since 1952. In the Rajya Sabha, there are currently 24 female members, meaning less than 10% of the house are women.<sup>16</sup> Meanwhile, Muslims—who constitute India's largest religious minority—have also been underrepresented in the Lok Sabha since 1952 (see Graph 2). Muslims are better represented in the Rajya Sabha, however, forming 11% of the membership on average.<sup>17</sup>



**Graph 1:** Women Lok Sabha members as a percentage of total members, 1952-present.<sup>18</sup>

<sup>13</sup> The Gazette of India, 'The Constitution (One Hundred and Sixty Amendment) Act 2023', 2023. Available at: <https://egazette.gov.in/WriteReadData/2023/249053.pdf>. Accessed: March 2024.

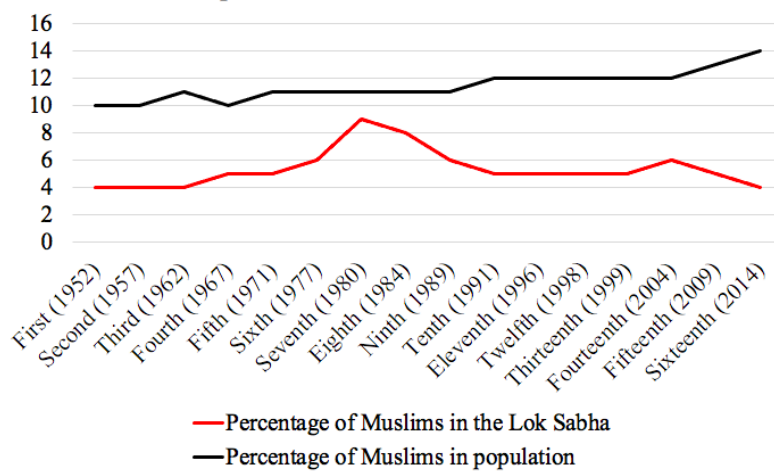
<sup>14</sup> Viswanathan, 'The Indian Parliament', pp.5, 9.

<sup>15</sup> Ministry of Parliamentary Affairs, 'Information regarding Global Gender Gap Index (GGGI) and Gender Inequality Index (GII)', 2019, p.1. Available at: [https://www.mpa.gov.in/sites/default/files/Women in Parliament\\_0.pdf](https://www.mpa.gov.in/sites/default/files/Women%20in%20Parliament_0.pdf). Accessed: March 2024; Praveen Rai, 'Women's Participation in Electoral Politics in India: Silent Feminisation', *South Asia Research*, 37(1), 2017, pp.58-77.

<sup>16</sup> Ministry of Parliamentary Affairs, 'Information regarding Global Gender Gap Index', p.1.

<sup>17</sup> Farooqui and Sridharan, 'The Rajya Sabha as a Corrective Mechanism for Muslim Underrepresentation?', p.119.

<sup>18</sup> Adapted from Rai, 'Women's Participation', p.63.



**Graph 2:** Muslim representation in the Lok Sabha, 1952-2019.<sup>19</sup>

### *Electoral system*

Members of India's Lok Sabha are elected in a first past the post (FPTP) general election, with each member having contested one of the 543 territorial single-member constituencies.<sup>20</sup> Unless otherwise dissolved or extended in an emergency, the Lok Sabha will sit for a term of five years from its first meeting.<sup>21</sup> By contrast, 238 of Rajya Sabha representatives are indirectly elected via members of subnational legislatures (using a single transferable vote (STV) system) and 12 are presidential appointments.<sup>22</sup> The number of representatives per state is decided on the basis of population.<sup>23</sup> Every representative serves a six-year term on a staggered basis, meaning that every two years, roughly one-third of the parliamentarians change.<sup>24</sup>

The current Parliament demonstrates the changes since independence in electoral support for India's major political parties. Although India has a handful of national parties,

<sup>19</sup> Adapted from Farooqui and Sridharan, 'The Rajya Sabha as a Corrective Mechanism for Muslim Underrepresentation?', p.114.

<sup>20</sup> Ibid, p.110.

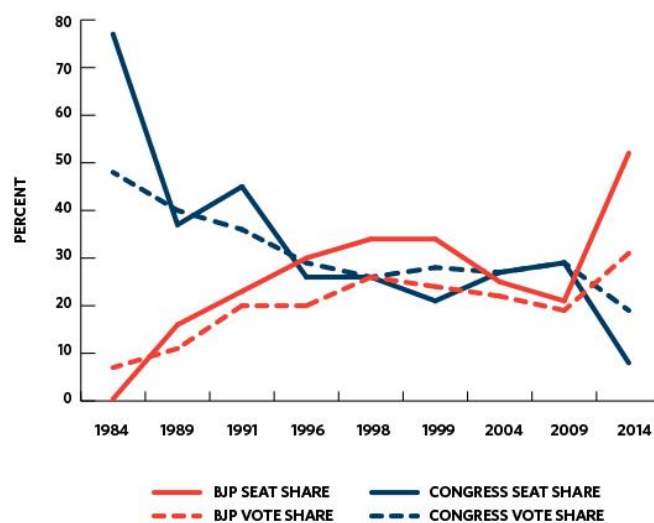
<sup>21</sup> Election Commission of India, 'Terms of the Houses', 2023. Available at: <https://old.eci.gov.in/elections/term-of-houses/>. Accessed: March 2024.

<sup>22</sup> Farooqui and Sridharan, 'The Rajya Sabha as a Corrective Mechanism for Muslim Underrepresentation?', p.110-111; Vineeth Thomas and Subal Kumar Bagh, 'Role of Nominated Members of Rajya Sabha in Indian Legislative Process', *Journal of Asian and African Studies*, 0(0), 2024, p.5.

<sup>23</sup> Ibid.

<sup>24</sup> National Portal of India, 'Rajya Sabha', 2023. Available at: <https://www.india.gov.in/my-government/indian-parliament/rajya-sabha>. Accessed: March 2024.

the Indian National Congress (INC) and Bharatiya Janata Party (BJP) (including their predecessor parties) have historically received the most votes.<sup>25</sup> As the party that led India's independence movement, the more liberal INC once dominated the elections, providing the majority of Indian premierships.<sup>26</sup> This situated the BJP and its predecessors as the opposition with electoral wins occurring in the late 1970s and 1990s.<sup>27</sup> More recently, increasing disillusionment in the established INC, alongside rising nationalism, contributed to the BJP winning a majority of Lok Sabha seats in 2014 and 2019—a performance which polls currently expect to reoccur in the 2024 elections later this year (see Graphs 3 and 4).<sup>28</sup>



Source: Authors' analyses based on data from the Election Commission of India.

Note: BJP = Bharatiya Janata Party; Congress = Indian National Congress.

**Graph 3: BJP and Congress Seat and Vote Shares in Lok Sabha Elections<sup>29</sup>**

<sup>25</sup> Hemant Singh, 'National Parties in India: List of All the Political Parties 2023,' Jagran Josh, July 11, 2023.

Available at: <https://www.jagranjosh.com/general-knowledge/list-of-all-the-political-parties-in-india-1476786411-1> Accessed: March 2024; 'Lok Sabha Election,' Lokniti. Available at: <https://www.lokniti.org/lok-sabha-election>. Accessed: March 2024.

<sup>26</sup> 'India's Independence,' *National Geographic*, n.d. Available at:

<https://education.nationalgeographic.org/resource/indias-independence/> Accessed: March 2024.

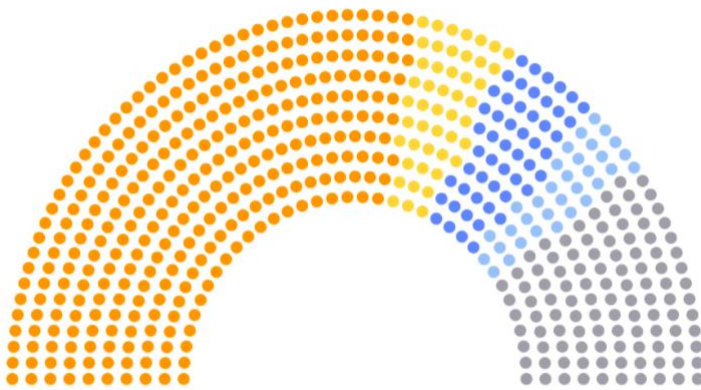
<sup>27</sup> 'Lok Sabha Election,' Lokniti.

<sup>28</sup> 'A New Low for Congress in 2014,' *The Economic Times*, 2014. Available at :

<https://economictimes.indiatimes.com/news/politics-and-nation/a-new-low-for-congress-in-2014/articleshow/45700278.cms>. Accessed: March 2024; Krishna Das, 'Mod could sweep away Congress in Indian election, says survey,' *Reuters*, 2024. Available at : <https://www.reuters.com/world/india/modi-could-sweep-indian-election-congress-may-hit-record-low-says-survey-2024-04-03/>. Accessed: March 2024

<sup>29</sup> Carnegie Endowment for International Peace, 'BJP and Congress Seat and Vote Shares in Lok Sabha Elections', 2019. Available at: [https://images.carnegieendowment.org/images/article\\_images/figure\\_1 BJP-INC\\_vote-seat\\_conversion.jpg](https://images.carnegieendowment.org/images/article_images/figure_1 BJP-INC_vote-seat_conversion.jpg) Accessed: March 2024.

● BJP 303 ● Other NDA 47 ● Congress 52 ● Other UPA 33 ● Others 108



Note: The poll was cancelled in one constituency, so only 542 seats were elected

Source: Election Commission of India



**Graph 4:** 2019 General Election Result<sup>30</sup>

### *Main roles and powers of the Indian Parliament*

India's Parliament plays an important role in securing its democratic processes. Key parliamentary powers include:

- *Legislative powers:* The Parliament enacts laws on issues articulated in both the Union and Concurrent Lists of subjects within the Constitution.<sup>31</sup> Either house can initiate and/or block a bill (except various bills related to money which can only be introduced and/or blocked in the Lok Sabha).<sup>32</sup> The Parliament can also amend the Constitution given there is a special majority.<sup>33</sup>
- *Financial power:* The Lok Sabha must approve the federal government's budgets, and both houses continually scrutinise the government's expenditure.<sup>34</sup>

<sup>30</sup> BBC, '2019 General Election Result', 2019. Available at: [https://ichef.bbci.co.uk/news/480/cpsprodpb/D8D6/production/\\_107101555\\_107091340\\_ls\\_2019\\_hemi-nc.png.webp](https://ichef.bbci.co.uk/news/480/cpsprodpb/D8D6/production/_107101555_107091340_ls_2019_hemi-nc.png.webp) Accessed: March 2024.

<sup>31</sup> Ministry of External Affairs, 'Seventh Schedule', 1976. Available at: <https://www.mea.gov.in/Images/pdf1/S7.pdf>. Accessed: March 2024.

<sup>32</sup> Parliament of India, 'Legislative Functions of Rajya Sabha', 2021. Available at: <https://cms.rajasabha.nic.in/UploadedFiles/Legislation/Introduction.pdf>. Accessed: March 2024.

<sup>33</sup> Fali Nariman, 'The "Doctrine" versus "Majoritarianism"' in Pran Chopra (ed.) *The Supreme Court versus the Constitution: A Challenge to Federalism* (New Delhi, 2006), p.83.

<sup>34</sup> P.P. Rao, 'The Constitution, Parliament and the Judiciary' in Pran Chopra (ed.) *The Supreme Court versus the Constitution: A Challenge to Federalism* (New Delhi, 2006), p.77.



- *Scrutiny powers:* The government is fully dependent on the confidence of Parliament and can be removed if a majority of members do not have confidence.<sup>35</sup>

Parliamentarians scrutinise the executive's policy decisions through question times and the committee system.<sup>36</sup> Parliament also has the power to initiate the process of impeachment against Judges of the Supreme Court and High Courts as well as the President and Vice President.<sup>37</sup>

Given India's prime ministerial system, Parliament is also often linked to the success of executive-driven policies. This recently includes the controversial Citizenship Amendment Act (CAA), which lessened citizenship requirements for many religious groups, but excluded Muslims.<sup>38</sup>

### ***Challenges to Indian parliamentary democracy***

#### *An autocratic shift?*

Recent efforts by India's government to consolidate power are reflected in growing constraints on parliamentary power. In December 2023, 141 opposition lawmakers were suspended from Parliament for "disrupting" proceedings.<sup>39</sup> This highlights a concerning trend of cracking down on political opposition within India, including a recent attempt to imprison Rahul Gandhi, the face of the INC, for defamation.<sup>40</sup> Indian parliamentary democracy has also been faced with the challenges of corruption and criminality within the political process. 43% of successful candidates in the 2019 Lok Sabha elections had been charged with a crime.<sup>41</sup> In addition, various scandals have plagued Indian governments, from interference in

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<sup>35</sup> Subhash Kashyap, 'Executive-Legislative interface in the Indian polity', *The Journal of Legislative Studies*, 10(2-3), 2004, p.280.

<sup>36</sup> Satya Narayana, 'A unique parliamentary tradition: referring bills for double committee scrutiny in India's upper house', *The Parliamentarian*, 94(1), 2013, pp.58-61; Ibid, p.285.

<sup>37</sup> Legislative Department, 'The Constitution of India', p.29.

<sup>38</sup> Narender Nagarwal, 'The Citizenship Amendment Act 2019: An Insight through Constitutional and Secularism Perspective', *Journal of Asian and African Studies*, 57(8), 2022, p.1562.

<sup>39</sup> Sarah Shamin, 'Why were 141 India opposition MPs suspended from parliament?' *Al-Jazeera*, 2023. Available at: <https://www.aljazeera.com/news/2023/12/19/why-141-india-opposition-mps-suspended-from-parliament> Accessed: March 2024.

<sup>40</sup> Hannah Ellis-Petersen, 'India's supreme court suspends Rahul Gandhi's two-year defamation jail term,' *The Guardian*, 2023. Available at: <https://www.theguardian.com/world/2023/aug/04/rahul-gandhi-wins-supreme-court-appeal-against-defamation-conviction> Accessed: March 2024.

<sup>41</sup> The Hindu, '43% newly-elected Lok Sabha MPs have criminal record: ADR', 2019. Available at: <https://www.thehindu.com/elections/lok-sabha-2019/43-newly-elected-lok-sabha-mps-have-criminal-record-adr/article27253649.ece>. Accessed: March 2024.

judicial proceedings by government officials to government favouritism in awarding contracts.<sup>42</sup> Scholars have thus noted ‘unprecedented civil society protest’ and the subsequent erosion of public trust in parliamentarians as a whole.<sup>43</sup>

### *An ethnocratic shift?*

A growing Hindu nationalist movement is tapping into general socioeconomic grievances by ‘scapegoating’ various significant minorities (namely religious minorities and lower castes).<sup>44</sup> The current Prime Minister, Narendra Modi, and his Bharatiya Janata Party (BJP) espouse ‘Hindutva’, an ideology which attempts to establish Hindu hegemony both culturally and politically in India.<sup>45</sup> Various scholars have suggested India is now a nascent ethnocracy—where one particular ethnos is politically dominant—in which various minorities are facing discrimination and the rule of law is under threat.<sup>46</sup> Examples of the BJP government’s actions to this end include placing Jammu and Kashmir under a lockdown from 2019 to 2021 to suppress its Muslim separatist movement and its blame of Sikhs for protests in 2020 against changes to agrarian laws.<sup>47</sup> Furthermore, the Lok Sabha has struggled to

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<sup>42</sup> Rupam Jain and Arpan Chaturvedi, ‘Indian Judges concerned as Government seeks Bigger Role in Judicial Appointments’, *Reuters*, 2023. Available at: <https://www.reuters.com/world/india/indian-judges-concerned-government-seeks-bigger-role-judicial-appointments-2023-01-19/> Accessed: March 2024; News Wires, ‘French judge tasked with investigating Rafale fighter jet sale to India’, *France 24*, 2021. Available at: <https://www.france24.com/en/europe/20210702-french-judge-tasked-with-investigating-rafale-fighter-jet-sale-to-india>. Accessed: March 2024.

<sup>43</sup> Maya Chadda, ‘India in 2011: The State Encounters the People’, *Asian Survey*, 52(1), 2012, p.129.

<sup>44</sup> Irfan Engineer, ‘The Covid Pandemic: A Report on the Scapegoating of Minorities in India’, *Centre for Study of Society and Secularism* (Mumbai, 2021), p.7. Available at: <https://counterviewfiles.files.wordpress.com/2021/04/the-covid-scapegoatig-report-by-csss-1.pdf>. Accessed: March 2024.

<sup>45</sup> Suhas Palshikar, ‘The BJP and Hindu Nationalism: Centrist Politics and Majoritarian Impulses’, *Journal of South Asian Studies*, 38(4), 2015, pp.719-721; Katherine Adeney and Harihar Bhattacharyya, ‘Current challenges to multinational federalism in India’, *Regional and Federal Studies*, 28(4), 2018, p.420; Wilfried Swenden, ‘Centre-State Bargaining and Territorial Accommodation: Evidence from India’, *Swiss Political Science Review*, 22(4), 2016, pp.510-511.

<sup>46</sup> Indrajit Roy, ‘The Rule of Law in an Ethnocracy: India’s Citizenship Amendment Act and the Will of the Hindu Ethos’, *Social and Legal Studies*, 0(0) 2024, p.2; Sheheen Kattiparambil, ‘Conceptualising Islamophobia in India’, *Islamophobia Studies Journal*, 8(1), 2023, p.124; Oraon Yiftachel, ‘“Ethnocracy” and its discontents: minorities, protests and the Israeli polity’, *Critical Inquiry*, 26(4), 2000, p.730.

<sup>47</sup> John Curtis and Nigel Walker, ‘Human rights in Kashmir’, *House of Commons Library*, 2021, p.2. Available at: <https://researchbriefings.files.parliament.uk/documents/CDP-2021-0153/CDP-2021-0153.pdf>. Accessed: March 2024; Human Rights Watch, ‘India: Government Policies, Actions Target Minorities,’ 2021. Available at: <https://www.hrw.org/news/2021/02/19/india-government-policies-actions-target-minorities>. Accessed: March 2024.



provide a check on such discriminatory policy, as evidenced by its passing of recent laws that increase government censorship and repress media freedom.<sup>48</sup>

### *Conclusion*

Despite the difficulties that India's parliament has recently faced, its parliamentary system remains rooted in democratic tradition. Ensuring that its parliament remains free and fair will be an important task for generations of Indians to come.

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<sup>48</sup> International Federation of Journalists, 'India: Slate of New Laws a Major Threat to India's Press Freedom,' 2023. Available at: <https://www.ifj.org/media-centre/news/detail/article/india-slate-of-new-laws-a-major-threat-to-indias-press-freedom>. Accessed: March 2024.

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