ELECTORAL DESIGN AND FEDERAL REPRESENTATION: WHY EQUAL STATE SEATS ARE INCOMPATIBLE WITH THE CURRENT RAJYA SABHA FRAMEWORK

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ABSTRACT

The impending census and delimitation exercise has renewed constitutional debate on representation and federal balance in India. While population-based reallocation of seats in the House of the People advances democratic equality, it risks disproportionately disadvantageous to the states that have experienced slower population growth and risk loss of seats based on population. This paper examines whether the Council of States can function as an institutional counterweight to such demographic redistribution.

Through an analysis of its composition, indirect electoral mechanisms, and voting thresholds, the paper argues that India's rejection of equal State representation in the upper chamber reflects a deliberate constitutional choice balancing demographic proportionality with federal accommodation. Doctrinal analysis and failings of the Tenth Schedule in curbing cross-voting further demonstrate that any proposal for equal representation for States in Council of States would introduce significant operational distortions without resolving enforcement weaknesses.

Keywords: Bicameral system, Council of States, Delimitation, Federalism, Voter-threshold, Constitutional design, Anti-Defection.

Introduction

With the national census scheduled for 2026 and expected to yield updated population and demographic data, renewed attention has focused on the issue of delimitation and the redrawing of House of the People (Lok Sabha) constituencies in line with the latest census figures.[1] This prospect has triggered substantial political debate, particularly among states that may face a decline in parliamentary representation due to slower population growth, while other states stand to gain additional seats as a result of relatively higher population increase.[2] This issue becomes further complicated when viewed against the backdrop of the perceived "North–South divide" in India.[3] Southern states, which have recorded comparatively higher income growth and greater success in population stabilization, also perform better than many northern states on key human development indicators, including healthcare access, infant mortality, and educational attainment.[4] Consequently, apprehensions have arisen that a delimitation exercise based strictly on population criteria could disproportionately disadvantage states that have effectively pursued demographic and development policies, while enhancing political representation for states with persistently higher population growth.[5]

Within this context, an important question that warrants consideration is whether reforms to the Council of States (Rajya Sabha) could be employed to offset potential losses in representation in the Lok Sabha by redesigning Rajya Sabha. Specifically, the debate should examine whether reforms to the Council of States membership could be utilised for compensating the states which may experience a reduction in seats in the lower house by having an equal representation model for all states regardless of population in the federal constitutional design.

Before engaging with the merits and demerits of such institutional reform, it is necessary to examine the constitutional rationale for bicameralism in federal systems, particularly its function in representing constituent sub-units at the national level.

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[1] INDIA CONST. art. 81; *Delimitation of Parliamentary and Assembly Constituencies*, Election Commission of India, https://eci.gov.in (last visited Jan. 04, 2026).
[2] Yogendra Yadav, *Electoral Politics in India: Delimitation and Representation* 45–52 (Oxford Univ. Press 2019).
[3] S. Mahendra Dev, Regional Disparities in India: Issues and Policy Responses, 55 Econ. & Pol. Wkly. 34, 34–41 (2020).
[4] *National Family Health Survey (NFHS-5), India 2019–21: Key Indicators*, Ministry of Health & Family Welfare, Gov't of India, https://www.nfhsindia.org (last visited Jan. 15, 2026); United Nations Dev. Programme (UNDP), *Human Development Report 2022: India* 45–52 (UNDP India 2022).
[5] Yadav, supra note 1, at 50.

I.   The Rationale for Bicameral Chamber

In comparative constitutional practice, the presence of a second chamber at the national level has long been understood as a structural hallmark of federal systems.[6] The adoption of this institutional structure is shaped by both the historical manner in which constituent units were brought together, and by the representational challenges faced by constitutional framers in States for accommodating multiple sub-regional units within national framework[7] Federal arrangements are commonly adopted to reconcile political unity with the need to ensure adequate representation of territorially and demographically diverse populations at the national level.[8]

Across federal jurisdictions, legislative design must contend with significant disparities in population size and territorial extent among constituent units, giving rise to enduring representational tensions. As a result, most bicameral systems allocate one chamber on the basis of population, with seats distributed proportionally among sub-national units according to their demographic weight.[9]

Although allocating seats in a legislative chamber on the basis of population is often regarded as a more democratic and citizen-oriented model of representation, it simultaneously generates structural tensions within federal systems.[10] When representation is determined exclusively by demographic weight, smaller or less populous constituent units may experience political marginalisation at the national level.[11] Owing to their limited population size, such units may be perceived as having reduced significance in government formation and policy prioritisation.

This dynamic can be illustrated by two examples. In the United States, the state of Wyoming is represented by a single member in the House of Representatives, whereas only one city of Miami in the state of Florida is divided among four congressional seats.[12] A similar pattern is evident in India, where the city of Mumbai alone accounts for six seats in the Lok Sabha,

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[6] Francesco Palermo & Karl Kössler, Participation of Subnational Entities at the National Level, in *Comparative Federalism: Constitutional Arrangements and Case Law* 165 (Hart Publ'g 2017).
[7] Giancarlo Doria, The Paradox of Federal Bicameralism, 5 Eur. Diversity & Autonomy Papers 7 (2006).
[8] Palermo & Kössler, supra note 6, at 167.
[9] Thomas O. Hueglin, Federalism as a System of Dual Representation, in *Federalism: An Introduction* 213 (Thomas O. Hueglin & Alan Fenna eds., 2d ed. Oxford Univ. Press 2015).
[10] Id. at 216.
[11] Palermo & Kössler, supra note 6, at 172.
[12] *Apportionment of the House of Representatives: 2020 Census Data*, U.S. Census Bureau, https://www.census.gov/topics/public-sector/congressional-apportionment.html (last visited Jan. 25, 2026).

equalling the combined representation of the states of Manipur, Meghalaya, and Tripura.[13]

This demonstrates that a system of representation grounded exclusively on population size may incentivise political parties to prioritise the interests of larger and more populous sub-units, while marginalising the concerns of smaller constituent units.[14] In such a framework, electoral strategy and policy attention are likely to be concentrated where demographic weight translates into greater political returns, potentially undermining the inclusive functioning of the federal structure.[15]

To address this structural imbalance, constitutional framers have sought to resolve such representational tension through the establishment of a second chamber.[16] In the United States, this objective is achieved through the Senate, where each state is accorded equal representation irrespective of population size.[17] By contrast, in jurisdictions such as India, Germany, and South Africa, the second chamber is structured around a system of weighted representation.[18] Under the latter model, smaller constituent units are accorded a "disproportionately" greater number of seats or voting strength relative to their population, even as larger units retain representation broadly aligned with demographic proportionality. Such institutional arrangements are designed to prevent smaller states from being politically overshadowed in the upper chamber solely on the basis of population.

Beyond representation, bicameralism also serves important deliberative and institutional functions. A second chamber introduces an additional layer of scrutiny, encourages legislative deliberation, and reduces the likelihood of precipitous lawmaking.[19] In federal systems, these features collectively strengthen constitutional stability by ensuring that legislative authority is exercised through multiple representational lenses.

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[13] *List of Parliamentary Constituencies and Allocation of Seats*, Election Comm'n of India, https://eci.gov.in/parliamentary-constituencies (last visited Feb. 05, 2026).
[14] Hueglin, supra note 9, at 211.
[15] Frances E. Lee & Bruce I. Oppenheimer, *Sizing Up the Senate: The Unequal Consequences of Equal Representation* 2 (Univ. of Chi. Press 1999).
[16] Heuglin ,supra note 9, at 207; Also See: Alfred Stepan, Toward a New Comparative Politics of Federalism, (Multi)Nationalism, and Democracy: Beyond Rikerian Federalism, in *Arguing Comparative Politics* 341 (Oxford Univ. Press 2001).
[17] U.S. CONST. art. I, § 3.
[18] Rajeev Dhavan & Rekha Saxena, Republic of India, in *Legislative, Executive, and Judicial Governance in Federal Countries* 166 (Katy Le Roy & Cheryl Saunders eds., McGill-Queen's Univ. Press.
[19] Markus Böckenförde, The Design of the Legislature, in *A Practical Guide to Constitutional Building* 196 (Int'l Inst. for Democracy & Electoral Assistance 2011).

In this sense, bicameralism is best understood not as redundancy within the legislative process, but a constitutional mechanism designed to manage representational tension inherent in federal democracies. The effectiveness of such a mechanism, however, depends critically on the design of the upper chamber, particularly the manner in which constituent units are represented and the electoral processes through which that representation is realised.

II.   Methodology

This study uses a qualitative doctrinal approach to explore whether the Rajya Sabha can realistically serve as a federal counterbalance if seats in the Lok Sabha are redistributed on the basis of population after delimitation. It closely examines key provisions of the Constitution of India, particularly Articles 80, 107, 170, 332, and the Tenth Schedule, to evaluate whether equal representation of States is structurally possible within the present constitutional framework.

The analysis also draws on significant Supreme Court decisions to consider the constitutional position of open ballot voting and to assess how far the anti-defection law applies in Rajya Sabha elections. In addition, the study adopts a structural institutional perspective to analyse electoral thresholds under proportional representation through the single transferable vote system. It further models the potential consequences of introducing equal State representation while keeping the current strength of State Legislative Assemblies unchanged.

The focus throughout this paper remains on constitutional design and institutional structure; it does not rely on empirical fieldwork but instead concentrates on questions of internal coherence and structural viability within the constitutional scheme.

III.   Constitutional Design of Rajya Sabha

India has adopted a model of representation inspired from the United Kingdom's House of Lords for designing its upper chamber which seeks to balance federal equality with demographic considerations. The Indian model departs from a strictly population-based framework for the Rajya Sabha through the inclusion of nominated members and at least one representative for a State which does not meet the criteria of population size for representation.

Article 80 of the Constitution of India, 1950 establishes the Council of States (Rajya Sabha) as the second chamber of Parliament and delineates its composition as well as the manner of

election of its members.[20]

III.I. Composition of the Council of States

Pursuant to Article 80(1)[21], the Council of States shall consist of a maximum of 250 members, distributed in the following manner:

(a) Representation of States and Union Territories: Up to 238 members are elected to represent the States and Union Territories.[22] The allocation of seats among these sub-national units is determined through a weighted formula based primarily on population size, subject to the guarantee of a minimum of one representative for each State that does not satisfy the population threshold. The precise distribution of seats is prescribed in the Fourth Schedule to the Constitution.[23]

(b) Nominated Members: Twelve members are nominated by the President of India. These nominees are selected on the basis of their distinguished contributions to fields such as literature, science, art, and social service, thereby introducing an element of functional representation within the legislative framework.[24]

This constitutional arrangement ensures that all constituent units are represented in the Council of States, while simultaneously allowing more populous States to exercise proportionally greater influence.

III.II. Powers

The Council of States enjoys co-equal legislative authority with the House of the People in matters of ordinary legislation, constitutional amendments, and high constitutional functions, including the impeachment of the President and the removal of judges of the Supreme Court and the High Courts.[25] This parity reflects the Council's intended role as an integral component of India's bicameral legislature, designed to temper majoritarian impulses and represent federal interests.[26] However, its authority is comparatively constrained in relation to Money Bills,

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[20] INDIA CONST. art. 80.
[21] INDIA CONST. art. 80, cl. (1).
[22] INDIA CONST. art. 80, cl. (1)(b).
[23] Dhavan & Saxena, supra note 18, at 166–67.
[24] INDIA CONST. art. 80, cls. (1)(a) & (3).
[25] INDIA CONST. arts. 111, 124, cl. (4), 218, 368.
[26] Dhavan & Saxena, supra note 18 at 170.

which originate exclusively in the House of the People.[27] In such cases, the Council of States may only make recommendations to the House of the People and lacks the power to amend or reject the bill; it must return the bill within fourteen days of its transmission.[28]

Article 107 of the Constitution provides that a bill may originate in either House of Parliament and must be passed by both Houses before it can attain the force of law.[29] Within this bicameral framework, the Council of States actively participates in the legislative process by scrutinizing, amending, approving, or rejecting legislation initiated or transmitted by the House of the People.

Constitutional amendments further underscore this parity. An amendment bill may be introduced in either House of Parliament but must be approved by a two-thirds majority of the total membership of both the Council of States and the House of the People.[30] This stringent requirement reinforces the Council's central role in constitutional change and situates it as a key institutional safeguard within India's federal structure.

III.III. Election

Members of the Council of States are elected for a six-year term; however, to preserve institutional continuity, one-third of the chamber retires every two years, resulting in staggered elections.[31] This rotational arrangement ensures the uninterrupted functioning of the Council and prevents the dissolution of the body in its entirety at any given time.

Article 80(4) of the Constitution mandates that elections to the Council of States be conducted through proportional representation by means of a single transferable vote.[32] The elections are indirect, with only the elected members of the respective State Legislative Assemblies entitled to vote for candidates from their states.[33] Under this system, each voter casts a single ballot ranking candidates in order of preference, with subsequent preferences transferred according to a prescribed formula when candidates fail to meet the required quota in the initial count.

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[27] INDIA CONST. art. 109.
[28] INDIA CONST. art. 109, cls. (2), (3), (4).
[29] INDIA CONST. art. 107.
[30] INDIA CONST. art. 368.
[31] INDIA CONST. art. 83, cl. (1).
[32] INDIA CONST. art. 80, cl. (4).
[33] Id.

Notwithstanding its technical sophistication and procedural complexity, this electoral system presents challenges. Critics have observed that members of State Legislative Assemblies often vote along strict party lines, limiting the exercise of individual discretion.[34] This tendency has been reinforced by the Indian Supreme Court in *Kuldip Nayar v. Union of India*[35]*,* wherein the Court upheld the constitutionality of conducting Rajya Sabha elections by open ballot. The Court held that in the context of indirect elections, secrecy is not absolute, and that open ballot voting is justified to prevent cross-voting and corruption while reflecting the proportional strength of political parties.[36]

This judicial interpretation carries significant political implications. By approving an open ballot system, the Court effectively reinforced party discipline, ensuring that members of State Legislative Assemblies adhere to party directives or risk facing anti-defection proceedings under the Tenth Schedule.[37] Consequently, the system illustrates an inherent tension between the autonomy of individual electors and the control exercised by political parties, highlighting the compromises embedded in indirect representation in India's upper house.

IV.   Proportional Representation in Practice

The adoption of proportional representation for allocating seats to sub-units in the second chamber based on population size has emerged to be a stable and pragmatic compromise for a country as diverse as India, ensuring that all regions have meaningful representation at the national level.

At first glance, an assessment based solely on distribution of seats allocated among the states may suggest that the Council of States is disproportionately dominated by a few large populous states at the expense of smaller ones. However, a closer scrutiny of the electoral mechanics reveals a more nuanced picture, which can be understood through two interrelated considerations.

IV.I. Structural Limits of Equal Representation under Indirect Elections

Firstly, Article 170(2) of the Constitution stipulates that each state must be divided into

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[34] Dhavan & Saxena, supra note 18, at 173–75.
[35] *Kuldip Nayar v. Union of India,* (2006) 7 S.C.C. 1.
[36] Id. ¶¶ 422, 423, 460.
[37] INDIA CONST. sched. X.

territorial constituencies in proportion to its population relative to the number of seats allocated to the state legislature.[38] To implement a system of equal representation for all states, it would be necessary to standardise the number of seats in each state legislature across the country. Without such standardisation, equal representation at the national level would distort the voting thresholds in larger states, sharply increasing the number of votes required for a candidate to secure a first-preference vote in the upper house, as has been demonstrated below. Standardising sizes of state legislative assemblies would therefore be essential to mitigate these distortions and ensure that the electoral process remains practically feasible under an equal representation model.

While India has not formally adopted the principle of "one person, one vote" as articulated in the United States Supreme Court in *Baker v. Carr*[39] and *Reynolds v. Sims*[40], the Supreme Court of India in *Poudyal v. Union of India* (1994)[41] ruled that population, though important, is only one of several factors to be considered when delimiting constituencies. Furthermore, Article 332(3), which governs reserved seats for Scheduled Castes and Scheduled Tribes, uses the expression "as nearly as may be," thereby allowing for deviations from strict population-based representation based on geographic distribution and territorial considerations.[42] However this flexibility indicates the need to balance the weight of individual votes with the practicalities of territorial representation, ensuring that population remains a *key determinant* while accommodating regional and demographic diversity.

IV.II. *Voter threshold and smaller States*

Secondly, in a system of unequal representation for all states based on population, Uttar Pradesh, the most populous state, holds the largest number of seats in both Houses, with eighty seats in the Lok Sabha and thirty-one seats in the Rajya Sabha.[43] Yet, when one calculates the number of votes that a candidate needs to secure a seat in a given Rajya Sabha election cycle, in Uttar Pradesh, the requirement is thirty-seven votes, determined by the strength of the state legislative assembly. Similarly, in Tamil Nadu, a candidate requires thirty-four votes per cycle. In comparison, Mizoram, one of the least populous states with only one Lok Sabha seat,

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[38] INDIA CONST. art. 170.
[39] *Baker v. Carr*, 369 U.S. 186 (1962).
[40] *Reynolds v. Sims*, 377 U.S. 533 (1964).
[41] *Poudyal v Union of India*, (1994) 2 S.C.C 23.
[42] INDIA CONST. arts. 81, 170, 326, 332.
[43] INDIA CONST. sched. IV; art. 81.

requires twenty-one votes from its legislative assembly members to elect a Rajya Sabha member and for Arunachal Pradesh the threshold is thirty-one votes.[44]

While there is a numerical difference of roughly ten votes between larger and smaller states, this arrangement preserves proportional representation in the Council of States without undermining the federal character of the legislature.

This complexity of voter threshold can be further understood by considering the implications of adopting a strict equal representation model. If each state and union territory were allocated eight seats, keeping the total present at 238, the number of votes required per candidate in each election cycle would vary dramatically under unchanged legislative assembly strengths in larger states.

In such a scenario, a candidate in Uttar Pradesh would require 135 votes and in Tamil Nadu seventy-nine votes, whereas in contrast, a candidate would require in Mizoram only fourteen votes and in Arunachal Pradesh twenty-one votes would be sufficient.

This exercise reveals a striking observation: under a model of equal representation for all sub-units, the voting threshold for candidates in larger states, with correspondingly larger legislative assemblies and more seats, would increase dramatically. Specifically, the number of first-preference votes required would rise by 200 to 300 percent, from thirty-seven to 135 first preference votes in Uttar Pradesh and from thirty-four to seventy-nine first preference votes in Tamil Nadu. Conversely, smaller states would experience a significant reduction in the threshold, in some cases by nearly fifty percent. For example, in Mizoram, the required number of votes per candidate would decrease from twenty-one to fourteen, while in Arunachal Pradesh, it would drop from thirty-one to twenty-one.

This stark disparity illustrates how an equal representation model, while conceptually simple, could create significant practical difficulties in smaller and larger states alike, highlighting the relative stability and effectiveness of India's population-weighted proportional system.

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[44] See *Conduct of Elections: Guidelines for Rajya Sabha Elections*, Election Comm'n of India, https://eci.gov.in (explaining that the minimum number of votes required from elected members of State Legislative Assemblies to elect Rajya Sabha members is determined under the system of proportional representation by means of the single transferable vote, with the quota calculated as: Quota = (Total valid votes ÷ (Number of seats + 1)) + 1) (last visited Jan. 21, 2026).

V.   Anti-Defection Law and Institutional Vulnerability

Another significant concern associated with adopting equal representation for States while retaining the existing framework of indirect elections is the increased susceptibility of such elections to cross-voting, horse-trading, and corrupt practices.

Experience with indirect elections to upper chambers demonstrates that legislators have, on multiple occasions, voted in defiance of explicit directions issued by their political parties, particularly where electoral outcomes can be altered by a small number of votes.[45] This risk is substantially amplified in systems where equal representation is combined with State legislative assemblies of unequal size.

In States with smaller legislative assemblies, the electoral threshold required to secure a seat in the upper chamber is markedly lower, conferring disproportionate influence on individual legislators. The relative ease with which electoral outcomes can be affected in such contexts creates structural incentives for targeted inducements, strategic defections, and transactional voting behaviour. Legislators from smaller assemblies are therefore more likely to be approached for cross-voting, as the marginal value of each vote is significantly higher than in larger assemblies.

These distortions do not merely undermine party discipline but also erode the integrity of the representative process itself. Rather than strengthening federal equality, equal representation under indirect elections risks entrenching political bargaining and corruption, particularly in smaller States, thereby weakening the normative foundations of bicameral representation.

V.I. Anti-defection law and equal representation

At first glance, this concern may appear inapplicable to India in light of the Supreme Court of India's decision in *Kuldip Nayar v. Union of India*, which upheld the constitutionality of open ballot voting in Rajya Sabha elections.[46] It might be contended that the transparency introduced by open ballots prevents the transmission of such distortions into the Indian system. However, such a conclusion overlooks the manner in which party discipline is constitutionally enforced in India through the Tenth Schedule which was inserted by the Fifty-Second Constitutional

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[45] *Kihoto Hollohan v. Zachillhu*, (1992) 1 S.C.C. 309, ¶¶ 110–112.
[46] *Kuldip Nayar*, supra note 35.

Amendment Act, 1985, with the objective of curbing political defections and stabilising elected governments. Prior to its enactment, frequent shifts in legislative allegiance had led to chronic instability in several State governments.[47]

Paragraph Two of this Schedule provides that an elected member of a political party shall be disqualified if he or she votes or abstains from voting in the legislature contrary to the directions issued by the political party.[48] Paragraph 4 carves out a limited exception, exempting members from disqualification only where at least two-thirds of the members of the legislature party agree to merge with another political party.[49]

Textually, the Tenth Schedule does not expressly enumerate voting by members of State Legislative Assemblies in Rajya Sabha elections as a ground for disqualification.

However, read in conjunction with *Kuldip Nayar*, the constitutional position becomes clear. By validating the open ballot system and recognising that Rajya Sabha elections reflect party strength in State legislatures, the Supreme Court effectively constitutionalised party discipline in such elections.[50] Consequently, a member of a State Legislative Assembly who votes or abstains from voting contrary to the directions of the political party in a Rajya Sabha election exposes himself or herself to disqualification proceedings under the Tenth Schedule.

Thus, while the threat of disqualification may theoretically deter elected members from cross-voting in Rajya Sabha elections, the practical operation of the disqualification mechanism often produces a contrasting effect.

V.II. The role of Speaker in Disqualification proceedings

Paragraph 6 of the Tenth Schedule assigns the authority to decide disqualification disputes to the Speaker, and Paragraphs 6(2) and 7 attempt to shield these proceedings from judicial intervention by treating them as internal legislative matters under Articles 122 and 212 of the Constitution.[51] In *Kihoto Hollohan v. Zachillhu*[52], the Supreme Court sustained this

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[47] *Subhash Desai v. Principal Secretary, Governor of Maharashtra*, Writ Petition (C) No. 493 of 2022 (Bombay High Ct.).
[48] INDIA CONST. sched. X, ¶ 2; *Mayawati v. Markandeya Chand*, (1998) 7 S.C.C. 517.
[49] INDIA CONST. sched. X, ¶ 4.
[50] *Kuldip Nayar v. Union of India*, supra note 35; Rajeev Dhavan, *The Tenth Schedule and Its Discontents* 58–61 (Delhi: Universal Law Publ'g 2019).
[51] INDIA CONST. sched. X, ¶¶ 6, 6(2), 7; arts. 122, 212.
[52] *Kihoto Hollohan*, supra note 45 at 10.

constitutional arrangement on the premise that the Speaker would discharge this function with institutional impartiality.[53] Subsequent case law, however, has called this assumption into question.

In *Rajendra Singh Rana v. Swami Prasad Maurya*[54], the Supreme Court held that a legislator attracts disqualification at the point when the conduct prohibited by the Tenth Schedule occurs, thereby characterising the Speaker's decision as confirmatory rather than determinative.[55] Despite this clarification, decisions such as *Shrimanth Balasaheb Patil v. Speaker, Karnataka Legislative Assembly*[56] and *Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly*[57] reveal a recurring pattern of delayed adjudication by Speakers, allowing members to retain their legislative positions even after having incurred disqualification. This line of case-laws exposes an inherent vulnerability in the anti-defection regime: although normatively robust, its effectiveness is ultimately dependent on the political motivations of the adjudicating authority, in this case the Speaker of the House who is himself or herself a member of the political party which is in control of the Legislative Assembly and in government.

When this institutional fragility is examined alongside *Kuldip Nayar*[58], its implications for Rajya Sabha elections become particularly pronounced. While the adoption of open ballots and the formal applicability of the Tenth Schedule are frequently presented as mechanisms to deter cross-voting by members of state legislative assemblies, the manner in which disqualification proceedings operate in practice undermines this claim. Since the initiation and resolution of such proceedings lie within the Speaker's control, the possibility of strategic delay substantially weakens the deterrent force of the anti-defection law.

Thus, a member of state legislature may therefore engage in cross-voting during a Rajya Sabha election with the expectation that any adverse determination, even if eventual, will not be immediate.

Consequently, while the Indian model avoids the overt distortions produced by secret ballots, it substitutes them with a subtler vulnerability rooted in partisan control over constitutional

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[53] Id. ¶¶ 110–112, 118.
[54] *Rajendra Singh Rana v. Swami Prasad Maurya*, (2007) 4 S.C.C. 270.
[55] Id. ¶¶ 36–39.
[56] *Shrimanth Balasaheb Patil v. Speaker, Karnataka Legislative Assembly*, (2020) 2 S.C.C. 595.
[57] *Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly*, (2012) 1 M.L.J. 123.
[58] *Kuldip Nayar*, supra note 35, at 7.

enforcement. This dynamic underscores the limits of relying on upper-chamber design alone to preserve federal balance and party discipline in indirect elections.

Conclusion

While the reallocation of seats in the House of the People in accordance with population based on new census and delimitation exercise remains constitutionally grounded, proposals to redesign the Council of States as a compensatory mechanism for accommodating effective State representation require careful scrutiny.

This paper demonstrated that the Council of States, in its present design, is ill-suited to function as a structural counterweight to population-based reallocation in the House of the People, whether through an increase in the number of seats allocated to States or the adoption of a model of equal representation.

An analysis of electoral thresholds and voting mechanics demonstrates that the adoption of equal representation for the Rajya Sabha would introduce significant operational distortions unless accompanied by a uniform restructuring of State legislative assemblies, a reform that is neither constitutionally mandated nor politically feasible. In the absence of such restructuring, indirect elections under an equal representation framework risk exacerbating vote-value asymmetries and incentivise cross-voting, particularly in States with smaller legislatures where existing assembly sizes produce disproportionate vote thresholds.

Further, the current operation of the Tenth Schedule and the Speaker's adjudicatory role reveals the limits of relying on party discipline and open ballots as effective safeguards. Although the threat of disqualification is often invoked as a deterrent against cross-voting, the discretionary and delay-prone nature of enforcement substantially weakens its normative force.

Taken together, these findings indicate that the challenges posed by delimitation cannot be addressed through institutional redesign of the Rajya Sabha alone. Constitutional experience underscores that the effectiveness of federal arrangements depends as much on political practice and institutional integrity as on formal design. A durable resolution, therefore lies not in replicating models of formal equality, but in evolving a pragmatic constitutional accommodation that preserves democratic legitimacy while maintaining inter-State equity within India's federal framework.