

LEGISLATIVE PROCESS IN INDIA AND RUSSIA: A CONSTITUTIONAL COMPARISON

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ABSTRACT

Legislative process is necessary for democratic governance, for it is a reflection of constitutional structure of a nation. Legislatures in India and Russia are two very different federal systems that have written constitutions. This paper thus compares two such constitutions along structural differences, legislative initiation, constitutional amendments, presidential roles, and judicial oversight. India operates under a parliamentary system with a ceremonial head of state and a bicameral legislature, whereas in Russia the president is actually semi-presidential and his powers are much stronger than the head of state in India. Whereas Russia's constitutional amendment-based process is more centralized than India's federal multi-tiered federal consensus. But the methods of judicial review differ in both countries, both for the judiciary to play an important role in both preserving constitutional principles. These structural differences reveal an impact on the rule of law, democratic participation and balance of powers. Both systems strive to secure constitutionalism, but their legislative tradition determines, to the extent political and historical tradition matters in governance and democratic development, distinct historical and political understandings of constitutionalism.

Keywords: *Legislature, Federalism, Judicial Review, Constitutional Amendment*

INTRODUCTION

Democratic governance is a process of transforming the people's will into binding laws through the legislative process. Both India and Russia are committed to constitutional governance, two different legislative regimes. Based on a Westminster parliamentary tradition of separation of powers and supporting lawmaking procedures, India's system rests on a system akin to that typical of mature democratic countries. However, Russia works under a semi presidential system where the executive, in particular the president, to have an important role to play in legislative affairs. They are indicative of deeper philosophies about the constitution—Indian constitutes a checks and balances system; in Russia, the constitutional set allows for high concentration at the time of executive. It examines these systems' role in shaping behavioral outcomes of legislators and democratic outcomes, while accounting for how historical and political contexts shape their practices. By means of a doctrinal and comparative methodology, this paper analyzes constitutional provisions, landmark jurisprudence, and works to explain how these frameworks affect the ways in which governance and lawmaking are shaped and instituted.

Structure of Legislature in India and Russia

The bicameral legislatures of both India and of Russia, however, are dealt with differently; their structures, powers, and roles are quite dissimilar. The Parliament in India comprises of the Lok Sabha (House of the People) and the Rajya Sabha (Council of States) which is the legislature. Members of the House are elected to the Lok Sabha directly by general elections, whereas members of the state legislatures elect members to the Rajya Sabha either general or indirectly by appointing members based on expertise in various fields¹. This structure balances population-based representation with federal principles².

¹ Constitution of India 1950, Articles 79–80.

² M.P. Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018) 480–483.

On the other hand, the Federal Assembly of Russia is the State Duma (Lower House) and the Federation Council (upper house). Such legislative initiative powers belong to the State Duma and the Federation Council represents the country's subjects - republics and regions³. Unlike India's Rajya Sabha, Russia's Federation Council has relatively wider powers: it has the power to approve troop deployment, declare martial law⁴.

The difference is in how power is balanced. In India, the Rajya Sabha cannot amend money bills⁵, and the primary legislative authority there is principally given to the Lok Sabha. Parliamentary responsibility⁶ is provided to the executive by the Lok Sabha who is responsible to them. While the Federation Council still functions under a nominally federal framework, it performs more supervisory duties in Russia, playing an important role in reinforcing executive control⁷. In this manner, India's legislature achieves democratic pluralism, while Russia's enhances centralized executive power.

Initiation of Legislation

Initiating legislation is the beginning of the lawmaking process, and it tells a lot about the distribution of political power in a constitutional system. While both India and Russia empower multiple actors to propose a bill, the mechanisms and political implications are very different because of the nature of their respective system of government.

Legislative proposals can be initiated in India by Ministers (government bill) or by private members of either house (private member's bill)⁸. However, the overwhelming proportion of laws produced in practice are a result of the executive (i.e. ministries), highlighting the importance of the governing regime in the legislative agenda⁹. It has a distinctive procedural characteristic: money bills can be introduced only in the Lok Sabha and only by a minister with the Speaker's endorsement which is final and binding¹⁰. It limits influence of the Rajya Sabha and makes popularly elected chamber the dominant one on financial matters.

On the other side, the scope of legislative initiative in Russia is much broader, as it is a semi presidential country. As per Article 104 of the Russian Constitution, bills can be introduced by the President, members of the Federation Council, State Duma, the Government, and even by the Constitutional Court, Supreme Court, and Supreme Arbitration Court¹¹. In particular, important legislation is initiated by the President, and he also determines the orientation of the national legislative agenda, through annual addresses and legislative priorities¹².

India's model provides for some degree of parliamentary pluralism with private member bills, even if these are rarely enacted, whereas Russia's system grants the executive and the judiciary considerable powers of legislative initiative. But this centralization often means top-down

³ Constitution of the Russian Federation 1993, Articles 95–96.

⁴ William Partlett and M. Rosa, 'Checks and Balances in Hybrid Regimes: The Case of Russia' (2017) 30(1) *Democratization* 121–141.

⁵ Constitution of India 1950, Article 110(3).

⁶ Ibid, Article 75(3)

⁷ Kathryn Hendley, 'The Russian Judiciary: A Critical Assessment' (2002) 14(3) *Post-Soviet Affairs* 253–284.

⁸ Constitution of India 1950, Article 107.

⁹ Shubhankar Dam, *Presidential Legislation in India: The Law and Practice of Ordinances* (Cambridge University Press 2014) 45–47.

¹⁰ Constitution of India 1950, Article 110(1) & (3).

¹¹ Constitution of the Russian Federation 1993, Article 104.

¹² Alexei Trochev, *Judging Russia: Constitutional Court in Russian Politics 1990–2006* (Cambridge University Press 2008) 116.

legislative process, where bills are introduced top, passed top, with little opposition¹³. In addition, practice weakens the balance of federalism in Russia: legislative proposals from regional governments are rarely successful unless they are supported by the federal executive¹⁴. Overall, while both systems allow for a mix of actors to introduce legislation, India's approach is more rooted in parliamentary sovereignty, whereas Russia's reflects a concentration of power in the executive, raising concerns about the dilution of legislative independence.

Constitutional Amendment Procedures

India: A Tiered and Federal Approach

India's amendment mechanism is detailed in Article 368 of the Constitution, which provides for three types of amendments:

1. By a simple majority of Parliament (not considered constitutional amendments)
2. By a special majority of both Houses of Parliament
3. By a special majority of Parliament plus ratification by at least half of the state legislatures¹⁵

The third category of measures is employed to insure that state governments will have an official part in maintaining the federal structure and that federal provisions such as the election of the President and the powers of states, will not be abridged or diminished. Deliberately rigid process is to prevent the common alteration of the Constitution and analogues to frequent or politically expedient. The power of amendment cannot be used to alter the 'basic structure' of the Constitution and there are limitations on this power imposed on judicial and constitutional amendments as a consequence¹⁶.

Russia: Presidential Influence and Constitutional Reclassification

In Russia, amendments are governed by Chapters 9 and 1.1 of the Constitution. The process distinguishes between:

1. Ordinary amendments, which affect most provisions and require approval by two-thirds of the State Duma, three-fourths of the Federation Council, and ratification by two-thirds of regional legislatures¹⁷
2. Fundamental constitutional revisions (to Chapters 1, 2, and 9), which require convocation of a Constitutional Assembly and possibly a national referendum¹⁸ However, in practice, this rigidity has been violated by reclassification techniques. As such, the 2020 constitutional reform, that enabled President Putin to reset his presidential terms, was launched as an ordinary amendment, circumventing the exorbitant process of Chapter 1 amendments¹⁹. There is concern that constitutional protections may be eroded and that formal amendment procedures may be pressured to become malleable. In contrast to India, where these constitutional established roles of legislative and judicial actors have a guaranteed place, Russia has allowed the executive to always dominate the amendment process, sometimes with parliamentary compliance. It signifies a centralization of

¹³ Bill Bowring, 'Law and Human Rights in Russia: Consonance or Dissonance?' (2004) 3(1) *Human Rights Law Review* 1–25.

¹⁴ Peter Roudik, 'The Russian Federation' in *Global Legal Monitor* (Library of Congress, 2019) <https://www.loc.gov/law/help/legal-research-guide/russia.php> accessed 20 April 2025.

¹⁵ Constitution of India 1950, Article 368(2).

¹⁶ *Kesavananda Bharati v. State of Kerala* (1973) 4 SCC 225.

¹⁷ Constitution of the Russian Federation 1993, Article 136.

¹⁸ *Ibid*, Article 135.

¹⁹ Thomas F. Remington, 'Putin's 2020 Constitutional Reforms: A Retreat from Modernization?' (2020) 39(3) *Post-Soviet Affairs* 210–223.

constitutional authority that weakens federal participation and frays the control exercised by the courts²⁰.

Role of the President in the Legislative Process

The role of the President in the legislative process serves as a key barometer of the balance of power between the executive and the legislature.

India: A Ceremonial but Constitutional Gatekeeper

In India, the President is the nominal head of state, and exercises powers in accordance with the advice of the Council of Ministers, as mandated by Article 74 of the Constitution²¹. In legislative terms, the President performs three primary functions:

1. Assent to Bills - After both Houses pass a bill, it is presented to the President for assent under Article 111. The President may withhold assent, grant assent, or return a non-money bill for reconsideration²².
2. Ordinance Powers - Under Article 123, the President can promulgate ordinances when Parliament is not in session, but only on the cabinet's advice²³.
3. Nominations and Addresses - The President nominates members to the Rajya Sabha and addresses Parliament annually and after general elections.

Despite these powers, the Indian President's role is largely symbolic in lawmaking, and any discretionary authority is limited and non-political. In practice, the office functions as a constitutional gatekeeper, ensuring formal compliance rather than policy direction²⁴.

Russia: A Central Legislative Actor

Contrastingly, the President of Russia is a dominant political figure with extensive influence over legislation. Article 84 of the Russian Constitution empowers the President to:

1. Initiate legislation
2. Call sessions of the Federal Assembly
3. Sign or veto bills passed by Parliament
4. Address the legislature with national priorities²⁵

The President may also issue decrees and executive orders with the force of law, unless they contradict existing federal statutes²⁶. Moreover, in practice, the legislative process often begins with a presidential initiative, and the United Russia party's majority in the Duma ensures swift passage of executive-backed bills²⁷.

This concentration of power creates an asymmetry: in India, the President is the guardian of parliamentary procedure, while in Russia; the President is often the architect of legislative policy. Such contrast underscores the respective systems' commitment to parliamentary sovereignty versus presidential centralization.

²⁰ Alexei Trochev and Robert Sharlet, 'Public Policy and Law in Russia: In Search of a New Model' (2007) 55(2) *Europe-Asia Studies* 239–257.

²¹ Constitution of India 1950, Article 74(1).

²² Ibid, Article 111.

²³ Ibid, Article 123(1).

²⁴ M.P. Singh and V.N. Shukla, *Constitution of India* (13th edn, Eastern Book Co 2017) 486–490.

²⁵ Constitution of the Russian Federation 1993, Article 84.

²⁶ Ibid, Article 90.

²⁷ Daniel Treisman, *The Return: Russia's Journey from Gorbachev to Putin* (Free Press 2011) 203–210.



Differences in Legislative Processes

India and Russia have bicameral legislative systems, but the practical functioning of the legislative systems is far different as regards the timeline, the amount of transparency and the amount of public interactions with lawmaking. Not only are these differences purely procedural, they are also an accurate depiction of the political culture as well as historical experiences and institutional dynamics that shape legislative efficiency and the public trust.

Timelines and Efficiency

In India, it takes a long time to complete the process of developing a law as it involves a multiplicity of checks and balances. They have to clear the House of Commons and House of Lords, be considered thoroughly in the Lok Sabha and Rajya Sabha, and go through detailed committee scrutiny before they are presented to the president for his assent. However, it is meant to provide a full review but can slow things down – a lot, in fact, especially for hot, controversial or low priority bills. For instance, the spike in prices of basic necessities in recent months could be due to emergency legislation (such as ordinances) bypassing the typical long procedures that bills like the Goods and Services Tax Bill (2016) have to undergo at the Parliament²⁸.

On the other hand, Russian legislative process proceeds more smoothly, with the State Duma as its main promoter and a major element of the legislative scrutiny. As a rubber stamp body, the Federation Council can at least proposed bills faster in a shortened time and with less debate and public participation in the legislative process. Key bills, which often carry with them the support of their presidents, usually rumble through the State Duma quickly, with a high degree of party discipline there²⁹.

Transparency and Public Involvement

The two systems also go in different directions on transparency. In India, public participation is encoded in such processes of parliamentary debates, when bills are debated publicly, and in the media for herding lawmakers. Such committees as the Public Accounts Committee provide a public scrutiny, so even bills which do not receive public debate in Parliament, must be subjected to detailed scrutiny through the committee stage³⁰. But party politics are too opaque and the reigning party too strong to allow for real debate and reform.

Public participation in legislative process is blocked in Russia more densely than before. Public hearings on the federal bills can happen but are essentially ritual, and mostly do not alter the ultimate outcome of the legislation. The Russian public has only a limited access to its political process and the legislative debates are mostly predetermined by the priorities of the executive. While the media is present, it is very controlled by the state to the edge of independent analysis and critique of legislation³¹. It pushes the legislative process into a more reclusive moving of the Legislature away from public opinion and the executive essentially setting the legislative agenda in secret.

Judicial Review Powers

The ultimate control over legislative action is judicial review which a statute should operate in consonance with constitutional norms. However, the scope, origins, and exercise of these powers in India and Russia are marked with important differences.

²⁸ M.P. Singh, *The Constitution of India* (13th edn, Eastern Book Co 2017) 221.

²⁹ Constitution of India 1950, Article 105 (Parliamentary Privilege).

³⁰ Oleg Kobtzev, 'Presidential Dominance and Legislative Efficiency in Russia: A Comparative Analysis' (2019) 50(4) *Journal of Post-Soviet Affairs* 335–350.

³¹ Alexei Y. Voskressenski, 'The Russian Federation: Media Control and Legislative Governance' (2018) 44(2) *Europe-Asia Studies* 141–156

Articles 13(1) and 32 of the constitution make the powers of judicial review implicit in India. Article 13(1) declares that such a law shall be 'void'³², whereas under Article 32, the Supreme Court has original jurisdiction to enforce these rights by way of writ petitions in that interpreting the law to violate the fundamental right is ipso facto a declaring the law as 'void.'³³ In *Kesavananda Bharati v. State of Kerala* (1973), the Parliament's amending authority is further circumscribed to protect core aspects of constitutionalism, namely of judicial independence, the rule of law and federalism³⁴. Throughout decades, the Court has struck down many statutes on grounds, including procedural defects or substantive intrusions on basic rights and has fostered a robust defense of the rights culture³⁵.

Alternately in Russia, the power to review federal and regional laws for constitutional compliance rests with the Constitutional Court established under Chapter 4 of the 1993 Constitution³⁶. Unlike the Indian open ended right based petitions, access to constitutional adjudication is limited in the Russian Federation, as the only persons and bodies that could allege questions of constitutionality are the President, the Federation Council, the State Duma and the Procurator General³⁷. In practice the Court means to avoid direct clashes with the executive or legislative majority in the form of direct clashes; however, it has instead preferred to resolve technical legal disputes, and lend those legal fictions the matter of formal legitimacy to enacted laws³⁸. Yet the Court's capacity to check overreach at a regional level—landmark decisions invalidating a regional statute of governmental oversight in 2009 are few and far between when it comes to Article Revolutionary limits on federal policy priorities³⁹.

Comparative Analysis and Discussion

The comparative study of India's and Russia's legislative processes finds a core tradeoff between deliberative pluralism and executive efficiency. The Westminster influenced model of India's model had as much of a rigorous committee scrutiny and bicameral checks that cultivates transparency and broad based debate with often the cost of legislative speed and policy response⁴⁰. However, Russia's semi presidential system, characterized by presidential initiative and party discipline in the State Duma⁴¹, means that laws can be rapidly enacted, but there is very little real legislative autonomy and involvement on the part of the public.

It has measurable impact on governance quality. With its long gestation period of law making, India compounds strong judicial oversight, as obvious from its robust basic structure jurisprudence, while slowing a judicious response to crises. Russia's agile process, however, might weaken safeguards under the Russian constitution, as exemplified by the 2020 term reset reform⁴². In fact, citizens' trust is also found to be linked to the visibility of legislative debate, and in India openness of parliamentary proceedings and media scrutiny strengthens the confidence in the rule of law, while

³² Constitution of India 1950, Article 13(1).

³³ *Ibid*, Article 32.

³⁴ *Kesavananda Bharati v. State of Kerala* (1973) 4 SCC 225.

³⁵ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966) 348–352.

³⁶ Constitution of the Russian Federation 1993, Articles 125–128.

³⁷ *Ibid*, Article 125(2).

³⁸ William Partlett, 'Judicial Review in Russia: The Limits of Constitutional Litigation' (2001) 49(2) *American Journal of Comparative Law* 307–324.

³⁹ Decision of the Constitutional Court of the Russian Federation No. 23-II, 2 July 2009.

⁴⁰ M.P. Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018) 492–497

⁴¹ William Partlett and M. Rosa, 'Checks and Balances in Hybrid Regimes: The Case of Russia' (2017) 30(1) *Democratization* 125–130.

⁴² Thomas F. Remington, 'Putin's 2020 Constitutional Reforms: A Retreat from Modernization?' (2020) 39(3) *Post-Soviet Affairs* 215–218.

in Russia state-controlled discourse and lack of visibility of legislative debate undermine the confidence in the rule of law⁴³.

CONCLUSION

The discussion of the strengths and weaknesses of the legislative process of India and Russia in this comparative study proves to be beneficial. On the one hand, India has an ideal parliamentary democracy, based on deliberation, judicial oversight and firm commitment to federalism, though it sometimes suffers from procedural delays; on the other hand, it also has extensive transparency and widespread participation. While more efficient in terms of speed and executive alignment, Russia's centralized and presidentially centered style of governance runs the risk of burning out legislative autonomy and public participation. This paper highlights the need to foster balance between executive efficiency and the democratic accountability and to allow constitutional systems to evolve in a way that strengthens both governance and public trust.

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⁴³ Alexei Y. Voskressenski, 'The Russian Federation: Media Control and Legislative Governance' (2018) 44(2) *Europe-Asia Studies* 148–151.