



PUNE INTERNATIONAL CENTRE



**India's Delimitation Dilemma and
Possible Ways out**

August 2025

**Mohd. Sanjeer Alam,
Suhas Palshikar**





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Preface

It gives us great pleasure in associating with the Pune International Centre (PIC) and presenting this paper that seeks to intervene in the ongoing debate over Delimitation. As academics, we are aware that policy debates often take place in a lively context of contestation and disagreement. Nevertheless, it is the task of academics to simultaneously take note of these contestations and yet try and remain distant from them and imagine policy proposals that may contribute to a meeting ground for different contested positions. Another challenge for academics is to strike a balance between ambition to propose changes in pre-existing structures and at the same time to recognise that policies need to be tempered by a certain amount of conservatism in terms of interventions in the structures. This latter caution is necessary because even as the idea of radical changes in pre-existing structural arrangements appear very attractive on paper, they have the ability to lead to unintended consequences. One unintended consequence is the opening up of fresh debates about not just the proposed changes but the overall legitimacy of normative bases of the existing structural universe. Therefore, any policy proposal has to be very modest in its ambition and yet ambitious enough to handle the specific problem at hand.

We hope that this short paper on Delimitation operates within these self-assigned constraints and yet contributes to a lively public debate on the issue of apportionment of electoral constituencies in India's democratic context.

We are grateful to the PIC and in particular to Dr. Vijay Kelkar for inviting us to write this paper and then waiting patiently with our prevarications and delays. The PIC also facilitated a round table in January 2025 where scholars from various disciplines commented on the earlier draft. We may not have been able to improve the quality of the paper in spite of many comments, but they certainly alerted us to the limitations of our efforts. We take this opportunity to thank all those who read the draft, listened through our presentation, and participated in the discussion.

— Authors

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List of Abbreviations

Abbreviation	Expansion
CEO	Chief Electoral Officer
DC	Delimitation Commission
ECI	Election Commission of India
LS	Lok Sabha
MLA	Member of Legislative Assembly
MP	Member of Parliament
PRR	Population to Representative Ratio
RS	Rajya Sabha
SCs	Scheduled Castes
STs	Scheduled Tribes
UK	United Kingdom
USA	United Staes of America
UT	Union Territory

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Introduction

Even as the much-delayed census that was due in 2021 is yet to commence, political circles are gearing up for a potentially complicated and evocative debate on India's next 'delimitation', i.e., allocation of Lok Sabha (LS) seats to different states besides determining the boundaries of constituencies. As the year 2025 began to unfold, a large section of political parties and influential commentators began to veer towards a position that India at this juncture should simply 'freeze' the existing number of seats allocated to different states in the Lok Sabha. *This proposal arises out of deeper concerns of balance and equity among India's states.* It also arises out of the anxiety that debates around this issue will be vitiated by interstate suspicion—above all, leading to a division between the South and the North. These apprehensions have made the issue rather evocative and politically controversial.

Why should something as 'mechanical' and constitutionally mandated as delimitation, which, as we shall see below, is the instrument for ensuring fair representation, become so politically controversial that sections of the polity argue for a freeze on it?

The debate arises mainly from the anticipation that if delimitation is done on the basis of population, some states may gain seats at the expense of others, resulting in depletion of strength/representation of the latter in the LS. Conversely, if the delimitation exercise is not fully undertaken, smaller/less populous states will continue to get overrepresented in the sense that for a much smaller population, they will get one representative while in more populous states, one representative will be representing a much larger population (Gupta and Dalmia, 2025:4; Rajagopalan, 2023).

The problem is further compounded by the fact that the gain/loss of seats overlaps with regional-cultural-economic divides. But while this is the 'political' dimension of the debate, the more complex dimension of this debate is theoretical as much as it is political: to what extent population alone can be the basis of apportionment of seats to states and whether the federal element needs to be taken into account in designing the structural arrangements.

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Political representation is at the heart of the idea of representative democracy. A system of representative or parliamentary democracy presupposes some forms of election to elect a set of representatives. To this end, the very first and the most vital step is to allocate the voting population into spatial units, called variously as electoral “constituency” or “district” and so forth.¹ In this sense, an electoral constituency combines both “land” and “people” and constitutes the building block of the system of representative democracy (Singh, 2000). The whole process whereby electoral constituencies are carved out and their boundaries drawn/redrawn is called *boundary delimitation*. Oftentimes, the term ‘delimitation’ is interchangeably used with such words as *redistricting* and *reapportionment*.

While the act of drawing constituency boundaries is central to determining political representation in democracies, it is differentially important across democracies for ensuring fairness of political representation, depending on the type of electoral system. It is particularly important for democracies with an electoral system relying on single member seat² political representation. Thus, the implications of delimitation for political parties, social groups, incumbent as well as aspiring candidates, geographically differentiated regions and individual voters vary a great deal across democracies (Jewell, 1962). This, therefore, should not come as a surprise if the delimitation processes often trigger a set of political controversies and turn out to be a highly contentious issue in democracies where representatives are elected from single member seats and marked by sharp socio-cultural, political -ideological and regional divides.³

¹ There have been rich debates around what an electoral constituency essentially means and ought to represent. See Rehfeld (2005) for a perceptive discussion on multiple ideas of constituency and political representation.

² The configuration of electoral constituencies is particularly important in systems that rely solely on single-seat or small multi-seat constituencies, with no preference voting scheme to counterbalance any disproportionality of votes to seats. It is less important in proportional representation systems, including mixed-member systems with a district component (Handley 2018).

³ Most common allegations are around ‘malapportionment’ and ‘gerrymandering’. The term *malapportionment* refers to large variations in population between electoral districts/constituencies. It is measured by deviation from the population/electoral quota (the average population for all of the constituencies. Thus, electoral districts/constituencies are malapportioned ones whose

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Yet, countries where delimitation is critically important for electoral processes greatly differ from each other on every single fundamental aspect associated with the delimitation process. For one, they attach differential importance to the basic principles that underpin configuration of constituencies. For another, they vary profoundly in terms of the legal and institutional framework that prescribes rules and lays out procedures for guiding the entire delimitation process. Furthermore, the periodic interval at which constituency boundaries must be revisited and updated is also not uniform across countries. Finally, countries also differ in terms of authorities that are entrusted the task of drawing up constituency boundaries (also see Appendix 1). In other words, despite a lot of commonalities, the process of delimiting boundaries of electoral constituencies is marked by a great deal of specificities.

In India, as in other democracies with a similar type of electoral system, delimitation of electoral constituencies is a critically important exercise. Not only is it governed by a complex and nested set of rules and laws, there are multiple institutions involved in preparation of the blueprint and the final order. As soon as the process of delimiting electoral boundaries takes off, it triggers intense public and political debates around a range of old and new issues (Alam and Sivaramakrishnan, 2015). These debates, as we shall see below, tend to structure the delimitation process and outcomes to a great degree. As the fifth round of delimitation is due to take place shortly, a set of issues is likely to feature on the debating table. As was the case in the last round of delimitation, the issue that is likely to occupy the centre-stage of political debates is reallocation or redistribution of Lok Sabha seats among various tiers of federal units (viz., large states, small states, and Union Territories) and the resultant disparity in representation in the Parliament. Although the

populations are significantly larger or smaller than the population quota. Malapportionment may not necessarily be a passive phenomenon. It can be active and systemic too. *Passive malapportionment* occurs when the electoral boundaries are simply not redrawn for a long period of time. *Active malapportionment* occurs when authorities in charge of drawing boundaries make a conscious effort to produce constituencies that vary substantially in population. *Systemic malapportionment* exists when administrative units serve as single-seat electoral districts even though they vary greatly in terms of population size. The term 'gerrymandering' is used to refer to constituencies that are deliberately drawn to favour one political party or social group over others (Handley and Grofman 2008; Handley 2018).

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issue has gained attention lately, the discussions so far hardly offer novel and potentially acceptable solutions.

Against this backdrop, *this work is a modest attempt to provide a brief and yet an informative account of the delimitation process; of the role of institutions and actors that shape country's electoral map; and of the issues that not only draw disproportionate attention but also tend to determine, to a large extent, the course of delimitation process.*

The paper is organised into six sections. The first section, following this Introduction, provides a brief history of 'redistricting'. It also discusses two competing and widely discussed normative/philosophical ideas associated with what ought to be at the base of drawing up constituency boundaries. The second section shifts the focus to India and discusses legal, institutional and operational frameworks of delimiting electoral boundaries. The third section highlights a few salient features of previous rounds of delimitation. The fourth section is devoted to the issues that have been in the eye of political storm in the wake of recent delimitations. The fifth section contemplates a range of possible solutions and their limits. The sixth as well as the final section sums up the discussion.

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I. The Idea of Redistricting: Historical and Theoretical Contexts

Historically, the idea of boundary delimitation gained in salience with the rise of single-member constituency a little more than a century ago so as to give people fairer representation in the highest body of decision making and power structures. Earlier, political representation was defined on a variety of bases. In the times of limited or selective franchise, different social groups or communities had differential representation in legislatures regardless of their numerical strength. In England, for instance, each county, borough and university, regardless of population, used to return two representatives to the House of Commons (the lower chamber of parliament). Similar arrangement of representation was in vogue in other countries and regions. However, this notion of political representation came under attack in the late eighteenth century when the demands for broadening the base of franchise and fairer representation in the legislature intensified. After much debate, single-member district was seen to ensure more equal representation of citizens, leading to greater representativeness of legislatures. Consequently, the system of territorially based single-member districts for the election of legislators was adopted in many old democracies.

The United States of America (USA) was the first democracy to experiment territorially based single-member districts for the election of legislators. It also became the site of 'reapportionment revolution'. Subsequently, it spread quickly in Europe. Denmark adopted single-member districts for elections to its lower chamber in 1849, followed by unified Italy in 1861 and imperial Germany in 1871. The United Kingdom (UK) adopted this system of representation a little later in 1885. After independence, many of the formerly British colonies including India also chose the system of political representation based on single-member constituency.

In the federal form of representation, the exercise of delimitation faces two intertwined questions. First, how to divide seats among federal units and, second, what ought to be the primary basis of demarcating a portion of territory as constituency. At the philosophical/normative level, there are two competing conceptions of demarcating electoral boundaries, stemming from two contrasting views on political representation. The

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first is the notion of 'equality of representation' that places a premium on the ideal of equal-sized electorates. According to this perspective, constituencies ought to be so delimited that they contain equal number of people or voting population, so that one's vote counts for as much as that of the other—no more, no less (Butler and Cain, 1992; Blainski and Young, 2001). In other words, fair representation is ensured when citizens' vote across constituencies throughout the nation have equal value. This has come to be known as the doctrine of 'one person, one vote, one value'. This doctrine of equal population has been particularly popular in federal systems and used to determine allocation of seats to federal units in the case of central legislature (e.g., USA, Canada, and India).

Though the doctrine of 'one person, one vote, one value' is held paramount in demarcating electoral boundaries in many countries, it has been criticised on many grounds. First, critics argue that perfect population equality across constituencies is well-nigh impossible to achieve. Put another way, meeting the ideal of 'one person, one vote, one value' is a mathematical impossibility and thus unrealistic. Second, strict adherence to population equality may lead to disruption of other parameters of constituency delimitation such as geometric standards of compactness and geographical contiguity. As a result, a delimitation plan with strict adherence to population equality may come up with oddly shaped constituencies. Thirdly, but most importantly, an electoral constituency should not be reduced to merely as a means through which voters elect a set of representatives. A legislator's ability to represent arises from the distinct interests of his or her community, not from the numerical equality of constituencies. It thus implies that for greater 'representativeness', communities should form the basic unit of political representation (Morrill, 1973; Walzer, 1983; Young, 1990). Simply put, an electoral constituency ought not to be mere conglomeration of arbitrary and random groups of individuals; rather, it should form a cohesive unit with common interests related to representation.

The view that communities should form the basis of defining a constituency is, in fact, an old one. The advocates of the idea of 'community of interest' argue that in demarcating constituency boundaries greater importance should be given to maintaining the identity and integrity of communities of interests, such as those sharing a common tribe, race or ethnic background, and so on; for if boundaries are drawn or redrawn arbitrarily splitting up

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territories into constituencies, smaller (ascriptive) communities may end up losing their representation. In turn, they will be losing an effective voice in the legislatures. This perspective has found acceptance in a number of democracies. In the UK, for example, preference is given to such factors as local ties, integrity of local governments and specific geographical conditions over statistical parity in population while carving out an electoral constituency. German electoral laws state that constituencies should form a “coherent” area. Similarly, Australian electoral laws emphasise that the Redistribution Committee shall give due consideration to communities of interest within the proposed Electoral Division, including economic, social, and regional interests (Handley, 2008). One may, however, question if common political interests arise out of attachment to place, or if such interests are tied more closely to ethnic, linguistic, or social identity.

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II. Delimitation in India: Legal and Institutional Framework

(a) Constitutional Provisions

Various provisions of the Indian Constitution provide the bedrock for the exercise of delimitation of constituencies (Gupta 2015). As per the constitutional provisions, the Union Legislature (Parliament) consists of the Lok Sabha, the Rajya Sabha (RS), and the President.⁴ Similarly, there are provisions for the composition of legislatures of the federal units—the States. As per the constitutional provisions, the State Legislatures are composed of Governor, the Vidhan Sabha or Legislative Assembly (and, in some States, Vidhan Parishad as well).⁵ Nevertheless, only the members of the LS and Vidhan Sabha (VS) are directly elected by the people, and hence territorial constituencies for them.⁶

Currently, LS has 543 elected members.⁷ Article 81 of the Constitution provides for how these seats have to be divided into territorial constituencies. According to it, the territorial constituencies are required to be carved out in such manner that, in so far as practicable, (a) the ratio of seats to population will be same for each State, and (b) the number of people per constituency be constant for a state.⁸ These provisions imply that elected MPs

⁴ Article 79 states that “There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.”

⁵ Article 168 states: (1) “For every State there shall be a Legislature which shall consist of the Governor, and (a) in the States of Bihar, Maharashtra, Karnataka and Uttar Pradesh, two Houses; (b) in other States, one House. (2) Where there are two Houses of the Legislature of a State, one shall be known as the Legislative Council and the other as the Legislative Assembly, and where there is only one House, it shall be known as the Legislative Assembly”.

⁶ Following the 73rd and 74th Constitutional Amendment Acts (1992), elections are held for the third tier of democracy – Gram Panchayats, corporations and municipalities. Boundaries of constituencies for electing representatives for local self-governments is done by State Election Commissions. However, this is beyond the remit of this paper.

⁷ The Seventh Amendment Act had capped the maximum number of elected members at 520 (500 from states and 20 from Union Territories). The Constitution (Thirty – first Amendment) Act 1972 further increased the upper limit. After the Goa, Daman and Diu Reorganization Act (1987), the maximum sanctioned strength of LS was increased up to 552. However, the actual number of LS constituencies have remained 543.

⁸ As per Article 81 (2): “(a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States”, and (b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State: Provided that the provisions of sub clause (a) of this clause shall not be

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(Members of Parliament) should represent constituencies whose population is equal in size as far as possible.

The number of seats allocated to State Legislative Assemblies (LAs) varies from state to state, largely depending on the size of population. Nevertheless, Article 170 (1) prescribes the maximum and minimum number of representatives in SLAs. It stipulates that “Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State.”

As in the case of LS, there is constitutional provision seeking parity of population between assembly constituencies. Article 170 (2) provides that “.... each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.” Thus, the members of LAs, like those of the LS, should represent constituencies whose population is similar in size as far as possible. In sum, while dividing territories into constituencies, the principle of parity of population is paramount.

Historically, India has experienced uneven growth of population across regions and administrative units. Anticipating that uneven spatial patterns of population growth might disturb the principle of population parity, the Constitution (Article 82) also provides for periodic readjustment of the boundaries of electoral constituencies. It states that upon the completion of each decennial census, the allocation of seats in the LS and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine. Similarly, Article 170 (3) states that “upon the completion of each census, the total number of seats in the LAs of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine.”

applicable for the purpose of allotment of seats in the House of the People to any State so long as the population of that State does not exceed six millions”.

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Besides the general principles of apportionment of seats and drawing/redrawing boundaries of electoral constituencies, the Constitution also provides for certain number of constituencies being reserved for two historically deprived social groups—the Scheduled Castes (SCs)⁹ and the Scheduled Tribes (STs)¹⁰. Articles 330 and 332, respectively, mandate that the seats in the LS and the SLAs shall be reserved for SCs and STs. Article 330 states that:

- (1) Seats shall be reserved in the House of the People for (a) the Scheduled Castes; (b) the Scheduled Tribes (except the Scheduled Tribes in the autonomous districts of Assam);
- (2) The number of seats reserved in any State [or Union Territory] in the House of People for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State [or Union Territory] in the House of the People as the population of the Scheduled Castes in the State [or Union Territory] or of the Scheduled Tribes in the State [or Union Territory] or part of the State [or Union Territory], as the case may be, in respect of which seats are so reserved, bears to the total population of the State [or Union Territory].
- (3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.

Similarly, Article 332 of the Constitution provides for reservation of seats in LAs. It provides that:

⁹ Article 341 of the Constitution empowers the President to include through notification castes, races or tribes in the list of Scheduled Castes. The Constitution (Scheduled Castes) Order 1950 lists about 1,108 castes across states in its First Schedule.

¹⁰ As in the case of Scheduled Castes, the President under the Article 342 of the Constitution may through notification include tribes or tribal communities in the list of Scheduled Tribes. *The Constitution (Scheduled Tribes) Order 1950 lists 744 tribes across 22 states in its First Schedule.*

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- (1) Seats shall be reserved for the Scheduled Castes; (b) the Scheduled Tribes in the Legislative Assembly of every State;
- (2) The number of seats reserved for the Scheduled Castes or Scheduled Tribes in the Legislative Assembly in any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

The above constitutional provisions make it abundantly clear that (a) the number of seats reserved for the SCs/STs should as far as possible be in proportion to their share in overall population in the given state; and that (b) while members of non-SC/ST population cannot contest in reserved seats, there is no restriction on SC/ST candidates contesting in general seats (non-reserved constituencies). The expression of “population” in the above constitutional provisions means the population as ascertained at the last preceding census, of which the relevant figures have been published. Accordingly, the number of reserved seats was determined in the first delimitation (1952-57) on the basis of the 1951 census; in the second delimitation (1962-66), based on the 1961 census; in the third delimitation (1972-76) on the basis of 1971 census; and in the fourth delimitation (2002-08) as per the 2001 census.

(b) Act of Parliament

While the Indian Constitution lays down the ground rules, it empowers the Parliament to make laws relevant to delimitation of electoral constituencies. For example, Art. 327 states:

“.... Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses”.

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Empowered as such and in compliance with the constitutional requirements, the Parliament has enacted laws relating to delimitation of electoral constituencies. Of particular importance is Parliament's power to set up the Delimitation Commission (DC), the sole body mandated to carry out the delimitation exercise and prepare the final delimitation plan, and thus to draw up the political map of the country. Accordingly, the *Delimitation Acts* were enacted by the Parliament in 1952, 1962, and 1972, and relatively recently in 2002.

The Parliament has also brought changes in the constitutional provisions relating to periodic revision of electoral boundaries. Through the 42nd Amendment Act (1976), it imposed a moratorium on future delimitation until the year 2000. While the Parliament, through the 84th Constitution Amendment Act (2002), lifted the embargo on delimitation of electoral constituencies and paved the way for the fourth round of delimitation of electoral constituencies, the Act stipulated that the readjustment of boundaries should be carried out without altering the existing strength of LS seats and their distribution among States (as well as the total number of Assembly seats in different states). As a result, the fourth round of delimitation was partial at best. Furthermore, the 84th Constitution Amendment Act again froze future delimitation until 2026.

The Parliament is not just vested with the power of making laws with regard to delimitation of electoral constituencies, it is also the apex institution that decides the fate of the final plan prepared by the DC. After the final plan is prepared, it is required to be tabled in the Parliament for discussion and approval before it goes for the President's assent. Simply put, it comes into effect only after the Parliament approves the same. It is, however, important to note that while the Parliament has the power of either accepting or rejecting the final plan prepared by the DC, it is not within its jurisdiction to suggest any modifications.

(c) Delimitation Commissions

A fundamental question underlying the delimitation of electoral boundaries has been: 'who should draw up the delimitation plan'—legislators themselves, or a non-partisan and independent body or authority? There are competing arguments and visions. One point of

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view is that politicians know of ground realities—socio-cultural, or otherwise—at the local levels much better than the reapportionment authority/technicians. It would, therefore, be impertinent as well as impractical to keep legislators out of the actual exercise of drawing up electoral boundaries. Traditionally, legislators tasked themselves with drawing up the boundaries of their own constituencies. This practice is in vogue even today. USA offers the best example of it, where the legislators have important role to play in the redistricting process. On the face of it, the argument holds some substance. It is, nevertheless, riddled with serious problems. An important downside of it is that when delimitation/redistricting process is controlled by elected politicians, it is fraught with political abuses such as creation of “malapportioned” and “gerrymandered” constituencies for partisan political ends; for favouring incumbents; for blocking representation of minority groups, and so forth (Marquart and Harrington, 1990). These abuses entailing the reapportionment games have led many nations to adopt reforms designed to remove “politics” from the delimitation process.

As of today, democratic nations prefer an independent and non-partisan commission for drawing up constituency boundaries. The general arguments for non-partisan commission(s) include the following. Firstly, an independent body/authority attenuates, if not completely eliminates, partisan bias. Secondly, it removes undue political interference from an inherently political process. Thirdly, as having an independent authority in charge of drawing up constituency boundary means non-inference by external factors, socio-political legitimacy of the delimitation outcomes is greater. Fourthly and finally, when electoral boundaries are drawn up by an independent authority, it is likely to be less controversial, and, hence, little scope for litigation or judicial intervention in the process (Kubin, 1997).

For the first general elections, the delimitation exercise was carried out under the Representation of People Act, 1950, with the groundwork being done by the Election Commission of India (ECI). But it was a temporary arrangement as the exercise of delimitation was only meant for the 1951-52 general elections and subsequent by-elections. However, the ECI flagged procedural shortcomings and, therefore, proposed that future

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delimitation of constituencies should be carried out by an independent Commission more or less judicial in composition.¹¹

Accordingly, the first Delimitation Commission was set up in 1952 as a nodal institution/agency entrusted with the task of carrying out the whole exercise of drawing the lines on the electoral map. Thus, it is this institution that does the ground work, puts in place the practical details, and prepares the final plan. Structurally, the DC is a unique entity composed of two members, each of whom is a person who is or has been a Judge of the Supreme Court or of a High court, with the Chief Election Commissioner or his nominee and the Chief Electoral Officers (CEOs) of the relevant State/UTs as ex-officio. Besides, the Commission involves a certain number of Members of Parliament (MPs) and Members of Legislative Assembly (MLAs) from each State as its Associate Members, although their role is quite limited.

Each time the delimitation exercise takes place, the DC itself comes up with a detailed set of guidelines. These guidelines are basically a set of rules in accordance with the laws laid down. Although these guidelines are generic in nature, they are of utmost importance. They help it carry out the delimitation exercise without much frictions and contestations.

Once the draft proposal is ready, the DC publishes it in the Gazette of India as well as the concerned state's gazette, and in at least two vernacular newspapers. The DC ensures that the widest publicity is given to it through print and electronic media. It solicits suggestions and objections from the stakeholders, including the general public. After considering the suggestions and objections, the DC prepares the Delimitation Plan, both for parliamentary and assembly constituencies of the State. After the final orders get published, it requests the President of India to issue a notification specifying a date from which the said orders shall come into force. As mentioned earlier, the copies of those orders are also laid before the House of the People and the State Legislative Assembly concerned. However, neither the Parliament nor LAs are empowered to make any modification to the final plan prepared by the DC.

¹¹ Report of the First General Election (1955), Election Commission of India, Government of India (p.58).

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(d) Judiciary

In many democracies, most notably in the USA, the final critical actor in the redistricting process is judiciary (Levitt, 2011). In India, however, the entire process of boundary delimitation enjoys judicial immunity. As provided in Article 329 (a) of the Constitution,¹² the validity of any law relating to fixing boundaries of electoral constituencies or the allotment of seats cannot be questioned in any court of law. However, the bar, as per Articles 329 (a), is limited to any law “*made or purporting to be made under articles 327 or 328*”. It implies that the bar is not applicable to the laws (relating to delimitation) which fall beyond the scope the Articles 327 and 328. As mentioned earlier, the legal architecture undergirding delimitation of constituencies is not merely confined to Article 327 of the Constitution but several other Articles therein. In other words, Article 329 (a) itself does not entirely occlude the scope of judicial review.

Although Section 10 (2) of the *Delimitation Act 2002* protects the final delimitation order u/s 10 (1), it does not protect the entire delimitation process leading to that order. It thus leaves room for judicial review so long as it is confined to procedural impropriety. Also, the amendments made in the Delimitation Act (2002) in 2008 can be said to create a host of new issues including the assertion of threat to “unity and integrity of India” under Section 10A, which could be challenged in the court of law (Gupta, 2015).

Immunity of the delimitation process from judicial review was first tested in the Supreme Court of India in the case of *Meghraj Kothari v. Union of India*.¹³ In this case, the petitioner had challenged the delimitation order (u/s 10 (1) of the *Delimitation Act 1962*) pertaining to designating Ujjain Parliamentary Constituency as reserved for SCs. The Petitioner/Appellant contended that the *Delimitation Act 1962* was enacted under Article 82 and not under Article 327 of the Constitution of India. Endorsing the protection of delimitation from judicial review, the apex court held that there was a good reason behind

¹² Article 329 (a) states that “the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court”.

¹³ MANU/SC/0054/1966: [1967]1SCR400.

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such a provision, for if the orders made under Sections 8 and 9 of the Delimitation Acts were not to be treated as final, the effect would be that any voter, if he so wished, could hold up an election indefinitely by questioning the delimitation of the constituencies from court to court. Put simply, judicial interventions would make delimitation unworkable. Supreme Courts' verdict in the *Meghraj Kothari* case has remained a good law since 1967, and has been consistently followed by the High Courts across the country.¹⁴

¹⁴ Some of the leading High Court judgments in this regard include *Vallabhbhai Kusbalbhai Patel v. State of Gujarat and Others*, 56 ELR 227 (Gujarat High Court); *Ravinandan Singh vs. Election Commission of India and Another*, 64 ELR 301 (Madhya Pradesh High Court); *C. Krishna v. Chief Election Commissioner*, 61 ELR 85 (Karnataka High Court); *M Yellapa v. Delimitation Commission and Another*, 59 ELR 273 (Andhra Pradesh High Court).

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III. Delimitation in Practice

As already noted above, the delimitation of constituencies for the first general elections (after Independence) was carried out under the Representation of People Act, 1950. The ECI did the ground work for carving out constituencies. A total of 489 LS seats were carved out on the basis of 'no less than one representative for every half a million of the population and not more than one representative for every 750,000 of the population' (Article 81 [1b]). As already noted, following the suggestion of the ECI that carried out the first delimitation of independent India, the Parliament enacted the Delimitation Commission Act (1952).¹⁵ The first DC followed the same principles and procedures in apportionment of seats and in drawing up constituency boundaries as done in the previous delimitation exercise (Bhalla 1972; Singh 2000). The number of LS constituencies was capped at 494 (483 seats for States and 11 seats for four Union Territories (UTs)).¹⁶ Of the total number of LS seats, 91 were two-member constituencies, an increase of 5 seats from 1951. In every two-member constituency, one seat was reserved either for the Scheduled Castes (SCs) or the Scheduled Tribes (STs). However, the Commission recommended abolition of the double-member constituencies.

After the Parliament passed the Delimitation Commission Act (1962), the second DC was set up in 1963.¹⁷ The Commission was mandated to reallocate LS seats to the States and do away with double-member constituencies. As the Parliament through the Constitution (Fourteenth Amendment) Act 1962 had increased the upper limit of seats in the LS,¹⁸ it

¹⁵ It was headed by Chandrasekhara Iyer, a retired judge of the Supreme Court. Other members included Justice P. K. Kaul (a former High Court Judge) and Sukumar Sen (ex-officio).

¹⁶ It is important to note that the Constitution (Second Amendment) Act 1953 amended Article 81(1b) to remove the upper population limit (i.e., 7.5 lakh) for a LS constituency.

¹⁷ Justice J. L. Kapur, a retired Judge of the Supreme Court, was appointed as Chairperson of the Commission. Other members included Justice C. P. Sinha (a retired Judge of the Punjab High Court), and K. V. K. Sundram (ex-officio).

¹⁸ The Statement of Objects and Reasons of the 14th Constitution Amendment Act stated: "With the ratification of the Treaty of Cession by the Governments of India and France, on the 16th August 1962, the French establishments of Pondicherry, Karikal, Mahe and Yanam became territories of the Indian Union with effect from that date. This Bill provides for these territories to be specified in the Constitution itself as a Union territory called 'Pondicherry'. Under Article 81(1)(b) of the Constitution, not more than twenty members are to represent the Union territories in the House of the People. This maximum has already been

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had, *inter alia*, the mandate of reallocating seats to States and UTs afresh. The Commission fixed 490 seats for the 14 states existing at the time of delimitation and 33 seats for smaller states and UTs. To distribute the LS seats among these states, the DC used the guiding principle laid down in Article 81(2a) (as mentioned above). Therefore, in order to obtain per seat average population, the total population of 427,732,685 (of the states as per 1961 census) was divided by 490 seats. Thus, the average population per seat worked out to be 872,294. This figure was used to arrive at the number of seats allotted to each state in the LS (Singh, 2000).

The Third DC was constituted under the Delimitation Act 1972.¹⁹ The composition of the DC, the criteria for determining the number of seats to each State, and the procedure to be followed for delimiting constituency boundaries were the same in the previous delimitation exercise. To give effect to the Constitution (Thirty-first Amendment) Act 1973, the Commission increased the total number of LS constituencies to 542. The increase was mainly because of the enactment of the North-Eastern Areas (Reorganisation) Act, 1971. Furthermore, the Statement of Objects and Reasons of the 31st Amendment Act asserted: “In order to ensure that there is no reduction in the existing representation in the House of the People in respect of any of the States, clause 2 of the Bill seeks to amend article 81 so as to increase the upper limit for representation of the States from 500 to 525. The opportunity is taken to decrease the limit for the Union territories from 25 to 20, as the existing representation for Union territories is only 16. Government also considers it necessary to make an amendment in clause (2) of article 81 to provide that the provisions of sub-clause (a) of clause (2) of article 81 shall not be applicable to any State so long as its population does not exceed six million. This is to ensure that the existing representation in the Lok Sabha is maintained for the smaller States.”

Out of the total strength of 542 seats, the Commission allotted 35 seats to the smaller States and UTs with a population of sixty lakh (6 million). The balance of 507 seats was distributed among the large 15 States (at the time of delimitation) as per the population

reached. The Bill accordingly seeks to increase this number to twenty-five to enable representation to be given immediately to Pondicherry in the House of the People and to provide for future contingencies”.

¹⁹ Its three members included Justice J. L. Kapur (Chairperson of the Commission), Justice T. K. Basu. and T. Swaminathan (ex-officio).

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figures of the 1971 census. The total population of 5,293 lakh (of 15 states) was divided by 507 to determine average population per LS seat. The average (of 10.44 lakh) so obtained was applied to the population of each state so as to determine the number of seats to be allotted to each State (Table 1). As can be observed, the population to representative ratio (PRR) for LS in various states (minus smaller ones) varied minimally from 10.31 lakh in Rajasthan to 10.67 lakh in Kerala. As in the case of LS seats, the PRR for LAs across states was about the same (Table 2).

From the delimitation exercises and allocations of LS seats done so far, two observations can be made. First, the delimitation exercises took place in an interval of ten years to meet the constitutional requirement. Second, while the principle of 'equal population' (as far as practicable) was followed in the case of large states, this particular norm was relaxed in the case of smaller states and UTs. In other words, the criterion for allocating LS seats to different tiers of politico-administrative/federal units (viz., large states, small states, and UTs) had actually been a mixed one: that of one person, one vote, one value, preferably for large states, and that of consideration of federalism (that is, no federal units should go unrepresented in the LS, irrespective of population), preferably for smaller states/UTs.

Table 1: PRR for LS in the Third Delimitation (1972-76)

State	Population in 1971 Census (in Lakh)	Number of seats allotted	Ratio of Population per seat 1971 (in Lakh)
1	2	3	4
Andhra Pradesh	435.03	42	10.35
Assam	149.57	14	10.68
Bihar	563.53	54	10.43
Gujarat	266.97	26	10.27
Haryana	100.36	10	10.04
Karnataka	292.99	28	10.46

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Kerala	213.47	20	10.67
Madhya Pradesh	416.54	40	10.41
Maharashtra	504.12	48	10.5
Orissa	219.44	21	10.45
Punjab	135.51	13	10.42
Rajasthan	257.65	25	10.31
Tamil Nadu	411.99	39	10.56
Uttar Pradesh	883.41	85	10.39
West Bengal	443.12	42	10.55
Total	5293.74	507	10.44

Source: Sivaramakrishnan (2015).

Table 2: Population–State Assembly Ratio in the Third Delimitation (1972-76)

State	Population in 1971 Census (in Lakh)	Number of seats allotted	Population per seat (in Lakh)
1	2	3	4
Andhra	435.03	294	1.48
Assam	149.57	126	1.19
Bihar	563.53	324	1.74
Gujarat	266.97	182	1.47
Haryana	100.36	90	1.12
Karnataka	292.99	224	1.31
Kerala	213.47	140	1.52
Madhya	416.54	320	1.30
Maharashtra	504.12	288	1.75
Orissa	219.44	147	1.49
Punjab	135.51	117	1.16
Rajasthan	257.65	200	1.29
Tamil Nadu	411.99	234	1.76
Uttar Pradesh	883.41	425	2.08
West Bengal	443.12	294	1.51
Total	5293.74	3405	1.55

Source: Sivaramakrishnan (2015).

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IV. Genesis of the Crisis of Representation

After the completion of the third round of delimitation, the Parliament, through the 42nd Constitution Amendment Act (1976), brought the constitutionally mandated periodic delimitation to a halt. By a proviso to Article 82 as well as Article 170 (2), the amendment deferred further delimitation as well as reallocation of seats among the States until after the census scheduled for the year 2001. While this is said to be done 'in pursuance of the goal of population control' (Sathe, 1976:1707), the coincidence of this postponement of delimitation and attempts to change the Constitution were perhaps not entirely coincidental (Austin 1999).

As soon as the process of the fourth round of delimitation began, the political class of the southern States expressed fear of losing some representation in the LS if reallocation of seats were to be done on the basis of share of states' population in the overall population. The anxieties of loss of seats on the part of southern States were not entirely misplaced. Since 1971, the gap in population growth rates widened between the southern States and the rest of the country, with the former being able to successfully implement the country's family planning programme. If the number of seats available to the 15 major states had been the same (507), as in the third delimitation, and reallocation of seats in the fourth delimitation 2002-08 were to be done on the basis of the 2001 census, Tamil Nadu would have lost 7 seats, followed by Kerala (4 seats), and Andhra Pradesh (3 seats). On the other hand, Uttar Pradesh and Rajasthan would have gained 5 and 4 seats, respectively, while Bihar and Madhya Pradesh would have added 3 extra seats each. (McMillan, 2000, 2001; Sivaramakrishnan, 2000, 2015).

A simmering political furore forced the Government of India to introduce the 84th and 87th Amendment Acts (2002 and 2003, respectively).²⁰ Together, the two Acts clarified that:

²⁰ Statement of Objects and Reasons appended to the Constitution (91st Amendment) Bill, 2000, which was enacted as the Constitution (84th Amendment) Act, 2002, stated: "Keeping in view the progress of family planning programmes in different parts of the country, the Government, as part of the National Population Policy strategy, recently decided to extend the current freeze on undertaking fresh delimitation up to the year 2026 as a motivational measure to enable the State Government to pursue the agenda for population stabilisation'

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- (a) the total number of existing seats as allocated to various States in the House of the People on the basis of the 1971 census shall remain unaltered till the first census to be taken after the year 2026;
- (b) the total number of existing seats in the Legislative Assemblies of all States as fixed on the basis of the 1971 census shall also remain unaltered till the first census to be taken after the year 2026;
- (c) the number of seats to be reserved for the Scheduled Castes (SCs) and Scheduled Tribes (STs) in the House of the People and State Legislative Assemblies shall be re-worked on the basis of the 2001 census;
- (d) each State shall be re-delimited into territorial parliamentary and assembly constituencies on the basis of the 2001 census and the extent of such constituencies as delimited now shall remain frozen till the first census to be taken after the year 2026; and
- (e) the constituencies shall be so re-delimited that population (on the basis of the 2001 census) of each parliamentary and assembly constituency in a State shall, so far as practicable, be the same throughout the State.

Clearly, the Fourth Delimitation Commission (FDC) had its mandate trimmed to only deal with correction of population disparity between constituencies within states.²¹ This meant that inter-state disparity in the size of electoral constituencies would remain at the altar of the constitutional ideal of 'one person, one vote', one value. Based on 2001 population figures, thus, a LS constituency in Rajasthan with an average population of 22 lakh population was about 1.5 times bigger in size than the one in Kerala (average population being 15.9 lakh). In other words, the value of one person's vote in Kerala was 1.5 times greater than his/her counterpart in Rajasthan. If we compare these figures with those of smaller States and UTs, the situation appears even worse (also see Table 3). As we shall see in the following section, by the next delimitation (if held after the 2026/2031 census), interstate disparity in the size of constituency will grow even bigger because of continuing

²¹ The fourth Delimitation Commission was set up in 2002 with Justice Kuldip Singh, a retired Judge of the Supreme Court, as its Chairperson and N.C. Gopalaswamy as ex-officio member.

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divergence in fertility rates by regions (also see Table 4). This has led many scholars to describe the unfolding situation as India's emerging crisis of political representation despite the fact that population parity has never been the sole criterion of fixing political representation of all kinds of federal units in the LS, as already discussed. We shall discuss its implications in the next section.

Deferral of delimitation as well as moratorium on reallocation of seats to federal units for decades have led to two negative consequences for political representation. Both will be critical issues for the next delimitation to deal with. The first is ballooning 'population to representative ratio (PRR)' across parliamentary and assembly constituencies (especially in the states experiencing higher rates of population growth). Over the past three decades or so, India's population has grown manifold, but the number of MPs (Members of Parliament) has stayed the same. At the time of the third round of delimitation (that came into effect in 1976), as shown in Table 1, an MP, on average, represented a population of 10 lakh. By 2001, the average size of a LS constituency grew by more than 1.5 times. By the time the next delimitation takes place (due to be held after the 2031 census), MPs in many states would represent three times the population they did in the 1970s (Table 4). Even now, India is probably the only democracy where an MP, on average, represents a little less than two million population (Table 4).²²

Table 3: Population Disparities in Lok Sabha Seats by States/UTs and Deviations from National Electoral Quota (2002-08)

INDIA/ State or Union Territory	Census Population (2001)	Total Number of LS Seats	Average Population (per Seat)	Percent Deviation from National Quota

²² The same is true of assembly constituencies. Compared with 1971, the average size of assembly constituencies in many states has grown more than three times by 2001 (Report of the Delimitation Commission of India (2002-08)).

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INDIA	1028610328	543	1894310	-
Andhra Pradesh	76210007	42	1814524	-4.2%
Assam	26655528	14	1903966	0.5%
Bihar	82998509	40	2074963	9.5%
Chhattisgarh	20833803	11	1893982	-0.0%
Jammu and Kashmir	10143700	6	1690617	-10.8%
Jharkhand	26945829	14	1924702	1.6%
Haryana	21144564	10	2114456	11.6%
Gujarat	50671017	26	1948885	2.9%
Karnataka	52850562	28	1887520	-0.4%
Kerala	31841374	20	1592069	-16.0%
Maharashtra	96878627	48	2018305	6.5%
Madhya Pradesh	60348023	29	2080966	9.9%
Orissa	36804660	21	1752603	-7.5%
Punjab	24358999	13	1873769	-1.1%
Rajasthan	56507188	25	2260288	19.3%
Tamil Nadu	62405679	39	1600146	-15.5%
Uttar Pradesh	166197921	80	2077474	9.7%
West Bengal	80176197	42	1908957	0.8%
Smaller States/UTs				
Andaman & Nicobar Islands (UT)	356152	1	356152	-81.2%
Arunachal Pradesh	1097968	2	548984	-71.0%
Chandigarh (UT)	900635	1	900635	-52.5%
Dadra & Nagar Haveli (UT)	220490	1	220490	-88.4%
Daman & Diu (UT)	158204	1	158204	-91.6%
Delhi (UT)	13850507	7	1978644	4.5%
Goa	1347668	2	673834	-64.4%

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Himachal Pradesh	6077900	4	1519475	-19.8%
Lakshadweep (UT)	60650	1	60650	-96.8%
Manipur	2166788	2	1083394	-42.8%
Meghalaya	2318822	2	1159411	-38.8%
Mizoram	888573	1	888573	-53.1%
Nagaland	1990036	1	1990036	5.1%
Pondicherry (UT)	974345	1	974345	-48.6%
Sikkim	540851	1	540851	-71.4%
Tripura	3199203	2	1599602	-15.6%
Uttarakhand	8489349	5	1697870	-10.4%

Notes: 1. LS refers to Lok Sabha; 2. Average size of the LS seat has been calculated as follows:

Total population of India (2001)/Total number of Lok Sabha seats (1,028,737,436/543 = 1894544)

Source: Population figures have been taken from Census of India, Office of Registrar General, Government of India.

Table 4: Changing Size of LS Constituency by States

State	Number of LS Seats*	Average Size of LS Seats (in Lakh)	
		2001 (Actual) **	2031 (Projected) ***
India	543	18.94	27.23
Andhra Pradesh	42	18.14	22.23
Bihar	40	20.74	35.26
Chhattisgarh	11	18.93	29.74
Gujarat	26	19.48	29.97
Haryana	10	21.14	32.94
Jharkhand	14	19.24	30.86
Karnataka	28	18.78	25.23
Kerala	20	15.92	18.34
Madhya Pradesh	29	20.90	32.43
Maharashtra	48	20.18	27.80

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Orissa	21	17.52	22.98
Punjab	13	18.73	24.68
Rajasthan	25	22.60	34.87
Tamil Nadu	39	16.00	20.02
Uttar Pradesh	80	20.76	31.49
West Bengal	42	19.08	24.32

Notes: *Figures from Election Commission of India; **Figures based on Census of India 2001;

***Figures are based on Report of the Technical Group on Population Projections

Source: Calculated by authors.

Theoretically speaking, the smaller the size of constituency, the greater is accessibility of the representative to electors. Not only do political representatives (MPs/ MLAs) represent their respective constituencies in the halls of power and participate in law making but are also expected to serve their electors on the ground. 'Evidence from countries around the world suggests that politicians are not held principally to account for their legislative scrutiny or oversight of the executive, but rather for the tangible benefits that they can deliver to voters (Global Parliamentary Report, 2012:58). Across democracies, what is termed as 'constituency service' has not only become an accepted and expected part of the political representative's job but has also grown in volume, content, and complexity overtime. It covers fairly a large range of potential activity, including support to individuals, educating voters, grievance chasing, carrying out development work, and so forth. Arguably then, an unwieldy size of constituency is a major obstacle for elected representatives to fulfil this task.

In view of electoral constituencies growing extremely large, calls from experts and the informed public to expand the size of the Lok Sabha (by increasing the number of seats) have grown in recent years. But occasional and half-baked proposals to add more seats are mostly silent on the quantum of increase, or the extent to which the population-to-representative ratio (PRR) could be lowered. The problem is that there is no global standard to follow (Global Parliamentary Report, 2012). Among democracies with large population,

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the PRR varies from about 20 lakh in India to 7.4 lakh in the USA to less than a lakh in the UK (see Appendix II).

Given the size of India's population, the PRR attained in the 1970s (10.5 lakh) may seem reasonable, although it would still be the largest in the world. If we consider projected population of 2026 (14,259 lakh) and wish to go back to the PRR in the 1970s, the number of LS seats roughly works out to be as much as 1,425. It may appear a big number but is still much lower than that of China (2,380 seats), the world's biggest parliament. It is important to note that India has now more population than China. Construction of the new parliament building, with the LS having a capacity to accommodate as many as 850 members or so, has fuelled speculations about the possible number of seats that might be added in the next delimitation. Even if the maximum number of elected seats for the LS is capped at 800-850, the PRR will continue to remain too high (16.0 lakh)—more than twice that of the US; more than 15 times that of Canada and the UK. Debates may rage over the quantum of increase in LS seats, but it is absolutely necessary to expand the size of the LS so as to reduce an exceptionally high PRR.

A second but politically most sensitive and contentious issue is redistribution of seats amongst large states. As discussed earlier, the States are staying at and passing through different phases of demographic transition. If a fresh allocation of LS seats to federal units is done on the basis of the population figures of next census (assuming that it will be completed before or by 2026, the year that marks an end to the moratorium on delimitation) by keeping the current strength of the LS unchanged, it will drastically change the existing regional balance of political representation/power. As can be observed (Table 5), five southern states taken together face the risk of losing as many as 24 seats, a loss of nearly one-fifth of seats they currently have. Kerala runs the risk of losing about one third of LS seats it currently has. In relative terms, the share of five southern states in the LS will decline by 5 percentage points (from 23.8 percent to 19.3 percent). In contrast, four northern states - UP, Bihar, Rajasthan and MP – together will add a whopping 34 seats to their kitty.

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Sensing the dramatic shifts in the current regional balance of power as a result of redistribution of seats solely based on relative share in overall population of the country, the political class of the southern states has already raised its voice against fresh redistribution of LS.²³ It is important to note that the southern States are distinguishable from the rest parts of India not just demographically but also culturally, economically and in terms of political alignment. Therefore, the argument at play is that it would be grossly unfair to politically marginalize the states in national affairs that have not only curbed population growth but also turned out to be a great source of revenue generation. A powerful argument though it may seem, but the problem of disparities in political representation has reached the stage where correction of anomalies cannot be delayed further.

Table 5: Proportional Allocation of Seats (Based on Projected Population 2026) for Major States

India/State	Number of current elected seats (LS)*	Projected Population [2026] (in '000)**	Proportional seats (2026)	Gain/loss
India	543	1425908	-	-
Andhra Pradesh	25	53709	20	-5
Assam	14	36717	14	0
Bihar	40	132265	50	+10
Chhattisgarh	11	31211	12	+1
Gujarat	26	74086	28	+2
Haryana	10	31299	12	+2

²³ Recently, M. K Stalin and Chandra Babu Naidu, the Chief Ministers of Tamil Nadu and Andhra Pradesh respectively, urged couples in their states to have more children in order to secure political representation. The latter even went further to say that he was planning to bring in legislation to make only those with more than two children to contest local body election (see, <https://indianexpress.com/article/cities/hyderabad/chandrababu-naidu-legislation-young-population-andhra-pradesh-9629750/>

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Jharkhand	14	40958	16	+2
Karnataka	28	68962	26	-2
Kerala	20	36207	14	-6
Madhya Pradesh	29	89673	34	+5
Maharashtra	48	129308	49	+1
Odisha	21	47147	18	-3
Punjab	13	31318	12	-1
Rajasthan	25	83642	32	+7
Tamil Nadu	39	77546	30	-9
Telangana	17	38636	15	-2
Uttar Pradesh	80	242859	92	+12
West Bengal	42	100522	38	-4

Note: Calculation of population per set is done by dividing India's projected population for 2026 by total number of current elected seats for LS, that is: $1,425,908,000/543 = 2,625,982$ (rounded off). This average is applied to determine LS seats in the States.

Sources: * Election Commission of India; ** Report of the Technical Group on Population Projections (2020), National Commission on Population, Ministry of Health and Family Welfare

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V. Possible Solutions

The nagging question therefore is: how can the tension between maintaining the current regional balance of representation/power and meeting the ideal of one vote, one value be resolved? Are there possible ways of correcting growing representational anomaly by accommodating concerns of states likely to be negatively affected by reallocation of seats afresh? Also, what could be the best option to negotiate with conflicting positions and claims around redistribution of LS seats? The theoretical spectrum of possible solutions may entail a number of options/propositions. Here we discuss well known positions/approaches and also suggest which policy option may be fair and acceptable. We divide the possible solutions into two broad categories—extreme positions, and middle-of-the-road options.

(a) Extreme positions/solutions

Let us first take up the extreme positions. At one extreme is the position that seeks to privilege the principle of *equal population* as the basis of reallocation of seats across federal units (large states in particular). That is, let the states get as many seats as their population share warrants. Obviously, this position is not only formally in line with constitutional provisions but also consistent with the notion of fair representation premised on one vote, one value. But the down side of it is that it has little regard for legitimate concerns of states fearing loss of seats because of slower pace of population growth. Put slightly differently, it has nothing to offer to deal with the deadlock. Therefore, one remains deeply sceptical about its acceptability to the losing side.

At the other extreme is the position laying emphasis on maintaining current regional balance of power by freezing existing number of seats for, at least, a couple of decades or until the time population growth rates across states are more or less the same. As this position privileges federal interests (Yadav, 2025; Datar, 2025), it aligns with what the political class from southern states has been pushing for. While this has little regard for the ideal of equality in value of votes, the underlying arguments do not seem to be entirely bereft of substance or merits. For one, as already discussed, there are many smaller states

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and UTs whose total population is much less than required for a LS seat. Yet, they have been granted one or more seats. Here, the logic is different. Considerations of federalism demand that no federal units should go unrepresented in the LS. So, if this is acceptable for one set of federal units, why not for others? For another, there are many democracies (e.g., UK and Canada) where redistribution of seats among federal units/regions is not done strictly on the basis of proportional share of population.²⁴ In these cases, the ideal of one person, one vote, one value is not so paramount to be met at any cost. Even so, this position has three problems, which in turn make it untenable. One, it allows the problem to linger rather than solve it. Second, it treats the doctrine of fair representation as subservient to the interests of federal units. Third, it is blind to constitutional amendments required to be done for postponing delimitation time and again. Quite clearly, none of these fairly squares with the constitutional logic of political representation. Nevertheless, despite the potential merits of expanding the size of Lok Sabha (see below), Yogendra Yadav upholds the status quo and freezing of current seats as an essentially *democratic* compromise (Yadav, 2023). However, accepting the possibility that freezing of the seats may be the least controversial and hence politically acceptable solution for the time being, if there is a consensus that the overall strength of current Lok Sabha does not do justice to those who are represented, and therefore, if there is a need to increase the size of the Lok Sabha to improve PRR, then, the question of allocation among states will have to be revisited and resolved.

(b) Middle-of-the-road solution

Between the two extremes lie a number of options. But for any option to be considered seriously across the political spectrum, it is necessary to first arrive at a fresh understanding of the rationale behind such options. As the foregoing discussion shows, the emphasis in the discussions of redistricting/delimitation has often been on the democratic principle of

²⁴ In order to address issues such as this (that is, regional disparity in political representation due to demographic shifts), Canada assures a fixed number of federal constituencies to provinces with either an absolute declining population or a population that was growing at a slower rate than the national rate (Courtney 2008). In the UK, there are boundary commissions, one each for the four 'constituent' 'countries' of England, Northern Ireland, Scotland, and Wales. Each of these units have a fixed number of seats in the House of Commons and own population quota for determining the size of constituencies (Johnston et al., 2008).

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equality of vote. Important as this is, the democratic principle itself subsumes another equally important aspect of fairness among federal units. This fairness needs to be understood not merely in mechanical/mathematical terms based on populations, but in the spirit of federal accommodation. India in particular is well placed to incorporate this variant of democratic thinking for two reasons. One is that even in its delimitation process based ostensibly on population, India's delimitation has consistently ensured representation to its units—smaller states and Union Territories. This insistence on representation to smaller units implicitly recognises the need to nuance the meaning 'democratic' equality among the different parts of the Union. Secondly, the manner in which the Constitution imagined and practiced relations among parts of the Union and between Union and States has always had the innovative approach of accommodation rather than mechanical uniformity. This flexible approach has received recognition as India's asymmetric federalism and has also stood in good stead historically in ensuring better accommodation of demands and aspirations of the parts of the Union. Therefore, for India, it should not be difficult to adopt a mechanism of delimitation that combines both the population criterion and the criterion of federal accommodation²⁵.

In the backdrop of such tweaking of the norms of delimitation, various proposals can be brought to the table for a nation-wide debate.

(i) Expansion of Lok Sabha

A middle-of-the-road option is to expand the size of LS to the extent that no state loses seats it currently holds (McMillan, 2000). This idea is endorsed by Vaishnav and Hinston (2019) too. Additional seats may be redistributed to states on the basis of their respective share in the country's population. On the face of it, the proposal sounds good for two reasons. First, an increase in the LS seats will reduce exceptionally large PRR. Second, political clamour is expected to be less vociferous if over-represented states are not to lose representation owing to fresh redistribution of seats. But this proposal only partly helps resolve the issue at hand. Expansion of the size of the LS (up to 800 seats; see Appendix III; Vaishnav-Hinston calculate the strength of LS as 868) may salvage many states from

²⁵ This plea is something akin to what Chanchal Kumar Sharma (2023) calls concessionary federalism.

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losing seats but it fails to address the hard issue of widening regional asymmetry of representation (and, hence, power) fairly and squarely. Southern states' share in the LS will come down from 23 per cent (current) to roughly 19 per cent (after readjustment based on 800 seats) just as the respective strength of each state of South vis-à-vis states of the North will still decline even if the number of seats of southern states is kept constant. Therefore, doubt is cast if merely retaining the existing number of seats will satisfy the political class of the southern region.

Why do we then suggest that this still might form the basis for a solution²⁶?

As more populous states entitled to more representation concede the point that no state should lose its existing seats, they could persuade the states with less population to agree in exchange that larger states require more representation. This will of course be more in the domain of political negotiations and statesmanship. However, such a proposal is worth considering for the reason discussed in the preceding paragraph—that it is not only sensitive to political concerns of less-populous states, but it also enriches the meaning of what is democratic representation in a continental country where federal (region-based) aspirations represent the idea of democracy as much as mere numeric calculations.

(ii) Voting population as the basis of redistribution of seats

A second and often suggested proposal is that part of the problem could be addressed by making electors, instead of total population, as the basis of reallocation of seats. The underlying assumption is that the southern states receive large volume of migration and many of the migrants register themselves as voters in the destination states. In other words, in-migration may possibly compensate for the anticipated loss facing the southern states. The proposal looks attractive but is bedevilled by two problems. One, electoral rolls are far from error free. Recently, there have been claims in many states of an addition of

²⁶ If the concern is mainly about loss of a seats on the part of individual state rather than regional asymmetry of power, this then might be seen as a potentially acceptable solution.

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exceptionally large number of voters in the electoral rolls just before elections.²⁷ Second, it is not known what proportion of migrants does actually register themselves as voters. It has been suggested that most part of migration is seasonal and that most migrants continue to remain voters at their native place. In sum, the proposal is difficult to be empirically validated. We therefore do not look into it.

Another variant of this proposal seeks to consider voting age population (18 years and above), instead of total population, as the basis of redistribution of seats across major states. The underlying argument is that the states/region with lower fertility rates will have a better ratio of voting-age population to total population due to relatively narrow base of under-18 population as compared to states/region with high fertility rates. This makes sense demographically. But the question is: How much difference will it make? Let us examine this with the help of the 2011 population census data, assuming that the figures (the ratio of 18 years-plus population to total population) will not change drastically and the strength of the LS remains as it is today.

Figures presented in Table 6 seem quite interesting in three ways. Firstly, the magnitude of gain/loss becomes too small. Maximum gain and loss vary from 5 (Maharashtra) to 3 seats (Kerala and Tamil Nadu). Secondly, gain/loss does not concentrate in one region. Thirdly, existing regional balance of power does not get affected much. On merit, this proposal is consistent with the norm of equality of population. Moreover, representatives are elected by eligible population (those who are aged 18 years and above), rather than total population. Further still, it does not require significant amendment to the Constitution (like other proposals discussed below). Finally, it ensures that the anticipated regional imbalance of power remains under check. However, this proposal still involves loss of seats to a number of states—something that is at the centre of controversy about delimitation.

²⁷ 'Surge in voter turnout in Maharashtra during final hours of polling', <https://www.thehindubusinessline.com/news/national/surge-in-voting-percentage-in-maharashtra-during-final-hours-of-polling/article68892716.ece>

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Table 6: Proportional Allocation of Seats (Based on population 18 years and above) for Major States

States	Population (18 years-plus) 2011	Projected seats	Current seats	Gain/loss
Andhra Pradesh	57323943*	40*	42*	-2
Assam	19109031	13	14	-1
Bihar	56192885	39	40	-1
Chhattisgarh	15773646	11	11	0
Gujarat	39284280	27	26	1
Haryana	16200219	11	10	1
Jharkhand	19035239	13	14	-1
Karnataka	41701247	29	28	1
Kerala	23966417	17	20	-3
Madhya Pradesh	45077172	31	29	2
Maharashtra	75855180	53	48	5
Odisha	27441941	19	21	-2
Punjab	18962055	13	13	0
Rajasthan	40142057	28	25	3
Tamil Nadu	51418474	36	39	-3
Uttar Pradesh	112855494	79	80	-1
West Bengal	61164261	43	42	1
All	721503541	502	502	
Per seat Quota	1437258			

Notes:

* Includes Telangana.

Per seat quota is calculated as follows: $721503541/502 = 1437258$ (rounded off)

(iii) Restructuring of Rajya Sabha (RS)

A third proposal would be to shift the focus on the upper House—the Rajya Sabha. That is, let the distribution of LS seats across states be in accordance with proportional share in population but restructure the RS in such a manner that it compensates the states for the

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loss of representation in the LS. There could be two ways of doing it. One is to devise a suitable schema of weightage (combining demographic and non-demographic attributes) such that the states that have done well in curbing population growth and ensuring human and economic development are advantaged. It is, nonetheless, a complicated exercise. The other way is to equalise the number of RS seats across states, irrespective of their share in overall of population of the country. This has been adopted by many federal countries such as the USA, Nigeria, and South Africa, to name a few. Technically speaking, the RS is the chamber representing states. If the central concern is about voicing states' interest, allowing more RS seats to smaller states, either via a suitable scheme of weightage (of demographic and economic indicators) or by equalising number of RS seats, would greatly reduce the regional imbalance in representation in the halls of power arising out of redistribution of LS seats. In terms of merit, such a proposal is not in direct conflict with the principle of one vote, one value, which is largely invoked in the case of the lower chamber—the LS, and hence likely to be less sensitive politically. Yet, it is not an easy solution. It warrants drastic institutional restructuring, involving a critical amendment to the Constitution. For this proposal to be effective, the powers of the RS may also require a reconsideration—thus leading to a more comprehensive overhaul of the system, and hence inviting more difficulties. Vaishnav-Hintson also suggest the possibility of having a direct election to the RS, among some other changes.²⁸ However, it is not certain that states that may lose seats in the LS would accept that loss just because the RS is restructured. Nor is it easy to speculate as to how states with greater share in the RS will react to such a proposal.

(iv) Mixed approach

A fourth but a little more complicated variety of the middle-of-the-road option is a combination of two or more proposals. For one, expand the size of the LS large enough to ensure that reallocation of seats based on proportional share of population does not take away a single seat from any state, *and* redistribute the RS seats to states by adopting new

²⁸ In the Constituent Assembly, some members had suggested direct election of RS members, but the proposal was rejected (Shankar and Rodrigues, 2011).

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criteria so as to be able to reduce apparent imbalance of political heft between large and small states.

For another, shift the criterion of total population to voting-age population and restructure the RS (that is, equalise the RS seats across federal units in the style of the US Senate). This will take care of small representational deficit (even after considering voting-age population as the basis of redistribution of seats) facing some southern states, namely Kerala and Tamil Nadu. Further still, the criterion of voting-age population can be combined with a slightly lower ratio of seats to population for southern states to compensate for the loss that remains (that is, allow for southern states a per seat quota which is 10-15% less than the national per seat quota, in acknowledgement of their demographic and economic performance).

A search for such a combination of policy options, some involving limited modification to the Constitution and some involving a more federal approach, will be the most workable/acceptable solution. Already, many suggestions are made for a re-look into the way in which resources are distributed among states by balancing their needs and their performance. We do not look into them not because they are not important but because they are beyond the present discussion of the actual process of delimitation. Nevertheless, these proposals recognise the key point we seek to make: that democracy cannot be understood only in terms of equality of numbers but also as capacity to accommodate subnational/state-level concerns and interests.

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VI. Concluding Remarks

The exercise of demarcating electoral boundaries is intrinsically linked to theories and praxis of democracy and representation. As the very first and vital step in establishing the system of representative democracy, delimitation of electoral constituencies is carried out across democracies at varying intervals. In alignment with other democracies, India too carries out the exercise of delimiting electoral constituencies at some intervals, if not as regularly as prescribed in laws.

In India, the issues of when and how boundaries of electoral constituencies (for national and state legislatures) have to be drawn/redrawn and seats in the Parliament be allocated to federal units are governed by a complex and nested set of rules and laws, each reinforcing the other. There are multiple institutions involved therein. While the Constitution of India lays down the grounding rules, the practical details of delimitation are prescribed by the Parliament. Furthermore, there is the Delimitation Commission, an independent authority, that prepares methodological blueprints to be followed while demarcating the boundaries of electoral constituencies. The final order prepared by the DC has the force of law and cannot be modified by any other authority or institution, the Parliament included. Nor is it subject to judicial review.

However, deferral of delimitation exercise for a long period of time has created serious issues associated with the idea of representation as envisaged in the Constitution itself. Postponing of delimitation time and again has not only led the size of electoral constituencies to grow too large to adversely affect effectiveness but also undermined the constitutional legitimacy of political representation. Growing inequality in the value of vote across states has caused the constitutional guarantee of political equality to suffer gravely. While the problem has reached a point where redistribution of seats across states cannot be delayed further, correction of malapportionment has increasingly become a politically contentious issue, calling for an out-of-the-box solution (Palshikar, 2025).

Even as many voices favouring a freeze have gathered momentum, it is noteworthy that the pro-freeze arguments and our argument here have one thing in common: the concern

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that representation should not jeopardise states' interests. We also share the larger concern that delimitation should not endanger the unity of the country. Therefore, *we hope that a two-step approach may be worth considering as fair and politically feasible.*

The first step in resolving the crisis of representation that India currently faces will have to be to squarely agree that delimitation is a necessary strategy, while the second step is to reimagine delimitation not in isolation or in formal-legal manner but as integral to federal considerations.

In other words, even as we argue that delimitation is necessary, it is also necessary to design it differently from what is supposed to be a simple numeric pathway. In this sense, a solution will have to begin by accepting that there indeed is a problem that the political system faces: it is not merely a question of some states losing seats; nor is this a transient issue of differential population growths of the states of India. Therefore, going beyond improving population to representative ratio, we suggest that *the underlying principle for the exercise of delimitation needs to be understood in terms of both equality of vote and federal asymmetry.* The inclusion of federal dimension in the terms of reference for the Delimitation Commission needs to be the second step in the re-imagination of delimitation.

In this context, we have examined various ways out of the challenge of redistribution of seats across federal units facing the upcoming delimitation exercise. Some are easy; others are relatively complicated. Some look potentially more acceptable than others. However, there is still scope for political negotiation to settle the issue. For political negotiation, platforms such as the National Integration Council (NIC) or Interstate Council²⁹ could be best suited because by their very nature, these platforms bring into sharp focus the federal dimension as integral to the idea of democracy. For this to happen, these platforms need to be revived and made vibrant.

²⁹ We are indebted to Professor Balveer Arora for drawing our attention to these mechanisms as possible avenues for negotiations.

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When we have undertaken these two steps—to respect the importance of reapportionment in order to make representation more effective and to incorporate federalism as integral to democracy—we would have made progress in the direction of a more acceptable, more democratic, and more accommodative basis for representation through future processes of delimitation in India.

Appendix 1: Delimitation in Comparative Context

	India	UK	Canada	USA
Frequency of delimitation	Every 10 years (following decennial population census). However, delimitation suspended for 30 years (1971-2001; 2001-2031).	Every 8-10 years (Parliamentary Constituencies Act 1986); changed by Parliamentary Voting System and Constituencies Act 2011 – every five years	Every 10 years (following decennial census).	Every 10 years (following decennial census).
Allocation of seats across states	On the basis of population with no formula specified. However, seat allocation was frozen since 1971 (third delimitation).	On the basis of population. Method specified by law but with modifications specified.	On the basis of population. Method specified by law but with modifications specified in the Constitution.	On the basis of population. Method specified by law but with modifications specified in the Constitution.
Permissible population deviation within states	As equal as practicable. But in the last delimitation,	As equal as possible; changed by Parliamentary Voting System and	Up to 25% under extraordinary circumstance	Minimal population variation

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	exercise a variation of +/- 10% was allowed.	Constituencies Act 2011: +/- 5%		
Authority responsible for delimitation	Independent, non-partisan commission	Independent, non-partisan commission (one for each country of the UK)	Independent, non-partisan commission (one for each province)	Mostly state legislatures
Role of Parliament	Parliament must pass the order of the Delimitation Commission (DC) into law but cannot modify it.	Parliament must accept or reject reports of commissions into law but cannot modify them.	Parliament must pass reports of commissions into law but cannot modify them.	US Congress plays no role, state legislatures pass or reject redistricting plans into law.
Role of court	Order of DC non-justiciable	Court has indicated extreme reluctance to redistribution plans.	Court has overturned redistribution plans on occasion.	Court consideration of redistricting plans very common

Source: Handley (2015).

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Appendix II: PRR in Select Countries

Country	Name of the House	Number of Elected Members	Total Population	PRR
UK	House of Commons	650	67,736,802	92,000
Canada	House of Commons	343	38,781,291	107,848
Malaysia	House of Representatives	222	34,308,525	154,542
Australia	House of Representative	151	26,493,771	175,455
Brazil	Chamber of Deputies	513	216,442,446	421,915
Indonesia	House of Representatives	575	277,534,122	482,668
Bangladesh	House of the Nation	300	172,954, 319	576,514
USA	House of Representatives	435	339,996,563	747,184

Note: Population estimates pertain to 2023 from United Nations Population Division.

Source: Compiled by authors.

Appendix III: Gain/Loss of LS Seats If Seats Capped at 759 for Major States

State	Current LS Seats	Projected Population (2026)	Proportional Seats (2026)	Gain/Loss (Compared with 2002-08)
Andhra Pradesh	25	53709	30	5
Assam	14	36717	21	6
Bihar	40	132265	75	35
Chhattisgarh	11	31211	18	7
Gujarat	26	74086	42	16
Haryana	10	31299	18	8
Jharkhand	14	40958	23	9
Karnataka	28	68962	39	11
Kerala	20	36207	20	0
Madhya Pradesh	29	89673	51	22

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Maharashtra	48	129308	73	25
Odisha	21	47147	27	6
Punjab	13	31318	18	5
Rajasthan	25	83642	47	22
Tamil Nadu	39	77546	44	5
Telangana	17	38636	22	5
Uttar Pradesh	80	242859	137	57
West Bengal	42	100522	57	15
All	502	1346065	759	

Note: Let us suppose that the number of LS seats is increased up to 800 and the number of seats allotted to smaller States and UTs remained the same as it is today (41). The number of available seats to be distributed among major states (18) works out to 759. If we divide the projected population of these states (134,606,5000) by 759 seats, we obtain an average population per seat (quota) of 17.7 lakh (rounded off). When we apply this number to the States (18), Kerala appears to retain its LS seats it currently has, whereas all other states gain, though in varying proportions.

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