DELIMITATION AND INDIAN FEDERALISM: REASSESSING THE CONSTITUTIONAL BALANCE BETWEEN POLITICAL REPRESENTATION AND STATE AUTONOMY

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ABSTRACT

In India, delimitation is not just about redrawing electoral boundaries. It's about redefining the balance between democracy and federalism. Delimitation on one hand promises fair representation by adjusting constituencies according to population. On other hand it raises concern to fewer states with lesser population that they might loses their political voice, disturbing the delicate federal balance that holds union together. The main focus of the study is the conflict between equitable political representation and the preservation of federal balance. In first instance population-based representation seems democratic, but it also raises concern that the state which is in population stabilisation, women education and public health, may punished just because population become dominant basis for readjustment. The research further examines the constitutional framework governing delimitation with the constitutional amendments that shaped the existing arrangements. It seeks to understand how changes in distribution of political representation may influence state autonomy, centre state relation and the functioning of Indian federalism. The study will adopt a doctrinal approach. The study ultimately seeks to explore how India can reconcile the democratic requirement of effective representation with the federal requirement of maintaining a good balance among its states. Rather seeing population and federalism as competing units, the study seeks the possibilities of bringing democratic representation and federal equity together.

Keywords: Delimitation, Federal, Political representation, State autonomy.

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INTRODUCTION

Delimitation and its meaning

Delimitation refers to a mechanism through which territorial boundary of any constituencies can be fixed or readjust to ensure proportionate representation based on population changes. The process of delimitation in India done by an independent authority commonly known as Delimitation Commission or Boundary commission.

Delimitation implies a process whereby boundaries of electoral constituencies are to be redrawn so that there is proper representation in representative democracy. At its very core, delimitation is meant to provide for the changing nature of populations by changing boundaries of the constituencies so that population changes and polygamy density shifts are reflected. This ensures that each vote shall carry about equal weight, upholding the "one person, one vote" principle. This is deeply entrenched in democratic theory concerned with proportional representation and equity in governance.[1]

In a democratic country delimitation have some goals that each constituencies have almost equal population and the vote of individual cannot be distorted by differences in constituencies. The delimitation promotes the concept of one person, one vote, one value. The changing of population in the constituencies is essential requirement of delimitation and doing it continuously after every census guarantees the fairness of electoral process.

Delimitation in early years of independence (1947-1971)

The 42nd Constitutional Amendment, 1976, froze delimitation until the first census after 2000, primarily to encourage states to adopt population control measures.4 This freeze was further extended by the 84th Amendment in 2001 until the year 2026.5 As a result, the present constituency boundaries continue to be based largely on the 1971 Census, despite significant demographic changes since then. With the forthcoming delimitation exercise due after 2026, India now faces the crucial challenge of balancing representation with federal equity in an increasingly diverse polity India is successful in implementing delimitation in Lok Sabha seat based on census of 1951, 1961 and 1971. And subsequently seats of Lok Sabha also increased from 494 to 522 and 543, respectively after each exercise. The average population increased per

[1] Bardhan, P. K., Mookherjee, D., & Torrado, M. P. (2010). Impact of Political Reservations in West Bengal Local Governments on Anti-Poverty Targeting. Journal of Globalization and Development, 1(1) https://doi.org/10.2202/1948-1837.1025

seat by 7.3 lakh to 8.4 lakh and 10.1 lakh respectively. During the year 1961 and 1971, state assembly seats are also increased from 3102 to 3563 and then3997, respectively.

The freezing of delimitation

In India delimitation is debated since the year 1971. During the tenure of Prime Minister Indira Gandhi government stopped the process of delimitation for almost thirty years in 1976 because it feared imbalance of representation between states, driven by differences t in fertility rates. This major issue was again highlighted in 2001. This time the National Democratic Alliance (NDA) government only adjusted the boarders of constituencies within states to try and match the population per MP ratio, and does not change the number of seats in Lok Sabha. Seats are also reserved for Schedule caste (SC) and Schedule Tribes (ST) based on 2001 census. The second paused was lifted soon, with the next delimitation that is schedule to take place as per the census conducted in 2026.

HOW DELIMITATION QUESTIONS INDIAN FEDERALISM

Federalism is a process through which power is divided among centre government and state government. Its gives autonomy to both centre and state government to work independently on their respected areas while working together on shared issues. India is not completely a federal country instead it's a quasi-federal country, its having both the characteristics. of quasi federal and unitary governments. But we can say that it operates through federal structure, Constitution of India does not expressly use the term federal instead it refers Article 1 India as a "Union of States".

S.R. Bommai V. Union of India in this case supreme court highlight the federal character of Indian constitution and identify federal character of Indian constitution and also recognised the importance of maintain a constitutional balance between union and states. this judgment highlight that the state has a important position within federal structure This principle is important because changes in representation, affect state voice. [2]

There are certain questions which raises on Indian federalism when delimitation is in question.

Population v State

As we know the main goal of delimitation is that everyone is represented equally and to promote the concept of one person, one vote, one value, but in doing this and by giving primacy only to

[2] *S.R. Bommai v. Union of India*, (1994) 3 SCC 1, AIR 1994 SC 1918.

population the state autonomy will be affected, and the state who work on controlling the population gets suffered by this, and the interest of the state get affected by it and ultimately it will raise question the Indian federal system as the state autonomy is affected and the political weightage and collective voting of state in parliament is relatively decreased.

Democratic Equality V Federal Equality

As we know India is a democratic country and in democracy, democratic equality is based on that citizens have an equal political representation. Therefore, states with larger population have greater representation in Lok Sabha as compared to the states which have lower population. Federal equality however means that the states have meaningful representation. Thus, the delimitation can create a conflict between equal representation of citizens and preservation of political voice of states.

Development and representation

Delimitation primarily related to population, but also develops a question can population can be a dominant factor in deciding the political weight of state. There are some states like southern state which control on their population and focuses on development like women education, sanitisation, public healthcare and state development which my have contributed to slower population growth. So, by giving primacy to development, instead of awarding them giving punishment by reducing their political voice can be justified. The issue is not increasing or decreasing the seats in parliament but was to finding a balance between centre and state relations.

Southern state v Northern state

When the issue of delimitation was raised there are always a rivalry between the southern state and the northern state because northern states like UP, Bihar and Rajasthan get benefited from delimitation but southern states like Kerla, Karnataka and Tamil Nadu seats will be decreased in parliament, here the concern of southern states were justified. By delimitation the concept of cooperative federalism was diminished and state instead of cooperating in national interest and start competing with the other state and there might be possibilities that there focus from development is shifted towards gaining more seats in parliament.

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IMPORTANT CASE LAWS

The delimitation process, while statutorily final in many respects, has repeatedly invited judicial scrutiny on grounds of jurisdictional error, procedural fairness, and constitutional validity.[3]

Meghraj Kothari v. Delimitation Commission &Ors" (1967) in which the Supreme Court provided a justification for the exclusion of courts from the process in a five-judge Constitution bench ruling, saying, "There seems to be a very good reason behind such a provision. Any voter may, if he so desired, postpone an election indefinitely by contesting the constituency boundaries from court to court if the orders issued under Sections 8 and 9 were not to be regarded as definitive. This issue was more recently addressed by the Supreme Court last year when civil society and political parties petitioned the court to overturn the boundaries of Jammu and Kashmir's constituencies, claiming that doing so would "diminish the political voices of the minorities in the affected areas". Article 329A, which provides that "the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies shall not be called into question in any court," has been supported by the courts.[4]

Union of India v. Association of Democratic Reforms (2002) is a landmark decision in Indian constitutional law, especially when it comes to the Delimitation Commission and the legal challenge ability of its rulings. However, electoral reforms and the right to know about the candidates running for office were the main issues of the case, not the Delimitation Commission's directives specifically. In a petition, the Association of Democratic Reforms (ADR), a group dedicated to advancing electoral reform and transparency, asked the Election Commission to require political parties and candidates to reveal their criminal histories, educational backgrounds, and other personal information. Ensuring increased transparency and giving voters more information to use when making decisions were the goals. Voters' freedom to obtain correct information about candidates for office and electoral transparency were the Supreme Court's main concerns in the decision. The case touched on the larger idea of electoral fairness, which encompasses free and fair elections-a fundamental component of the Democratic Republic of India-but it was not specifically about delimitation. Despite not directly addressing delimitation, the case established a significant precedent for the extent of judicial scrutiny of administrative actions and concentrated on electoral openness. The Supreme Court ruled that the Delimitation

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[3] The Constitution of India, art. 329; Delimitation Act, 2002
[4] *Meghraj Kothari v. Delimitation Commission*, AIR 1967 SC 669, [1967] 1 SCR 400

Commission's orders could be challenged in court on the grounds of arbitrariness (i.e., if the decisions were made in a way that was irrational, unreasonable, or not in accordance with the law or the Constitution) or malafide (i.e., if there was an ulterior motive behind the decision). Practically speaking, this decision indicated that although though the Delimitation Commission's rulings are usually final and binding, they may still be challenged in court if there was proof that the commission acted arbitrarily or with malice. The main goals of the 2002 case Union of India v. Association of Democratic Reforms were to guarantee voters' right to know about candidates and to encourage electoral transparency. It established the more general rule that administrative judgments, including those made by the Delimitation Commission, may be contested in court on the basis of malafide or arbitrariness, even though it didn't specifically address the Commission's authority. Therefore, this decision guarantees that severe examples of criminal purpose or unreasonableness can result in court review, even if the Delimitation Commission's work normally has the status of being final and binding.[5]

Jammu and Kashmir Delimitation Commission v. Sheikh Imran

Regarding the authority and directives of the Delimitation Commission, particularly with regard to Jammu and Kashmir, the Supreme Court of India rendered a landmark decision in Jammu and Kashmir Delimitation Case 2002. The legitimacy and enforceability of the Delimitation Commission's rulings for the state of Jammu and Kashmir were at issue in this case. In this instance, the Delimitation Commission was tasked with redrawing the borders of Jammu and Kashmir's constituencies in accordance with the Constitution's delimitation and census provisions. However, a number of individuals and political parties contested the Delimitation Commission's rulings on a number of issues, including the process's methodology and constitutionality. The petitioners questioned whether the Delimitation Commission's exercise in Jammu and Kashmir was constitutional, expressing concerns about the process's fairness and compliance with the Constitution's requirements. Whether the Delimitation Commission's rulings regarding the Jammu and Kashmir seats were legitimate and enforceable was the main legal question in the case. In the case of the state of Jammu and Kashmir, where special provisions under Article 370 of the Constitution applied, this generated questions over the scope of judicial review available against the Commission's determinations. The Delimitation Commission's decisions in Jammu and Kashmir were upheld as lawful and legally binding in the 2002 Jammu

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[5] *Union of India v. Ass'n of Democratic Reforms*, (2002) 5 SCC 294

and Kashmir Delimitation Case, which concluded that the Commission's actions were consistent with constitutional principles. By emphasizing the independence and finality of the Commission's rulings, the Supreme Court made it clear that these judgments may only be contested in extraordinary circumstances (for instance, on the basis of malafide or arbitrariness). Despite the region's unique position under Article 370, the ruling also served to uphold the principles of electoral fairness and representation in the state of Jammu and Kashmir, guaranteeing that delimitation in the area was handled equally with the rest of the nation.[6]

Association of Residents of Mhow (ROM) & Another v. The Delimitation Commission of India & Others, 2009

In this case, the Commission finally determined the delimitation of parliamentary constituencies in the state of Madhya Pradesh after taking into account all objections and suggestions received before the deadline and publishing its order in the Gazette of India and the official Gazette of the state, as required by Section 10(1) of the Act. The order placed them on the same street as legislation enacted by parliament. As a result, the notice must be considered as law and provided to.[7]

Atma Singh And Others vs. State of Punjab and Others, 2014

The writ petition was properly used by the voter to challenge the legality of the Delimitation of Constituencies notifications issued under Section 5(5) of the Act, and the Mandal Panchayat elections held pursuant thereto, according to the primary decision relied on by the learned single judge[8] Recent jurisprudence has revisited this balance.

Kishorchandra Chhanganlal Rathod v. Union of India (2024), the Court reaffirmed that absolute exclusion of judicial review would deny citizens a forum to challenge legal errors, even while upholding the protective scope of Article 329 in ordinary electoral matters.[9]

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Similarly, Public Interest Committee for Scheduling Specific Areas & Ors. v. Union of India (2023) emphasised that delimitation notifications generally fall beyond routine judicial re-examination but recognised exceptional circumstances warranting scrutiny.[10]

[6] *Haji Abdul Gani Khan v. Union of India*, (2023) 5 S.C.C. 549 (India).
[7] Association of Residents of Mhow (ROM) & Anr. v. Delimitation Commission of India & Ors., (2009) 5 SCC 404
[8] *Atma Singh v. State of Punjab*, (1981) 2 SCC 657
[9] Kishorchandra Chhanganlal Rathod v Union of India (2024 INSC 579).
[10] Public Interest Committee for Scheduling Specific Areas and Anr v Union of India (2023 INSC 1086).

G. Prasada Rao V Election Commission of India in this case court examine the legal framework governing the de limitation of constituencies and emphasised that the prescribe procedure and relevant statutory factors must be followed while doing delimitation.[11]

PROVISIONS RELATING TO DELIMITATION

Article 81 Composition of Lok Sabha – This article represents the representation of state and union territories in Lok Sabha through direct election.

It also specifies the constitutional framework regarding the number and distribution of seats.[12]

Article 82 stipulates that post-census, Parliament must revise constituency boundaries and reallocate seats in the Lok Sabha among the various States.[13]

Article INDIA CONST. art. 82 similarly requires that the boundaries of constituencies for State Legislative Assemblies be determined after each census [14] Furthermore, Articles 81 and 82 outline the distribution of seats in the Rajya Sabha (Council of States) based on population, although the specific delimitation of Rajya Sabha constituencies is managed through a different process.

COMPARATIVE ANALYSIS OF INTERNATIONAL EXPERIENCE ON DELIMITATION

Observing delimitation processes in other democracies can offer lesson for India for analysing how best to deal with various challenges confronting it. While the political and administrative context of each country varies greatly, their experiences in regard to delimitation may provide valuable insights for perfecting the process in India.[15]

United States

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Every ten years, based on a decennial census, the congressional districts in the United States are redrawn. The redistricting is largely governed by the state legislatures or independent commissions by state. But in the U.S. this new delimitation process has often been criticized for falling prey to political gerrymandering-the drawing of district vacancies by political parties for

[11] G. Prasada Rao v. Election Comm'n of India, AIR 1983 AP 325
[12] INDIA CONSTI. art, 81.
[13] INDIA CONST. art. 82.
[14] INDIA CONST. art. 170.
[15] Birch, J. W. "Observations on the Delimitation of Farming-Type Regions, with Special Reference to the Isle of Man." Transactions and Papers (Institute of British Geographers), no. 20, 1954, pp. 141–58. JSTOR, https://doi.org/10.2307/621137. Accessed 20 Jan. 2025.

advantage in electing certain parties. Gerrymandering, therefore, undermines the principle of equal representation while skewing results when the political setting of a state fails to mirror the sentiments of its electorate.

Steps to curb gerrymandering, including the establishment of independent commissions in a few states, have been instituted in the U.S.; nevertheless, it still remains heavily politicized in that country. The challenge India faces would be to ensure that its delimitation processes are insulated from political influence while also safeguarding the democratic process's integrity

United Kingdom

In the United Kingdom, delimitation is handled by independent bodies known as the Boundary Commissions. The Boundary Commissions are in charge of reviewing the boundaries of parliamentary constituencies. The boundary commissions seek to ensure, as far as it is practicable, that constituencies have approximately the same population size while considering geography and local community interests. The processes respect principles of fairness and public consultation wherein citizens are allowed to offer feedback on proposed changes20.

The U.K. system is far more strenuous about their balance between equality of populations and the attachment to localities. This potential model may reward India with some of its biggest insights in balancing local interest and the requirements of just representation.[16]

South Africa

The methodology of delimitation in South Africa is informed, for the most part, by its commitment to proportional representation-a system of limitations to ensure that ethnic and social groups cover every sector in the legislature. Regular reviews of constituency boundaries were done by the Independent Electoral Commission (IEC) of South Africa in due consideration of the social and ethnic diversities spread through population distribution changes: this procedure ensured that the minority groups are included in political participation.

The significance the process of delimitation pays to inclusivity and proportionality, particularly in multicultural societies, stands relevant in the South African model. For India, this could serve as a working model to counterbalance complaints about underrepresentation of marginalized communities so that everyone has a say in the political process.[17]

[16] id

[17] J. W. Birch, *Observations on the Delimitation of Farming-Type Regions, with Special Reference to the Isle of Man*, 20 Trans. & Papers Inst. Brit. Geographers 141 (1954).

Australia

Independent elections commissions aimed to have an equal number of people in an electoral district should regularly redistribute boundaries between Australian units. In this assignment, the AEC resorted to high-tech demographics to check off delimitations. The system allowed the public input whereby the citizens could ask changes in the suggested boundaries.

Using different tech in making the delimitation process more precise and less fragmented offers a wonderful message for India. Through modern gadgets like GIS, the country can expedite the mapping of its electoral boundaries with greater precision and address concerns about population disparities, as well as issues arising from administrative constraints.[18]

PROBLEM WITH DELIMITATION AND THE CONCERN OF SOUTHERN STATE

The main concern behind delimitation is population. During 1971, one MP represent approximately10 lakh people but the figures in 2021 is completely change now one MP represent approximately 20 lakh people almost double in number. This violates Article 81 of constitution which lays down that MP cannot represent less than 5 lakh people and more than 7.5 lakh people. However, this has been ignored to follow another provision which limits the number of seats to 250 for Rajya Sabha and 550 for Lok Sabha.

In comparison with other countries India population per MP is marked high. If we took example of other countries like USA each member of senate represent 7.4 lakh people and in UK each member represents only 1.2 lakh members.

The debate regards how many MPs will be there in parliament generally happens, but till now there is no conclusion how, many MPs should there in parliament for better governance, hence it can't be proved that bigger parliament leads better governance.

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Gamberi study suggest that larger the parliament is totally dependent on the networks of the society. Modularity has a simple meaning that inside the population how much people and groups are connected and cohesive.

Indian Constitution indicates towards effective representation, because in our constitution it is given that each MP should represent how, much population. The main concern is that if one MP represent more than prescribed population then there are chances that the issues pf individual

[18] Michael J. Hiscox & David A. Lake, Democracy, Federalism, and the Size of States (SSRN Scholarly Paper No. 1002686, 2002).

cannot be represent in a better way. Thats why it is concluded that lesser the population on MP better the focus and its leads to better governance.

The other problem is that, variation in the population of states. If we took the example of two states first one is Sikkim and another is Rajasthan, in Sikkim one MP represents about 6,77,000 people on the other hand in Rajasthan one MP represent approx.31,71,240. hence the average voter in Sikkim has 4.5 times more say in choosing an MP that one in Rajasthan.

However, we can say that Union Territories and small states like Sikkim need at least one seat if their population is less than average population. MPs in Kerala on an average represent least number of people (excludes small states and UTs) 17,74,450. An average voter in Kerala has 1.7 more says in choosing MP than one in Rajasthan.

Reason behind the concern of southern states

Threat of losing representation

In comparison to Northern states southern states have lesser population, this may lead to fewer Lok Sabhas seats if delimitation is solely based on population.

Example 0% increase in seats of Kerala and 26% increase for Tamil Nadu, but a whopping 79% for Madhya Pradesh and Uttar Pradesh.

Gerrymandering

The main difficulty of delimitation is to deal with the situations of malapportionment, that is, where delimitations of constituencies differ enormously in terms of the number of inhabitants, hence, they go against the constitutional precept of electoral equality.[19]

The implication is that if India has not allowed for revisions of its constituencies based on the latest census data since 1976, then certain constituencies must have been anchored on outdated census data. This situation also; hence, leads to the constituencies being over-represented in slow-growth areas and under-represented in the rapidly growing regions.[20]

Southern states are tensed about gerrymandering that a way by which electoral boundaries are manipulated unfairly to favour a party or group, distorting fair representation. Example In Nepal new constitution (2015), Nepal Terai region, with 50% of population got lesser seats as compare

[19] 44 The Constitution of India, art. 81

[20] The Constitution (Forty-Second Amendment) Act, 1976; The Constitution (Eighty-Fourth Amendment) Act, 2001

to the hills due to constituency demarcation backing geography over population, benefiting the hill elite.

Hinderance to Good Governance

Southern states work really well for good governance, but instead of rewarding the state if their seats will decrease in Lok Sabha, it will be a punishment for them. And unfairly promoting or outraging high-fertility states are discouraging for good governance. It will definitely criticism for good policy which are for states development and there might be possibility that some leader considers it as an opportunity and provide future incentives for bigger families.

In March 2025, Tamil Nadu Chief Minister M K Stalin made an unusual statement calling for newly-weds in his state to have more children. The context of Stalin's statement was the delimitation process in India scheduled for 2026, which could potentially reduce the representation of the southern states, including Tamil Nadu, in the Indian parliament. Since Stalin voiced his fears, the chief ministers of three of the five southern states, Karnataka, Kerala and Telangana – all opposition-ruled – have expressed apprehension about the delimitation process if it is solely based on population. The southern states account for 20 per cent of India's population, are more developed than most of the northern states and have also done much better at population control than the north. [21]

A threat to federal structure

After delimitation there will be chances that southern states representation in Lok Sabha will be decrease and this will absolutely affect their state autonomy and their participation in national interest and decision making. Like if there is any policy which seems unfair to southern states, they had to accept it under pressure.

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Affect fiscal balance in centre state relation

If representation of seats will alter then it is obvious that the resources and funds are allocated to them a little extra as they represent more people, it can be a concern to southern states that, they might think that they cannot get adequate benefits for their contribution for national development. Finance commission uses population as one of the major factors in allocating fund to states, which can be disadvantageous for southern states.

[21] Ronojoy Sen, "Delimitation of Constituencies in India: Southern States Up in Arms," Institute of South Asian Studies (ISAS), National University of Singapore, 15 April 2025.

North South Division

If after delimitation northern states political representation significantly increases and political representation of southern states decreases, then southern states might feel political imbalance. It creates possibility that states demand for greater autonomy or special arrangements. If this difference increases then there are chances that it affects centre state relation and national unity of our country.

KEY FACTORS INVOLVED IN DELIMITATION, ITS CHALLENGES AND REFORMS FOR PRESERVING FEDERAL BALANCE IN DELIMITATION

Following factors involved in delimitation

Improving population-based disparity

Bigger states like UP have MPs representing over 25 lakh voters, while smaller states having less than 10 lakh voters, this violates the principle of equal representations and it may weaken democracy also. So delimitation is important to protects the basics of constitution. States having large population may face discrimination if there are not represented properly.

Dealing with urban overcrowding

Due to migration, we can see a major shift from rural population towards urban areas in search of employment, which creates an imbalance in urban areas in voter representation and necessities distribution. This can be balance through delimitation only. Proper representation of citizen means their needs were fulfilled as the requirement and development of state can also be done.

Recognising demographic shift

States having higher population like UP, MP, Bihar and Rajasthan are underrepresented because of large population while southern states like Kerala and Tamil Nadu fear that their political influence might be loss because they control their population and delimitation is based on population so it can harm their interest.

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Safeguarding Electoral fairness

Slowing down the delimitation may risk widening regional disparities, making certain state more powerful in governance and policy making. This may be a big hurdle in democracy and development of the nation and it also affect centre state relation by making one state more powerful.

OBSTACLES IN CONDUCTING DELIMITATION

There are following challenges in conducting delimitation are as following

Covid 19 Pandemic

Covid 19 affect all over the nations it's not affect only t the economy resources and health of the individuals but it also pushed the country development back by 20-25 years back. And due to COVID 19 pandemic the census was postponed for indefinite period after decadal census schedule since 1981. This is the one of the main issues in the delaying of delimitation.

Political factors

Political factors also play a major role in census and delimitation process. There are some states and political groups which demanded for caste-based census and data collection. And on this point centre and states different different views, and this complicate the census process.

Regional disparity

Southern states basically work on their population control and gain success in it. And due to delimitation, they lose seats in Lok Sabha and relatively Northern states seats were increase comparatively. Due to this there is always debate on fair representation and federal balance.

Caste based census demands

The main reason behind the demand of caste-based census is the availability of updated caste group data. The main concern if caste-based data is used in census then in its collection, verification and political implication there will be disagreement between state and centre. This overall effect the process of delimitation and census and makes it even complex.

Women Reservation Bill

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The latest part of this story begins with a law that most people agree with. In September 2023, Parliament passed the Constitution (106th Amendment) Act, also called the Nari Shakti Vandan Adhiniyam.This law reserves one-third of the seats in the Lok Sabha, state assemblies, and the Delhi assembly for women, through a new Article 334A.The seats set aside for Scheduled Castes and Scheduled Tribes are also counted, so a third of those seats would go to women from these groups. However, the law does not cover the Rajya Sabha or state legislative councils, and it does not provide a separate quota for women from Other Backward Classes, which critics have pointed out.

Article 334A states that the reservation will only start after a delimitation process that follows the first census after the law comes into force. In other words, the reservation is connected to the same census and delimitation process that has been very controversial. Experts noted at the time that this could delay the implementation by several years. The last Delimitation Commission took about five years to complete its work, and if the next one takes a similar amount of time following the 2027 census, the reservation would not be in effect for the 2029 general election, and may not be introduced until around 2034.In April 2026, the government responded with a special session held from 16 to 18 April.

During this session, it introduced three related bills: the Constitution (131st Amendment) Bill, the Delimitation Bill, and the Union Territories Laws (Amendment) Bill. The constitutional amendment proposed to increase the maximum number of seats in the Lok Sabha from 550 to 850, with up to 815 seats for states and 35 for Union Territories. It also removed the requirement for readjusting seats after every census and gave Parliament the authority to decide which census to use. The Delimitation Bill stated that the process would use the latest published census data, which would be the 2011 census, allowing the women's reservation to be introduced before 2029.

The government argued that no one would be adversely affected. Home Minister Amit Shah told the Lok Sabha that with a 50 percent increase in seats, the house would grow from 543 to 816, and the number of seats for southern states would increase from 129 to 195, keeping their share of representation at around 24 percent. Researchers from Carnegie also followed the same logic and calculated a house size of about 824 seats due to rounding (Tellin, Vaishnav and Robaina, 2026). However, as previously noted, this assurance was verbal, not written into the bill. Shah mentioned during the debate that he could return within an hour with an amendment to guarantee this, but the guarantee was never included in the text that was actually voted on.

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The opposition and several southern state governments rejected the promise. They also expressed concerns about the redrawing of boundaries within states, where allegations of gerrymandering have recently been raised. On 17 April, the amendment went to a vote and received 298 votes in Favor and 230 against, among 528 members present, which was far short of the two-thirds majority required. News reports noted that this was the first constitutional amendment bill to be defeated in the Lok Sabha during the Modi government's twelve-year tenure. The Parliamentary

Affairs Minister then stated that the other two bills, which were linked to the amendment, would not be taken forward.

The government's supporters believe that the opposition blocked a reform that would have provided women with long-overdue seats and expanded Parliament in a way that was fair to all states. On the other hand, the opposition and many analysts argue that combining a popular reform with a more divisive change in how seats are distributed made it impossible to support one without the other. The Carnegie authors take this further, suggesting that the women's quota serves as a means for a larger re-engineering of the electoral system. I believe the more significant lesson is about the sequence of actions and decisions.

In 2023, Parliament linked the reservation of seats for women with the process of delimitation, meaning progress on one depended on agreement on the other, and such agreement has not yet been reached.

Currently, the existing provisions of the Constitution remain in force.

The Lok Sabha is limited to 550 seats, the freeze on the reallocation of seats among states is still in effect, and any new exercise cannot proceed until the results of the latest census are made public. While the law for women's reservation is in place, it cannot be implemented until that census data is available The Women Reservation Bill, 2023, introduced through 106th constitutional amendment, which provide for one-third seats reserved for women in the Lok Sabha and State legislative Assembly. However, it implements only after the census and after the subsequent delimitation process. Therefore, we can say that delimitation cannot only determine how many a state have, but is also recognise which seats are reserved for women, includes seats reserved for women belonging to SC and ST categories and provide for their rotation.

This makes delimitation process a little complex and administratively challenging.

Disparities in Population

The enormous, diverse population of India is the major factor creating a hurdle in the process of delimitation. India has witnessed a rapid rise in population, with towns growing faster than rural areas. Disparities in rural and urban populations create a challenge to equal representation.

Since the number of constituencies in India was frozen in 1976 by the 42nd Amendment, the situation has worsened even further15. The number of Lok Sabha constituencies has stayed within the limits of the same value, although the population of India has doubled at least once.

With the ratio of faster-growing urban populations to the slower-growing rural ones, many rural constituencies may be overrepresented, while the burgeoning urban areas are quite underrepresented.[22]

Ethnic and Social Sensitivities

India is a multi-ethnic and multi-cultural society characterized by a great variety of linguistic, religious, and social groups. Delimitation must proceed with attention to such diversity: there must be no group left feeling disenfranchised or excluded. Yet boundary delineation around social, ethnic, and linguistic realities is a complicated process, with almost certain sensitivity surrounding it.[23]

REFORMS FOR PRESERVING FEDERAL BALANCE IN DELIMITATION

Expand the State List

We know that there are three list, in union list laws made by centre government, in state list laws made by state and on concurrent list laws are made by both state and centre government so, if we abolish the concurrent list and transfer more power to state from union, by expanding state list then there may be chances that federal balance can be achieved in delimitation.

Restricting Lok Sabha seats to 543

Since 1976 India managed its population with 543MPs, despite population increase from 55 crore to 145 crore. It prevents fewer states who performed well in population control from being punished in terms of population.

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Example – USA capped it seats to 413 since 1913, despite population growth.

By increasing state legislative assembly seats

MPs are mainly focused on union matters, but MLAs legislate basically on state list so if we increase the number of MLAs in state without disturbing the number of seats in Lok Sabha, then it will be a better representation of people without disturbing national political balance.

[22] id
[23] Nagesh Jha, *Delimitation of Constituencies: A Plea for Some Effective Criteria*
, 24 Indian J. Political Sci. 129 (1963)

Representation based on multiple factors

Representation should not be solely based on population it can be depend on other factors also like population control, development, good governance, women education, etc. So that justice is done to the southern states also who work on population control and development of their states by focusing health, infrastructure and education.

Bifurcation of bigger states

The most obvious solution is to dive the bigger states in to smaller one. Currently 5 bigger states in country holds 45% of total seats. Example – UP holds 14% of total vote share after delimitation it will be 16% it become more important states politically. There is multiple time concern raises to divide UP in smaller state for good governance and development. In terms of seat share UP is followed by Maharashtra and Bihar. We can take the example of 2001 when 3 new states were created, they got better representation in Lok Sabha than consolidated states before. They get better development opportunities and better governance because when the states are smaller it can govern better.

Reforming Rajya Sabha

Countries like the USA, UK, Canada, Brazil etc have a bicameral parliamentary system, wherein one house is responsible for representation based on the population of counties/states/provinces, and the other house has a fixed number of members for every administrative unit. By doing this they are able to preserve federalism by allowing states to have equal voices in parliament, just because they are a state and not based on their population.

In India, the members of Rajya Sabha are nominated by state governments, but the members nominated are not required to be resident of the same state. This weakens the very concept of federalism because state government can choose anyone, who cannot reflect states interest due to influence of their party leadership. The Rajya Sabha also represents the interests of those who might not get elected, e.g. women and minority communities.

As we know Rajya Sabha have no role in money bill due to this the Rajya Sabha has reduced relevance is that it doesn't need to approve money bills for them to come into effect. To solve this, many proposal have come that the Rajya Sabha should have equal seats for all states instead of being divided based on population. This will give low-population states more power and make them relevant in the parliament. It becomes increasingly important to have this because the seats

in the Lok Sabha will likely be divided based on population. To stay relevant, states must have a say on money bills. However, since the union government will lose their power over money bills by doing so, it won't be very willing to make this change. An even more drastic change was the one proposed , in which she said that the share of seats states get in the Rajya Sabha should be based on their share of tax revenue. Because in general, more prosperous states have seen a drop in fertility rates and poorer states haven't, dividing constituencies by population in a way punishes the more prosperous states. Hence, allocating Rajya Sabha seats based on taxation will help regain that balance. This solution also works only if it is done periodically. However, India's two houses of parliament both have proportional representation, which is etched in the constitution in Article 81. The provisions of money bills are also written in the constitution in articles 109 and 110. Changing these will require two constitutional amendments; hence, it is not the easiest solution. However, many have called for it since it's a popular way to balance power structures worldwide and one that might be difficult for political capture in the long run.[24]

Periodic Reviews

The tendency to freeze boundaries for decades often results in representations that fail to mirror the present. These should be revised at shorter, defined intervals so that population and socio-political parameters can be considered, thus guaranteeing equal representation for all areas in the long run.[25]

Engagement of Citizens

Public participation of citizens through public consultations, hearings, and feedback in delimitation should ensure participation and also introduce a degree of transparency. Such a participatory method boosts public confidence. It helps address regional concerns and improves acceptance of changes[26]

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Strengthening the Institutional Frameworks

The Delimitation Commission should be granted more independence, greater empowerment, and effective financial backing and brain in dealing with its mandate. Institutional reforms consist of

[24] Arindam Goswami, *Delimitation in India and Its Effect on Lok Sabha and Federalism*, Takshashila Institution (Dec. 24, 2024),
[25] Jamie Hintson & Milan Vaishnav, India's Emerging Crisis of Representation, Carnegie Endowment for Int'l Peace (Mar. 14, 2019), https://carnegieendowment.org/2019/03/14/india-s-emerging-crisis-of-representation-pub-78588.
[26] Jabin Jacob, Why Delimitation Has Intensified the Debate on North-South Divide, India Today (Sept. 25, 2023), https://www.indiatoday.in/india-today-insight/story/why-delimitation-has-intensified-the-debate-on-north-south-divide-2440387-2023-09-25.

appointing impartial experts, the utilization of modern technological supplies, and mechanisms to enforce accountability and ensure efficiency and integrity during the process.[27]

CONTEMOPRARY RELEVANCE

To translate normative proposals into practicable reform, a clear implementation roadmap is indispensable.

First, Parliament should enact a statutory mandate ideally accompanied by a targeted amendment to Article 82 authorising the Delimitation Commission to apply calibrated equity criteria (such as a pilot Weighted Delimitation Index while preserving population as the principal factor.[28]

Second, a permanent Delimitation & Equity Commission with judicial leadership, technical experts (GIS, demography, public policy) and civil-society representation should be established by law to ensure continuity, capacity, and independence.

Third, reforms must be phased: initial non-binding pilots using historical census data, followed by incremental seat adjustments across successive delimitation cycles, will mitigate abrupt political shocks and allow empirical refinement.[29]

Fourth, procedural safeguards open data portals, mandatory public hearings, and reasoned orders should be codified to strengthen legitimacy and reduce litigation.

Fifth, the limited judicial oversight must be respected continuously to correct jurisdictional errors while exalting the Commission's finality according to Article 329.[30]

CONCLUSION

There are many possible solutions for delimitation through which the federal balance can also be maintained. To evaluate all we should have examine some basic criteria, what problems they create, whether they are durable for long term, and whether they are politically possible.

If the solutions are theoretically correct but practically, they create more problem as compare to the problems it solves, then there is no use of them and we cannot move forward with that

[27] A. P. Kumar, Delimitation and Reservation, 58 Econ. & Pol. Wkly., no. 42, 2023, https://www.epw.in/journal/2023/42/law-and-society/delimitation-and-reservation.html.
[28] The Constitution of India, art. 82; Delimitation Act, 2002
[29] Granville Austin, Working a Democratic Constitution: The Indian Experience (Oxford University Press 2003) 275–77
[30] Kishorchandra Chhanganlal Rathod v. Union of India, (2024) 7 SCR 1124; The Constitution of India, art. 329

solution. Solutions must be like that which are sustainable for long time and it must beneficial for all and not for one.

The main reason behind creation of this problem is not timely finding out the solution for always postponing and kicking it out from in 1975-76 to 2001 and then 2001 to 2026 if timely delimitation like in 1951,1961 and 1971 was done then this issue cannot be created.

The solution must be based on the factor that it restores the balance between state and centre after gaining or loosing seats in Lok Sabha. But this balance cannot be achieved by applying any single solution it will be achieved by applying multiple solutions like Constituencies must be redrawn on the basis of population and the division is must be like that it maintains the concept of one person, one vote, one value.

By increasing the seats of Lok Sabha so that it reduces the burden on one MP who represent more population and by doing these citizens are equally represented.

By representing all states equally in Rajya Sabha by doing this state are having lesser population or having more population their interest equally represents on national level.

By giving Rajya Sabha an opportunity to give their opinion and approval o money bill by doing this Rajya Sabha gets better role in law-making especially in finance matters.

There can be other solutions also like by giving more money to the states because state can do more as compare to union but at end union get more revenue. Splitting bigger states into smaller one is also a solution but doing that is not easy ground reality is different as shown on theoretical basis. It requires lots of planning effort and good governance.

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