

The Politics Of Numbers: A Critical Examination Of India's Delimitation Framework

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Abstract

Delimitation, the periodic redrawing of electoral boundaries and reallocation of legislative seats among States, does far more than update arithmetic after each census; it decides how much weight each State carries within Parliament. In 2026, the Constitution (131st Amendment) Bill and its companion Delimitation Bill sought to redistribute Lok Sabha seats largely on the basis of the 2011 Census, expanding the House from 550 to about 830 seats. Both measures were defeated, but not before triggering nationwide protest and exposing a conflict between two constitutional commitments: the democratic principle that every citizen's vote should carry equal weight, and the federal principle that every State retains an equal claim to dignity within the Union. This paper examines that conflict across four sections: the empirical scale of the asymmetric redistribution the failed formula would have produced, whether the Rajya Sabha still functions as a federal counterweight or merely mirrors the Lok Sabha, the political risk once seat allocation gives way to actual boundary-drawing, and whether Indian law is equipped to detect and correct an abuse of that power before it takes lasting effect. Together, these sections point to a single underlying flaw: the formula embedded in Articles 81 and 82 treats numerical equality among citizens as the only legitimate basis for parliamentary power, leaving federalism no comparable constitutional weight of its own. The paper further examines that degressive proportionality, a genuinely elected Rajya Sabha, open scrutiny of draft boundaries, and separate accountable commissions offer a workable, internationally tested corrective.

Keywords: Delimitation, Federalism, Degressive Proportionality, Rajya Sabha, Gerrymandering

1. INTRODUCTION

Delimitation refers to the periodic exercise of redrawing electoral boundaries and reallocating legislative seats among States, a process one recent study describes as the political making and unmaking of a nation through the repeated resizing of its electoral districts. The exercise therefore does far more than update arithmetic after each census; it decides how much weight each State carries within Parliament. In 2026, this question moved from theory to open political conflict. The government introduced the Constitution (131st Amendment) Bill, 2026, alongside a companion Delimitation Bill, 2026, intending to redistribute Lok Sabha seats among States largely on the basis of the 2011 Census. Both measures were defeated, but not before triggering nationwide protest and a wider debate over what any future delimitation exercise would do to India's federal balance. Seat freezes of this kind are not new. Following the 1971 Census, the Forty-second Amendment Act, 1976, passed during the Emergency, froze the inter-State allocation of Lok Sabha seats at their 1971 levels, after several States objected that they were being penalised through delimitation for meeting central family planning targets. The Eighty-fourth Amendment Act, 2001, extended that freeze until the first census after 2026. The defeated 2026 Bills represented the first serious attempt to lift this near half-century-old freeze, and their failure exposed how little consensus exists on what should replace it.

At the centre of this episode lies a conflict between two constitutional commitments that do not always point in the same direction: the democratic principle that every citizen's vote should carry equal weight, and the federal principle that every State, regardless of population, retains an equal claim to dignity within the Union. This paper examines that conflict across four sections. The first section sets out the empirical scale of the asymmetric redistribution that the failed 2026 formula would have produced. The second section examines whether the Rajya Sabha still functions as a federal counterweight to the Lok Sabha or has come to mirror it in practice. The third section turns to the political risk that arises once seat allocation gives way to the actual drawing of constituency boundaries. The fourth section examines whether Indian law is equipped to detect and correct an abuse of that power before it takes lasting effect. Together, these four sections point to a single underlying flaw. The formula embedded in Articles 81 and 82, which allocates Lok Sabha seats among States broadly in proportion to population, treats numerical equality among citizens as the only legitimate basis for parliamentary power and leaves federalism with no comparable constitutional weight of its own. Yet India's constitutional framers, meeting in the Constituent Assembly, built a Union out of fourteen provinces and five hundred and fifty-two princely States of extraordinarily unequal size, and did not treat population as the sole basis of representation without dissent. Whether that founding balance still holds, more than seven decades later, is the question this paper sets out to answer.

2. THE EMPIRICAL CASE: ASYMMETRIC REDISTRIBUTION UNDER THE PROPOSED FORMULA

Under the Constitution (131st Amendment) Bill, 2026, and its companion Delimitation Bill, 2026, the Lok Sabha would have grown from five hundred and fifty seats to about eight hundred and thirty. The State of Uttar Pradesh alone would have gained fifty-six seats, rising from eighty to one hundred and thirty-six. The State of Bihar would have gained thirty-one seats and the State of Maharashtra twenty-nine. The State of West Bengal would have gained twenty seats, though its share of the House would have slipped slightly. Every southern State would have gained seats in absolute numbers, yet lost ground in proportional terms. The State of Tamil Nadu's share would have fallen from just over seven per cent to under six, and the State of Kerala's from three and two thirds to under three. Reporters called this pattern the concentric nation, with Uttar Pradesh at its centre. Four regional clusters emerge from the data: a concentric core, an elongated belt of States like Bihar and Odisha, a southern circle, and a small peripheral group. The

concentric cluster's share would rise from forty-two to forty-seven per cent. The southern circle's share would fall from twenty-four per cent to under twenty-one. Combined, the concentric and elongated clusters would hold nearly two thirds of the House. Researchers called this constitutional oversizing paired with an undersizing of the periphery. Every southern State shows the same pattern: rising seat counts alongside shrinking influence. Tamil Nadu's proportional loss is the steepest, followed by Kerala. The peripheral circle is the only group projected to lose seats outright, falling from nineteen to eighteen. The Fig. 1, given below shows the graphical representation of the changes that the Delimitation Bills, 2026, have brought to the allocation of seats to the States for the Lok Sabha, if it would have been passed by the Parliament.

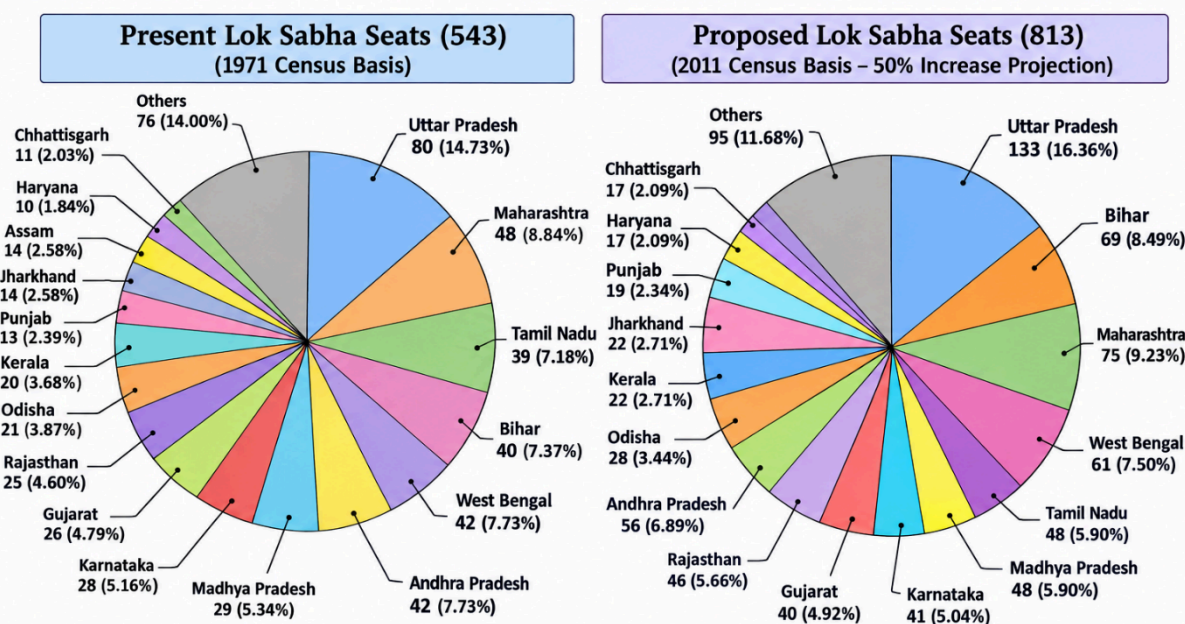


Fig 1

A formula based only on population looks neutral but in reality, it is not. States that cut fertility through better health and education would lose influence for that success. States with higher population growth would gain seats instead. K.M. Panikkar, a member of the States Reorganisation Commission who recorded a formal Note of Dissent, warned of this danger during the Commission's deliberations between 1953 and 1955. The State of Uttar Pradesh then held eighty-six of four hundred and eighty-nine seats, nearly eighteen per cent of the House, a share he called near dominant. The Constitution (131st Amendment) Bill, 2026, revived that same anxiety seventy years later, at a much larger scale. The projections set out above are accompanied by a further claim that no State reorganisation since 1956 has seriously tried to federalise India's political structure. That gap explains why the same conflict keeps recurring.

2.1 Federalism as More Than a Numbers Exercise

In a federal structure, Central polity and subsidiary polities exist side by side, and each of them are sovereign in their respective assigned fields. It must be noted that federalism, in its true sense and spirit, is more than a mere exercise in numbers, rather it is a constitutional mechanism designed to balance population, equality, and the political interests of all constituent units. In a similar manner, population is one of the essential elements of the State polity. The importance of population further increases in a democracy wherein people elect their representatives by casting votes. Thus, even today population matters in any election, which includes election to the Parliament also, as one person's population should still matter in Parliament; one person, one vote carries real democratic weight. But the Constitution also

protects the federal structure in which no group of States should dominate the rest. Reading Articles 81 and 82 without the federal principle set out above produced the lopsided outcome analysed in the preceding sections, an imbalance that became a central point of political contention before the Constitution (131st Amendment) Bill, 2026, was ultimately defeated in Parliament. The empirical picture is not just a set of numbers. It shows a real gap in the law: no mechanism exists to balance democratic and federal values when they conflict. The same source that supplied those projections also calls for an independent commission to examine this federal imbalance before any future delimitation.

2.2 The Perverse Incentives of a Population Only Formula

A formula based on population alone creates perverse incentives for State governments, since a State's parliamentary strength would then depend not on good governance but on how many additional people it can add to its census count. N. Chandrababu Naidu, Chief Minister of the State of Andhra Pradesh, and M.K. Stalin, Chief Minister of the State of Tamil Nadu, have both urged families to have more children as delimitation nears. Both statements treat the personal decision of how many children to have as though it were a lever for protecting a State's seat count. This turns childbirth into a political tool rather than a matter of family welfare, an outcome unrelated to human wellbeing; it follows only from how the formula is designed. The same population count hides a migration problem. Much of the tax revenue the State of Karnataka and the State of Tamil Nadu generate comes from workers who migrated from States set to gain seats. Those workers are still counted in the population of the States they left, not the States where they now live and work. The sending State gains a seat claim from labour it no longer hosts.

3. STRUCTURAL ALTERNATIVES: REBALANCING THE UPPER HOUSE AND THE LOK SABHA FORMULA

The alternative to the purely population-based formula could be a structural alternative model wherein the seat of the Upper House could be fixed for all the States, which could promote equality and federal spirit. In India, the Article 80 of the Constitution of India, establishes the Rajya Sabha as the Council of States, with the Fourth Schedule fixing how many seats each State receives; in principle, this Upper House was meant to give States, as constituent units, a voice distinct from the population-based Lok Sabha. In practice, its seats track population almost as closely as the Lok Sabha's, ranging from one seat for the smallest States to thirty-one for the State of Uttar Pradesh. The five largest States by seat count i.e., Uttar Pradesh, Maharashtra, West Bengal, Bihar and Tamil Nadu hold forty-six per cent of Lok Sabha seats and forty-one per cent of Rajya Sabha seats, too small a gap for real balance. Other federations decouple their upper house from population entirely. The United States gives every State two Senators. In Australia each State has twelve Senate seats. The Constitution of Brazil gives three seats to each State, and Canada groups its provinces into four Senate divisions of twenty-four seats each. India's Constituent Assembly considered similar limits, but both proposals to cap Rajya Sabha seats per State were defeated. Later committees examined the same question. The Rajamannar Committee (1969-71) and the Punchhi Commission (2007-10) both recommended equal State representation in the Rajya Sabha. The Justice Kurian Joseph Committee on Union-State Relations, constituted by the government of Tamil Nadu in 2025, has proposed six seats per State.

In 2003, Parliament passed the Representation of the People (Amendment) Act, 2003, which amended Section 3 of the Representation of the People Act, 1951, removing the requirement that Rajya Sabha candidates live in the State they represent. The Supreme Court upheld this change in *Kuldip Nayar v. Union of India*, ruling that residence was a matter of ordinary law, not constitutional necessity. In practice, parties now post outsiders into seats meant to represent a specific State. Both the Punchhi Commission and the Kurian Joseph Committee have urged that the domicile rule be restored. Ashok Vardhan Shetty, a

retired IAS officer of the Tamil Nadu cadre and a member of Tamil Nadu's High-Level Committee on Union-State Relations, proposes going further: fixing six seats per State in the Constitution, restoring domicile, ending presidential nominations, and making the Rajya Sabha a fully elected body.

3.1 International Comparative Models of Degressive Proportionality

Several federations already apply the principle of degressive proportionality, under which the largest constituent unit faces a cap while the smallest units are guaranteed a floor, and a similar logic shapes how other countries decide when and how to update their allocation of seats. Three examples illustrate this:

- Brazil: The Constitution of Brazil, adopted in 1988, offers a useful model, called degressive proportionality. Every State gets a guaranteed minimum number of seats, and the largest State faces a cap. Brazil's lower house has five hundred and thirteen seats. Every State gets at least eight, and Sao Paulo is capped at seventy.
- European Parliament: The European Parliament follows the same logic, that is, every member State gets at least six seats, and none gets more than ninety-six. Germany holds ninety-six seats for roughly eighty-three crore people. Malta holds six seats for about ninety-one thousand people, giving Maltese citizens far more voice per head.
- United States: This argument for weighting representation by population traces back to 1787, when James Madison helped design the population based United States Congress; a representative then could reach only a limited number of voters in person, so equal population per seat made practical sense. The United States also already applies a convergence-based test for reapportionment; after its 2020 Census, thirty-seven States saw no seat change at all.

3.2 Application of Degressive Proportionality Model in India

If the Degressive Proportionality Model as applied in various nations, to strike out a balance between population centred voting system and federal balance, is also applied in India, then the situation of one State dominating the other will not arise. For this Mr. Shetty has proposed capping the State of Uttar Pradesh at its current eighty seats. He would add about five seats each to the ten smallest States, which together hold barely four per cent of all Lok Sabha seats. This would raise the House only from five hundred and forty-three to five hundred and eighty-three seats, far less than about eight hundred and fifty seats as proposed by the Delimitation Bill, 2026. The 1976 freeze locked seat shares at 1971 Census levels. Further 2001 amendment extended it to the first census after 2026, so States with lower fertility would not lose seats. India's fertility rate fell from 5.2 in 1971 to 1.9 by 2024, but the gap between States remains wide. The State of Bihar and Uttar Pradesh still have fertility rate above replacement level, while Kerala and Tamil Nadu have fertility rate well below it. If the freeze ends today, eight States would gain seats and fifteen would lose them. The State of Bihar and Tamil Nadu, roughly equal in 1971, could diverge sharply, to about fifty seats and twenty-nine. Simply expanding the House to soften these losses hides the real problem. Kerala could keep its twenty seats in an eight hundred and fifty seat House and still lose more than a third of its relative weight. A better test would track whether fertility rates have converged, not merely fallen. The Kurian Joseph Committee has recommended extending the freeze to 2126, or until States converge within ten per cent of the national average. A State's tax contribution offers a second measure worth weighing alongside population, since it reflects a State's ongoing fiscal stake in the Union in a way that a fixed census count, taken once a decade, does not. The State of Tamil Nadu, the State of Karnataka and the State of Telangana, who together have a population of about eighteen and a half crore people, together pay about a fifth of all Union taxes. The State of Uttar Pradesh, the State of Bihar and the State of Madhya Pradesh pay about six per cent combined, despite holding a third of the population.

4. THE POLITICAL RISK: FROM SEAT ALLOCATION TO GERRYMANDERING

Delimitation involves three major steps: firstly, to decide how many seats each State gets, secondly, where the constituency lines will fall within a State, and thirdly which seats are reserved for Scheduled Castes, Scheduled Tribes and possibly women. The major focus is largely on the first question. This leaves the second largely unexamined, even though it carries just as much risk of manipulation. Cross cutting cleavages theory, developed in comparative political science, holds that social divisions which intersect one another, such as caste and gender, tend not to threaten national unity, since a person's position on one axis does not predict their position on the other; divisions that closely overlap instead, such as caste and class, are far more dangerous, because they reinforce rather than cut across each other. India already carries three overlapping fault lines. First, a north-south geographic divide. Second, a Hindi versus non-Hindi linguistic divide. Third, a newer economic divide between richer and poorer States. The States set to lose seats under the failed formula, including the State of Tamil Nadu, the State of Kerala, the State of Karnataka and the State of West Bengal, sit on the losing side of all three divisions. Treating population as the only basis for seats adds a fourth divide on top of the other three, rather than cutting across them. This raises the political risk sharply. India's own history offers a counter example. Sharp north-south tension in the State of Tamil Nadu after Independence has since eased, as Indian democracy learned to accommodate regional assertion rather than suppress it. Revenue sharing follows a related logic. The Finance Commission already allocates funds by need, not by population or tax contribution, and that formula should stay frozen just as seat shares should. India's poorest States span both Hindi and non-Hindi regions, which shows the real divide is not purely linguistic.

4.1 The Women's Reservation Contradiction

A separate 2026 proposal would have raised the Lok Sabha to about eight hundred and sixteen seats to enable women's reservation. The government promised this would preserve each State's existing share. The actual bill tied seat counts to whichever census was current when a Delimitation Commission was formed, contradicting that promise. There is no real objection to a larger House if shares stay genuinely equal. Kerala could rise from twenty seats to thirty, and Uttar Pradesh from eighty to one hundred and twenty, without changing either State's share. The deeper risk lies elsewhere. Assume the Rajya Sabha stays near two hundred and fifty seats. If the Lok Sabha then grows to eight hundred and fifty seats, the Rajya Sabha's voting weight in a joint sitting would shrink sharply. Its weight would fall from about half the Lok Sabha to about a third.

4.2 Gerrymandering as a Demonstrated Risk, Not A Hypothetical One

Boundary drawing has always been run by a Delimitation Commission of one judge and the Election Commission of India, with MPs and MLAs as powerless associate members. Assam and Jammu and Kashmir were excluded from the 2006-07 round and only redrawn later, in 2020 and 2023, giving a real test of how the process performs. In Assam, the Laharighat constituency was redrawn into an irregular shape that packed Muslim voters into one seat. This raised its Muslim share from sixty to ninety-five per cent, while a neighbouring seat's share fell to twenty per cent. This let the ruling party lose only one seat instead of two. The same packing and cracking tactics used in American gerrymandering now appear in Jammu and Kashmir, where one constituency spans two disconnected stretches of the Himalaya. Assam's Chief Minister publicly said, before the 2023 exercise, that he aimed to keep the Miya Muslim community below a majority in more than twenty seats. He later credited the Election Commission with cutting that number from thirty-six to twenty-two. A formula that treats every vote as equal can still produce unequal outcomes, simply by moving where the lines fall.

5. THE INSTITUTIONAL ACCOUNTABILITY GAP: A CONSTITUTIONAL BLACK BOX

The institutional accountability gap in the delimitation process raises important questions about transparency, participation, constitutional safeguards, and the equitable distribution of political power. The Articles 82 and 170 of Constitution of India provides power to make the provisions for carrying out the delimitation exercise this power. The parliament enacted Delimitation Acts in the years 1952, 1962, 1972 and 2002. Once a Delimitation Commission publishes its order in the Gazette, that order becomes law automatically. It needs no approval from Parliament, any State legislature, or even the Union Cabinet. The order must be placed before these bodies, but none can change, reject, or send it back. This step is a formality.

Article 329(a) bars the Courts from questioning any law on delimitation. For decades, Courts read this as an almost total ban on judicial review. Two seminal Supreme Court decisions have narrowed that reading. In *Election Commission of India v. Ashok Kumar*, the Court held it could step in mid-process where doing so helped, rather than derailing, an election process. In *Kishorchandra Chhanganlal Rathod v. Union of India*, the Court held that Article 329(a) blocks challenges only to the validity of delimitation laws, not to every action the Delimitation Commission takes. A total bar, the Court said, would leave citizens no forum for genuine grievances. Both rulings still confine review to the period after an order has already taken effect, once a case has worked its way through the ordinary appellate hierarchy. A remedy that arrives only once such a process concludes offers little real protection, particularly once several elections have already been conducted under the disputed boundaries.

The Delimitation Commission has always centred on two judicial members and the Chief Election Commissioner, with MPs and MLAs serving only as non-voting associate members. The Delimitation Act, No. 33 of 2002, which the failed 2026 Bill largely followed, kept this structure unchanged. Critics argue that this design favours whichever party controls the Centre. The ruling party effectively controls how judicial members and the Election Commissioner are appointed, a setup better suited to an era of single party dominance than today's multi-party politics.

Placing the entire process under the supervision of a single Delimitation Commission creates a single point of failure if that body is compromised. It also puts final authority far from local knowledge of settlement patterns and community ties, even though State officers do most of the groundwork. Associate members from State legislatures have no vote and often lack real local expertise.

Other federations spread this power more widely. In Canada, independent commissions run separately in each province and cannot be overruled by the federal cabinet. Australia uses independent state committees. Germany and Japan use expert panels whose recommendations still need parliamentary approval, with courts able to review unequal seat sizes. In the United States, State legislatures or independent commissions draw boundaries, and federal courts review them for population imbalance and racial gerrymandering. India already runs a similar decentralised model for local bodies, where State Election Commissions handle panchayat and municipal wards. The same logic could split Lok Sabha delimitation, handled nationally, from assembly delimitation, handled by the States.

5.1 The Kurian Joseph Committee's Proposal

The Justice Kurian Joseph Committee on Union-State Relations, constituted by the government of Tamil Nadu in 2025, also proposes separate Union and State Delimitation Commissions for the drawing of constituency boundaries, created through amendments to Articles 82, 170 and 327. The Union Commission would be chaired by a retired Supreme Court judge, working alongside a retired High Court judge and the Chief Election Commissioner. Six MPs, one from each of the largest parties, would sit as full

voting members. Each State Commission would follow the same pattern at the state level, with six MLAs as voting members instead of MPs. The Committee also proposes that Parliament and State legislatures review draft orders within a fixed time, limited to questions of legality and accuracy, before the Commission responds and the order is finalised. Its own conclusion is direct: no institution should hold power the law cannot check, and delimitation is no exception.

6. CONCLUSION

The failed 2026 Delimitation Bill shows what a formula based only on the population would do. It would concentrate power in a few already dominant States while eroding relevance for the rest of the States in Parliament. The Rajya Sabha could absorb that pressure, if reformed like other federal Upper Houses, but today it mirrors the Lok Sabha instead of balancing it. The situation encountered at State of Assam shows that even a fair seat count offers no protection once boundaries are drawn, since packing and cracking can distort results without changing the totals. Article 329(a), even after the Supreme Court decision, still allows only delayed, after the fact review. Population should still matter, but it cannot be the only value that Parliament's design protects. Further, the principles of degressive proportionality, a genuinely elected Rajya Sabha, open scrutiny of draft boundaries, and separate accountable commissions are neither new nor untested ideas. Other federations already use them, and India's own Kurian Joseph Committee has outlined how to adapt them. What India lacks is not a workable model, but the will to adopt one before the numbers are left to speak for themselves again.

Declaration of Generative AI in the Manuscript Preparation Process

During the preparation of this article the authors used AI to improve language and readability and to refine the graphic illustration included as *Fig 1*. After using this tool, the authors reviewed and edited the content as needed and took full responsibility for the content of the published article.

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