

DELIMITATION OF CONSTITUENCIES: BALANCING DEMOCRATIC REPRESENTATION VIS-À-VIS FEDERAL INTERESTS

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Abstract

As the five-decade long moratorium on delimitation of constituencies of Lok Sabha is going to end in 2026, the debate around its extension or otherwise is gaining momentum. The issue, in all likelihood, is going to present a difficult choice before policy makers in India. On the one end of the debate is constitutional obligation of electoral equality in different constituencies, on the other is equally pressing need of federal balance between States. Present paper delves into principle of equal value of vote, which is at the core of representative democracy. The study examines concerns of southern states of India in relation to possible adverse impact of delimitation. The paper argues that a balanced and long-term approach is required to find out a solution wherein democratic representation and federal concerns may be addressed without causing unnecessary friction.

Keywords: *Democratic Representation Electoral Equality, Federal Balance, Long-Term Approach,*

INTRODUCTION

In a parliamentary democracy, citizens participate in governance through their elected representatives. Equal representation, guaranteed in the Constitution of India through universal adult franchise, is cornerstone of parliamentary democracy. If members of a legislative body, are elected from constituencies with significantly unequal numbers of electors, the principle of electoral equity is violated. Delimitation is an exercise to re-structure electoral constituencies with the object of ensuring equal representation of citizens in legislature. If carried in fair manner, delimitation ensures “community representation safeguarding minority groups”.¹The core objective of delimitation of constituencies is to ensure equal participation of every citizen in democratic process. The weightage of vote of every voter in each electoral constituency will be same only if members of legislative assembly should ideally represent approximately same number of electorates.²However, due to diversity in population, size of constituencies and migration of population, the delimitation gives rise to complex political and social questions, particularly concerning fair representation, regional balance, and federal harmony. The challenge before policy makers is to reconcile constitutional obligation of equality and justice with fair distribution of parliamentary seats within different States. The Constitution of India enables parliament to enact law prescribing procedure for delimitation of constituencies. The principle of equitable representation, which is at the core of delimitation, often conflicts with other sensitive political and social considerations like impact on marginalized communities and federal

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¹Pankaj Kumar Patel & T. V. Sekher, Parliamentary Delimitation: A Study on India's Demographic Struggle for Political Representation, J. Asian & Afr. Stud. 1 (2024), <https://doi.org/10.1177/00219096241295634>.

²K. C. Sivaramakrishnan, Economic and Political Weekly, Vol. 32, No. 51 (Dec. 20-26, 1997), pp. 3275-3281 Economic and Political Weekly Stable URL: <https://www.jstor.org/stable/4406206> Accessed: 18-07-2025

balance between different regions of the nation. In India, status quo on the boundaries of *Lok Sabha* Constituencies has been maintained through a constitutional freeze on delimitation process for past five decades, which is going to expire in 2026. Hence, it is required to study and analyze Constitutional, legal and policy aspects of upcoming delimitation exercise or to appreciate its implications on Cooperative federal structure.

DEMOCRATIC REPRESENTATION AND PRINCIPLE OF EQUAL VALUE OF VOTE

The principles of democratic morality and equal vote provide legitimacy and ethical strength to democracy. A citizen in democracy should not only have right to vote, but also a “right to equal recognition” and value of vote with another citizen. The principle has been articulated by U.S Supreme Court in *Gray v Sanders*,³ holding Georgia country unit system, applicable in stateside primary elections unconstitutional since it resulted in dilution of voters merely on the ground of their place of residence. The Court held that while designing geographical unit for which representative is to be chosen, “all who participate in elections are to have equal vote” and there should be no discrimination, *inter alia* on the ground of geographical unit. The *Reynolds v Sims*⁴ above stated decision was approved in the context of size of electoral constituencies in Alabama State due to reliance of 1910 census in post 1960 elections. The Court categorically stated that right to vote, which is essence of electoral democracy can be “denied by debasement or dilution of citizen’s vote as effectively as by wholly prohibiting free exercise of citizen’s vote.” These decisions uphold the principle of electoral equality and assert that unequal population size constituencies may diminish weight of individual vote. In *J. Brian Gaffney v. Theodore R. Cummings*,⁵ Supreme Court of United States of America observed that while gross population variance in electoral constituencies may destroy fairness in delimitation procedure, insignificant variance, arising out of legitimate factors and interests of the state, will be legitimate. In Indian context, it may be argued that right to equal value of vote flows from fundamental right “equality before law” and “equal protection of law” guaranteed in Article 14 of the Constitution of India. Classification of citizens is permitted only if it is founded on “reasonable differentia”⁶ i.e. there exists a reasonable cause of conferring unequal rights between two classes of citizens. There seems to be no reasonable differentia to confer more value to voter in one electoral constituency than another.⁷ Exorbitant variation in number of seats in different constituencies, if not defended by sufficient reason may be arbitrary, and hence, violate principle of rule of law.

The exercise of delimitation should observe certain principles of procedural fairness. European commission on democracy through law (Venice Commission), recommends protection of rights of minority as essential consideration in the exercise of delimitation.⁸ The authority vested with power and function to conduct delimitation should be independent,

³372 US 368

⁴377 US 533 (1964) : 1964 SCC Online US SC 132

⁵1973 SCC OnLine US SC 142 : 412 US 735

⁶S. Seshachalam v. Bar Council of Tamil Nadu, (2014) 14 SCC 72

⁷Priyanshu Kar & Budhaditya Ghosh, *All Equal but Some More Equal: Passive Malapportionment in India and Its Constitutional Justiciability*, 17 NUJS L. Rev. Issue 4 (2024)

⁸European Comm’n for Democracy Through Law (Venice Comm’n), Report on Constituency Delineation and Seat Allocation, Study No. 873/2017, CDL-AD(2017)034 (Dec. 12, 2017), https://www.te.gob.mx/vota_elections/thesaurus/article/34113/16362/157

established by law and should exercise its functions in a transparent manner.⁹ The above stated objects may be achieved if the exercise of delimitation is not unreasonably delayed.

CONSTITUTIONAL AND LEGAL FRAMEWORK FOR DELIMITATION IN INDIA

In India, the Constitutional mandate for vote value parity has been set out in Article 81(2) (a) of the Constitution of India, which lays down that while allocating number of *Lok Sabha* seats to states, the ratio between number of seats and population should be same for all states. Article 82 of the Constitution of India mandates allocation of number of *Lok Sabha* seats and division of territorial constituencies within States and leaves it upon parliament to determine the authority and manner of such readjustment upon law enacted by Parliament. The corresponding Article in the Constitution of India for adjustment of seats in State Legislative bodies is Article 170 which mandates delimitation based on population data from most recent census. The Constitution (Forty-second Amendment) Act, 1976, put hold on readjustment of *Lok Sabha* seats till data of census after year 2000 is published. The freeze on delimitation was extended for another twenty-five years by The Constitution (Eighty-Fourth Amendment) Act, 2002, as “motivational measure” to pursue family planning.¹⁰ Article 329 (a) expressly excludes judicial review of law related to delimitation of Constituencies or allotment of seats to such constituencies. The task of readjustment of seats has been entrusted by parliament to Delimitation commission through enacting Delimitation Act, 2002. Despite constitutional freeze on inter state re allocation of *Lok Sabha* Seats, the Delimitation Act, 2002 is relevant as it empowers the commission to redraw electoral boundaries within state.

DELIMITATION MORATORIUM REASONS AND IMPACT

In view of possible sensitive political repercussions, the conduct of delimitation exercise of constituencies for *Lok Sabha* constituencies has been kept in abeyance by successive governments for nearly five decades. The officially stated reason for freezing delimitation was to avoid disincentive, in the form of reduction in representation in parliament, to states for successful measures in population control. States in South India had performed well in population control rather than their northern counterparts. The regular apportionment of constituencies based on census population would have been a disincentive to southern states for effective population control measures.¹¹ If seats of *Lok Sabha* are re-arranged based on population-based distribution, the proportional representation of Southern states in *Lok Sabha* will be reduced. Thus, there is legitimate apprehension of southern states that proposed delimitation will punish them for performing well in population control. Policy circle bureau projects probable steep hike for 48 *Lok Sabha* Seats for Uttar Pradesh and 30 for Bihar. On the other hand, Kerala and Tamil Nadu may see loss of *Lok Sabha* seats.¹² In short, the argument is that delimitation of Constituencies will disturb federal balance to the prejudice of southern states and decrease their strength and voice in national policy and law making and

⁹ Id., at p. 6

¹⁰ Statement of Objects and Reasons appended to the Constitution (Ninety First Amendment) Bill, 2000 enacted as the Constitution (Eighty Fourth Amendment) Act, 2002.

¹¹ Rikhil R. Bhavnani, The Effects of Malapportionment on Cabinet Inclusion: Subnational Evidence from India, 48 Brit. J. Pol. Sci. 69 (2018), <https://doi.org/10.1017/S0007123415000587>

¹² Policy Circle Bureau, “Delimitation debate risks deepening India’s regional fault lines,” Policy Circle (Mar. 30, 2025) <https://www.policycircle.org/society/delimitation-of-lok-sabha-seats/>

consequently diminish their share in national resources. Looking at other side of story, due to long delimitation moratorium, huge gap in the value of votes of electorates in different states has occurred. As per report in *The Hindu*,¹³ a member of *Lok Sabha* from Uttar Pradesh represents 18.3 lakh voters, whereas his counterpart from Kerala represents 13.1 lakh voters. In such a scenario, southern states have demanded extension of moratorium on delimitation of *Lok Sabha* Constituencies.¹⁴ Their argument is reduction in membership of *Lok Sabha* will tantamount to penalizing southern states for population control and better economic performance.¹⁵ Recently, the issue has been brought into public discourse due to clues by government of India of its desire to go ahead with delimitation after upcoming census as the *status quo* on delimitation of constituencies created by constitution amendment acts is likely to end soon.¹⁶ The Constitutional 106th Amendment Act, 20023 (Nari Shakti Vandan Adhiniyam) , provides for reservation of women in *Lok Sabha*, “after each subsequent exercise of delimitation as the parliament may by law determine”.¹⁷ Under the Constitutional Scheme, the task of execution of delimitation exercise has been entrusted to delimitation commissions. Constitution bars courts from interfering in delimitation.¹⁸ As a result, timing of delimitation of constituencies or depends on political discretion.

The Argument of imbalance in federal structure, due to delimitation is countered by pointing out that *Lok Sabha* under constitutional scheme is representative of people and not of states. In Constitutional scheme, *Rajya Sabha* reflects the federal intentions, not the *Lok Sabha*. It implies that *Lok Sabha* represents aspirations of people of nation even though they represent a specific constituency situated in particular region of the country. Thus, actual representation of a particular region or state in *Lok Sabha* is not dependent on number of members from that particular state. Interests of States are adequately represented in parliament through upper house (*Rajya Sabha*) under constitutional scheme. Another argument advanced is that delay in delimitation will further complicate the issue of equitable distribution of representation. The decision to go ahead with the rationalization of constituencies cannot be deferred in perpetuity.

REMOVING STATUS QUO AND FEDERAL CONCERNS

In Classic form of federalism, practiced in United States if America there is strict separation of powers between Federal and State Governments. In India, exigencies of diversity classical federalism are replaced with a unique model of separation blended with unitary bias in favour of central government. The “quasi federal” model seeks to reconcile desire of unity with desire of diversity and autonomy.¹⁹

Federalism, recognised as basic feature of constitution, is inviolable under constitutional scheme.²⁰ Federalism enables states to exercise a degree of autonomy through exercise of

¹³The Hindu, The Enormity of the Indian Electorate and Its State-Wise Variances (Data), (Aug. 28, 2025), <https://www.thehindu.com/data/the-enormity-of-the-indian-electorate-and-its-state-wise-variances-data/article67875407.ece>

¹⁴ETB Sivapriyan, Delimitation: Southern States Demand Another 25-Year Freeze on Lok Sabha Seats, *Deccan Herald* (Mar. 22, 2025), https://www.deccanherald.com/india/delimitation-jac-tells-modi-govt-to-freeze-parliamentary-constituencies-by-25-more-years-3458181#google_vignette.

¹⁵*Ibid.*

¹⁶S.Y Quraishi, “Delimitation after 2027, Redrawing Power in India”, *The Hindu* (Opinion) January 24, 2026

¹⁷ The Constitution (One Hundred and Sixth Amendment) Act, 2023; Section 5(3) , Gazette of India (extraordinary), September 28, 2023

¹⁸Constitution of India, 1950; Art. 329(a)

¹⁹ Union of India v Mohit Minerals, (2022) 10 SCC 700 at 774

²⁰KuldipNayar v Union of India, (2006) 7 SCC 1 ; Article 370 of the Constitution of India, In re; (2024) 11 SCC 1

legislative and executive powers in the fields allocated by Constitution. Federalism acknowledges and respects diversity while recognising need to stay together of different geographical areas to Nation. Units of federal structure may preserve and protect linguistic and cultural identities while being part of integral structure. Though theoretically Members of Parliament represent interests of whole nation, the fact that they are elected and thus represent local aspirations cannot be denied Numerical reduction in State's representation in *Lok Sabha*, is likely to diminish its relative voice in parliamentary deliberations at national level. Indian Federalism is Cooperative Federalism wherein Union and State are supposed to work in spirit of cooperation with each other to achieve aims and objectives mandated in the Constitution of India. Keeping with the spirit of Cooperative Federalism, Union Government should be reluctant to use strength to achieve goals and adopt policy of securing cooperation of states through discussion, persuasion and compromise.²¹ Another likely impact of delimitation and consequent increase in number of *Lok-Sabha* seats, post population-based census, will be decrease in authority of *Rajya Sabha*. As *Rajya Sabha* or Counsel of States, the upper house is mandated to protect rights of states in Constitutional Scheme, federal structure will be weakened in the process.

LEGAL AND POLICY ALTERNATIVES TO ADDRESS FEDERAL CONCERNS

The uniqueness of Indian democracy and federalism lies in unparalleled size and enormous diversity. The delimitation debate involves issue of trust between constituents of federation and the Union. The need to sort out constitutional questions have impact on democratic rights of people, must be balanced with mutual trust and legitimate concerns of States. Parliament should proportionately represent the population of nation. Delimitation, which is meant to achieve above stated object should be based on dialogue and consultation while considering concerns of affected states. It is quite possible to devise a formula which gives due weightage to economic performance and good governance along with population growth while determining the number of *Lok Sabha* seats from the state.²² Such formula, being just and fair to high performing states, is more likely to be accepted and less likely to create friction in federation.

The delimitation issue presents a problem akin to "trolley problem" in political science. The ethical dilemma is between concerns of underrepresentation of some states and equality of votes in general.²³ The States that apprehend underrepresentation after delimitation have significant stakes in the process. Federalism will strengthen if states are self-reliant in fiscal matters. Self-reliant states will have lesser stakes involved in case their representation in House of People is reduced as a result of delimitation exercised conducted in a fair and transparent manner. Under Goods and Services Tax regime, rates of taxes are determined by GST Council and these rates are often been opposed by States. It is submitted that addressing grievances of states on this issue will build an environment of trust.²⁴

²¹ State (N.C.T of Delhi) v. Union of India, (2018) 8 SCC 501

²² Statesman News Service (SNS), *Delimitation Dilemma, The Statesman*, Mar. 8, 2025, 9:33 a.m., URL : <https://www.thestatesman.com/opinion/delimitation-dilemma-1503405767.html>

²³ Delimitation Freeze Ending in 2026: What It Means for the South, *The South First* (19 Mar. 2025), available at <https://thesouthfirst.com/politics/delimitation-freeze-ending-in-2026-what-it-means-for-the-south/> (last accessed Jul. 10, 2025)

²⁴ The Hindu, "The Centre's Share in States' Revenue Has Surged in the Last Decade," *The Hindu*, June 1, 2025, 10:15 a.m., <https://www.thehindu.com/data/the-centres-share-in-states-revenue-has-surged-in-the-last-decade/article69094445.ece>

Under Constitutional Scheme several subjects of direct interest to masses like education, healthcare, internal security are within the domain of state legislatures. Reducing the demographic size of constituencies in state legislature will increase the direct accountability of members to their electorates. A more accountable state legislature, wherein each member represents comparatively a smaller number of people is likely to strengthen principle of democratic representation²⁵ and bring more transparency in governance.

In order to convince States, which are likely to lose representation in Lok Sabha due to population based census, *Rajya Sabha*, literally Council of States, can be made truly representative of the states. The suggestion that American model wherein states represent equally in upper house of parliament irrespective of size and deserves serious consideration.²⁶ Currently, there is no requirement that a person should be member of respective state from which they are elected to *Rajya Sabha*. *Rajya Sabha*'s role is secondary except few matters related to Centre-State relationship. In practice *Rajya Sabha* does not act as champion of local interest.²⁷ Political parties often use *Rajya Sabha* as a platform for ensuring Parliament's membership to their leaders who do not belong to state which they represent. It is submitted that such a situation undermines the foundational principle of *Rajya Sabha* as a federal house meant to represent individual states.

The process of delimitation should be coupled with measure to increase powers of states, rather than concentrating powers in central government. The unconstitutional and inappropriate interference by Central government in functioning of state is likely to create unnecessary conflicts between Central and State relations. The principle Cooperative federalism mandates Central and State governments to work in spirit of cooperation with common object of achieving Constitutional objective of Justice, social economic and political. Directive principles of State policy are fundamental in governance for both at Union and State Governments. The objectives are more likely to be realised if Union and State Governments Cooperate in achieving common objectives. The resolution of complex issues, particularly those having repercussions on interests of states, may take place in the spirit of cooperative federalism through discussions. Central Government is expected to give due weightage to concern of states which are likely to adversely suffer in consequence of reduction in representation in *Lok Sabha*. It is submitted that actions of Central Government, imposing its control upon states will create distrust among states and result in vigorous opposition by affected states. Such a situation will be contrary to spirit of cooperative federalism. Therefore, it is suggested that delimitation exercised cannot be disassociated from federal trust²⁸

²⁵ The Hindu, "Understanding the Delimitation Exercise, Explained," *The Hindu*, (January 1, 2024) available at <https://www.thehindu.com/news/national/understanding-the-delimitation-exercise-explained/article67819203.ece> (last visited July 4, 2025)

²⁶ Milan Vaishnav & Jamie Hinton, *India's Emerging Crisis of Representation*, Carnegie Endowment for International Peace (Mar. 14, 2019), available at <https://carnegieendowment.org/2019/03/14/india-s-emerging-crisis-of-representation-pub-78588>

²⁷ *KuldipNayar v. Union of India*, (2006) 7 SCC 1 at 47

²⁸ Delimitation and Deepening Federalism," Editorial, 60 Econ. & Pol. Wkly. No. 21, (May 24, 2025). [https://www.epw.in/journal/2025/21/editorials/delimitation-and-deepening-federalism.html#:~:text=Although%20this%20originally%20meant%20the,to%20this%20article%20\(download\).](https://www.epw.in/journal/2025/21/editorials/delimitation-and-deepening-federalism.html#:~:text=Although%20this%20originally%20meant%20the,to%20this%20article%20(download).)

CONCLUSION

Delimitation of Constituencies is imperative for essential democratic values and it cannot be suspended till perpetuity. At the same time, any hasty measure may prove to be counterproductive especially in the context of federal balance between States. The issue should be resolved through discussions between all stakeholders, assuring protection of rights and fair treatment to States irrespective of differences between political parties. The role of Upper house of parliament in protecting state interests needs to be strengthened. It is perfectly possible to reach at a scheme acceptable in general. The disparities between representations may be reduced gradually rather than as a one-time measure. The argument in favour of delimitation will strengthen if fiscal powers of states are increased. There should be strict depolarization of the issue in the interest of unity and integrity of nation coupled with considerations of democratic values.