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Bhawana Kesar
Research Scholar, Department
Of Laws, Punjab University,
Chandigarh, India

Boundaries of power: The role of delimitation in shaping democratic elections

Bhawana Kesar

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Abstract

There are notable differences in political representation throughout the states of India as a result of the more than 50-year delay in delineating the parliamentary constituencies since 1971. According to our data, states that have had a quick fall in fertility over the past 50 years have grown politically overrepresented, whereas states that have seen a slower decline in fertility have remained underrepresented. The equality of votes concept has been damaged by this distortion, which also disproportionately favors wealthier states. In order to address these disparities and take into account India's changing demographics, this study has suggested using the Webster Method to increase the number of seats in the Lok Sabha to 793 by 2026.

Keywords: Parliament, political representation, delimitation, demographic transition, federalism

1. Introduction

In any democratic system, the process of elections serves as the cornerstone of political representation, allowing citizens to choose their leaders and shape policies. However, a crucial yet often overlooked aspect of this process is the delimitation of electoral boundaries—the practice of defining the geographical areas from which voters elect their representatives. Delimitation is not merely a technical exercise of mapping regions; it directly influences political power by determining the weight of each vote and the degree of representation afforded to different groups within a society. At first glance, the drawing of electoral boundaries might appear to be a neutral administrative task, but in reality, it carries profound political implications. The way boundaries are drawn can tilt the playing field in favor of particular political parties or social groups, often leading to distorted election outcomes. This practice, commonly referred to as "gerrymandering," can undermine the fundamental democratic principle of fair representation. In some cases, it can even diminish voter confidence, casting doubts on the legitimacy of the electoral system.

Delimitation pertains to the procedure of redefining the boundaries of electoral constituencies in India. This process is essential for ensuring that each constituency maintains a roughly equal population, thereby fostering fairness in representation. The primary aim of delimitation is to uphold a balanced and effective representation system within legislative bodies, ensuring that the democratic process remains both just and representative.

In 2024, a robust India will be on the verge of the "Second Republic," which political scientists and journalists refer to as the end of the "Nehruvian dynasty" in Indian politics (Baru, 2014) ^[1]. In response to the 'fresh beginnings' that were witnessed at the dedication of the Ram Mandir (Ram MandirPrānaPratishtha) in Ayodhya, Prime Minister Narendra Modi expanded the discourse on transforming India into a more inclusive, representative, participatory, and subalternized democracy. He has redrawn the boundary between the state and religion by establishing a new line, known as the Ram Rekha. In addition, he reiterated the continuity of civilization by stressing the importance of his voyage via holy locations in northern and southern India. In other words, the Prime Minister's audacious and radical attempt to usher in the "Second Republic" has reignited the debate on India's unfinished

Correspondence Author:

Bhawana Kesar
Research Scholar, Department
Of Laws, Punjab University,
Chandigarh, India

¹Baru, S. (2014, July 27). Birth of 2nd republic under Modi: SanjayaBaru. The Times of India. <https://timesofindia.indiatimes.com/india/birth-of-2nd-republic-under-modisanjayabaru/articleshow/39078542.cms>

democratic revolution of delimitation, especially in light of the newly inaugurated Lok Sabha, the lower house of the Indian parliament, which now has 888 seats. In summary, delimitation after the elections in 2029 is a genuine possibility rather than a mere conjecture. To view the redrawing of political boundaries as only a technical process, however, would be foolish. Rather, it also entails reconsidering democracy in general and representation in particular. Debates about whether the actual interests of the "demos" are being represented have frequently overtaken the concept of democracy, and this has repeatedly sparked new discussions that continue to define what representation is and how it relates to population and territorial size. The traditional democratic theory contends that there seems to be an inverse relationship between democracy and the republic's size or population, in line with James Madison's well-known observation ^[2].

According to Gerring *et al.* (2013), it is also true that "larger populations foster greater electoral democracy" since they influence more prospective challengers and broaden the diversity of constituencies ^[3]. According to Heywood, representation by non-popular ways has remained a reality even in non-democratic nations ^[4]. Even while representation has been portrayed in these discussions as a normative concept, its actual implementation depends on a very empirical process. One such practice is delineation frequently mentioned as a technique for adjusting or redrawing electoral boundaries in order to achieve parity between population and territory sizes. Elections to state representative bodies depend on the design and redrawing of these territorial borders. Determining the scope and characteristics of these constituencies is crucial for two reasons. It first determines which major population and area units will be represented. Second, the nature of these units influences the relative efficacy and influence of various parties, and third, it modifies the connection between democracy and territorial size ^[5].

This paper explores the vital role of delimitation in shaping democratic elections, analyzing how the manipulation of electoral boundaries affects the nature of political competition and representation. By examining both historical and contemporary examples of delimitation, we will uncover how this process can either enhance or hinder the fairness of elections. In doing so, we will also consider the broader implications for the integrity of democratic systems and propose potential reforms to ensure that the boundaries of power are drawn in a way that serves all citizens equally.

2. Understanding Delimitation: Definition

2.1 Definition

²Colomer, J. M. (2007). Great empires, small nations: The uncertain future of the sovereign state (1. publ). Routledge

³Gerring, J., Teorell, J., & Zarecki, D. (2013). Scaling Up: Demographics and Schumpeterian Democracy at Subnational Levels (SSRN Scholarly Paper 2299085). <https://papers.ssrn.com/abstract=2299085>

⁴Heywood, A. (2013). Politics (4. ed). Macmillan Education - Palgrave.

⁵Lipset, S., Lazarfeld, P. F., Barton, A. H., & Finz, J. (1968). The Psychology of Voting: An Analysis of Political Behaviour in Hand Book of Social Psychology. In G. Lindzey & E. Aronson (Eds.), The handbook of social psychology, 2nd ed: Vol. II (pp. 1124-1170). Addison-Wesley

Delimitation refers to the process of defining or establishing the boundaries of electoral constituencies. This procedure must be conducted periodically to ensure a balanced representation relative to population distribution in the Parliament, State Assemblies, and local self-governing institutions. The primary objective of delimitation is to achieve the principle of "one man, one vote, one value," thereby preventing any constituency from being either overrepresented or underrepresented. The Indian political system employs a first-past-the-post electoral method, where each constituency elects a single representative. It is essential that the delimitation of electoral constituencies results in a roughly equal population distribution across them. To promote social justice and support marginalized communities, the Constitution also mandates the reservation of constituencies for Scheduled Castes (SCs) and Scheduled Tribes (STs). For a constituency to be designated as reserved, it must exhibit a greater proportion of either Scheduled Castes (SCs) or Scheduled Tribes (STs). Only individuals belonging to the SC or ST categories are eligible to contest elections in these constituencies; however, all citizens, regardless of their caste, retain the right to vote.

The General elections are regarded as the most significant electoral event in India. The process of delimiting seats presents considerable challenges. The last delimitation exercise for Lok Sabha seats, conducted in the 1970s, aimed for each Member of Parliament to represent approximately 1 million (10 lakh) constituents. Currently, this figure has increased to 2.5 million, while the number of Members of Parliament has remained unchanged. Over the past fifty years, India has experienced substantial demographic shifts. Compounding the issue is the fact that this demographic growth is not uniform across the nation.

2.2 Role of Delimitation

Delimitation plays a fundamental role in ensuring the fairness, transparency, and integrity of democratic elections. Its primary purpose is to maintain equal political representation across various constituencies. In a diverse society, populations are not static; they grow, shrink, or shift over time. Without proper delimitation, electoral representation can become skewed, leading to an unequal distribution of political power. Below are some key purposes of delimitation.

A. Ensuring Equal Representation (One Person, One Vote)

The most important purpose of delimitation is to ensure that every voter has an equal voice in the political process. In a representative democracy, it is vital that each vote carries the same weight. Over time, population movements—such as migration, urbanization, and demographic shifts—can lead to disparities in the number of voters across constituencies. Some districts might become overpopulated, while others might have fewer voters. Delimitation periodically adjusts electoral boundaries to bring the number of voters in each constituency into alignment, ensuring that every individual's vote is as valuable as any other ^[6]. For instance, without regular delimitation, a constituency with a rapidly growing population may have many more voters than one with a declining population. This imbalance could mean that voters in more populated areas have less influence, violating the

principle of "one person, one vote".

B. Ensuring Regional and Demographic Representation

Delimitation also ensures that the electoral system fairly represents different regions, social groups, and ethnic communities. In countries with diverse populations, such as India or South Africa, it is critical that electoral boundaries reflect the geographical, cultural, or ethnic make-up of a society. By taking into account factors such as language, religion, or ethnicity, delimitation can prevent the underrepresentation of marginalized communities [7]. For example, in India, delimitation often considers the need to ensure that remote or less populous regions still have an adequate voice in the political system. Similarly, countries with indigenous populations, minorities, or historically marginalized groups, such as First Nations communities in Canada, use delimitation to make sure that these communities have fair access to political representation. Without proper delimitation, certain regions or groups could be underrepresented or even excluded from the political process, leading to social unrest or disenfranchisement [8].

C. Reflecting Population Shifts

Another essential purpose of delimitation is to reflect population shifts within the country. Over time, people migrate from rural to urban areas, or from one region to another, and these changes must be captured through delimitation. This ensures that political boundaries are not fixed indefinitely but adjust to account for the evolving demographic landscape [9]. For example, in many countries, population migration from rural to urban areas is significant. Delimiting electoral boundaries based on the most recent population data helps address the growth of urban populations, ensuring that urban areas are not underrepresented in the political process. Conversely, it also ensures that rural areas maintain adequate representation despite population declines [10].

D. Preventing Gerrymandering

One of the key functions of a well-designed delimitation process is to prevent gerrymandering, the manipulation of electoral boundaries for political gain. In some cases, politicians may attempt to redraw boundaries to favor their party or block political opposition by creating districts that ensure they win a disproportionate number of seats. While delimitation itself can be a tool for gerrymandering, a transparent and independent process reduces the possibility of partisan manipulation [11]. By establishing clear guidelines, using neutral experts or independent commissions, and involving public consultations, the delimitation process can limit the opportunities for gerrymandering and ensure that the electoral system remains

fair. A well-executed delimitation process prevents the unfair concentration of political power and ensures that election results reflect the will of the people [12].

E. Adapting to Changes in the Political Landscape

Political realities evolve over time, and delimitation helps adapt electoral boundaries to these shifts. This can include changes in political party dynamics, new social movements, or shifts in policy priorities. Delimitation helps align electoral boundaries with these changes, so that emerging political issues or movements are reflected in the political system. For example, if a previously underrepresented group starts gaining political traction, delimitation can help adjust the boundaries so that their voices are more clearly heard in the political process. Similarly, if a political party becomes dominant in a particular region, the boundaries may be redrawn to either reflect this shift or preserve competitive balance in elections [13].

F. Facilitating Effective Governance

Finally, delimitation is important for effective governance. By ensuring that districts are drawn fairly and in alignment with population and demographic shifts, it becomes easier for political representatives to understand and address the needs of their constituents. Properly defined electoral boundaries also make it easier for governments to implement policies that benefit their populations and for citizens to hold elected officials accountable [14].

Districts that are appropriately drawn-based on factors like population density, access to resources, and geographical features-make it simpler for elected officials to represent their constituents effectively. Voters are more likely to have a connection to their representatives, and representatives are better able to serve their communities when districts reflect natural or practical boundaries [15].

2.3 Origin of Delimitation

The framework for delimitation in India is established in Article 82 and Article 170 of the Indian Constitution. These provisions grant Parliament the authority to carry out the delimitation of constituencies for the Lok Sabha (House of the People) and State Legislative Assemblies following each census.

- Article 82 stipulates that post-census, Parliament must revise constituency boundaries and reallocate seats in the Lok Sabha among the various States.
- Article 170 similarly requires that the boundaries of constituencies for State Legislative Assemblies be determined after each census [16].
- 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.

⁷ Sandeep Singh, "The Role of Delimitation in Ensuring Fair Elections," *Journal of Electoral Studies*, 25 (2019)

⁸ R. Gupta, "Delimitation and its Impact on Minority Representation," *International Journal of Political Science*, 42 (2017).

⁹ V. Subramaniam, "Delimitation in India: A Case Study of Regional Imbalances," *Asian Journal of Political Science*, 58 (2020).

¹⁰ Election Commission of India, *Report on Delimitation and Population Shifts*, 19 (2018).

¹¹ R. N. Sharma, *Electoral Boundaries and Gerrymandering*, 49 (2018).

¹² M. Kumar, "Delimitation and Electoral Integrity: A Study of Independent Commissions," *Indian Journal of Law and Politics*, 27 (2021).

¹³ P. B. Choudhury, *Political Dynamics and the Changing Role of Delimitation in India*, 41 (2017).

¹⁴ C. R. Desai, *Electoral Systems and Governance: The Role of Delimitation*, 52 (2019).

¹⁵ S. Patel, "Fair Representation and Effective Governance through Delimitation," *Indian Political Review*, 39 (2020).

¹⁶ Constitution of India, "Bare Act".

- The initial delimitation in India took place in 1950, following the inaugural census. Since that time, the process has undergone several significant phases:

First Stage (1951–1961)

According to the Constitution, the parliament is responsible for creating an authority to modify the territorial constituencies in each State's legislative assembly and House of People^[17]. The distribution of seats in the House of People among the states and the process by which this distribution should occur are covered in Article 81. Likewise, Article 170 specifies how seats in the state's Legislative Assembly are to be distributed^[18]. Additionally, under Articles 330 and 332 of the Constitution, seats in the legislature are reserved for Scheduled castes and Scheduled tribes. A maximum of two Lok Sabha seats and one seat in each State assembly are set aside for the Anglo-Indian community in order to provide them political representation in the legislature^[19].

Furthermore, Scheduled castes and Scheduled tribes are entitled to seats in the legislature under Articles 330 and 332 of the Constitution. To give the Anglo-Indian community political representation in the legislature, a maximum of two Lok Sabha seats and one seat in each State assembly are reserved for them.

Because the first delimitation exercise had several procedural issues, the EC recommended to the government that an independent quasi-judicial panel with judicial members be established when the exercise was finished. The Delimitation Commission Act, 1952, which established a three-person Commission, two judicial members, and the Chief Election Commissioner as a third ex-officio member, was passed by the government in response to its recommendations. Additionally, depending on the population of the state in question, two to seven political representatives from each state were added to the Commission as Associate Members, who were not eligible to vote. In two-member constituencies that were then common, the Delimitation Commission was also given the responsibility of reserving one seat each for SCs and STs. The two-member constituencies were later eliminated in the second delimitation exercise in 1962 after the commission's recommendation.

The State Reorganization Act of 1956 established 14 states and 6 union territories on November 1st, 1956. A new delimitation commission was also required as a result of this restructuring. The government did, however, re-appoint the same members to the new commission, and the order based on the Commission's report^[20] served as the foundation for the 1957 and 1962 general elections to the Lok Sabha^[21].

Second phase (1961-1971)

The Delimitation Commission Act of 1962 established the second Delimitation Commission following the 1961 Census. The Commission finished the task at hand by July 1966, however some more readjustments to the territorial

constituencies were made after Punjab, Himachal Pradesh, and Haryana were reorganized and Chandigarh was established as a Union Territory. The 1962 Act differed from the earlier Act in a few ways. First, SC-ST reservations were to be made in single-member constituencies, while two-member constituencies were eliminated. Second, it stipulated that each assembly seat had to be contained within a single parliamentary seat. The third concerned constituency reservation, which calls for the allocation of reserved seats for Scheduled Castes throughout the state, preferably in places with a higher concentration of Scheduled Caste members. But only in places where the ST population is highly concentrated can the ST constituencies be set apart. Both the 1967 and 1971 general elections were held in accordance with this Commission's directives^[22].

Delimitation after 1971 census and freeze

The Delimitation Commission Act of 1972 established the third Delimitation Commission following the conclusion of the 1971 Census. The parliamentary constituencies of all states, with the exception of Jammu and Kashmir, as well as the UTs of Delhi, Goa, Pondicherry, Daman and Diu, and Mizoram, as well as the assembly constituencies of all states, with the exception of Jammu and Kashmir and the UT of Delhi, were to be readjusted and reapportioned, according to recommendations made by the Commission under this Act. Art. 371A 2(h) and the State of Nagaland Act, 1962, as well as the Delhi Administration Act, 1966, controlled the readjustment and delimitation of Nagaland^[23] and Sections 3 and 39 of the Government of Union Territories Act, 1963, guided the procedure for the remaining UTs. Additionally, the act expanded the number of Associate Members on the Commission from nine to ten, with the Speaker of the relevant Legislative Assembly nominating five MLAs and the Speaker of the Lok Sabha nominating five MPs. The 545 Lok Sabha seats were distributed by the Commission so that 36 seats went to smaller states with 60 lakh residents, while the remaining 507 seats went to the other larger states with an average population per seat ratio of 10.44 lakhs^[24]. As Sivaramakrishnan observed, "the uninterrupted delimitation of constituencies held so far contained the message that not only would the delimitation exercise take place after every decennial census, the allocation of seats could also be reviewed and modified"^[25].

However, by altering Articles 82 and 170 of the Constitution by the 42nd Constitutional Amendment Act of 1976, the parliament made a very unusual step. In addition to freezing population numbers at those from the 1971 census, the Act also imposed a 30-year ban on further delimitation efforts until the 2001 census results were released. The government gave the justification that some states, particularly the southern states, were better at containing population increase than their northern counterparts since the National Population Policy (NPP) was in place. The purpose of the freeze was to "avoid any loss of representation in the national parliament for the

¹⁷ Constitution of India, Article 81 and 170

¹⁸ Constitution of India Article 331

¹⁹ Constitution of India Article 333

²⁰The Delimitation of Parliamentary and Assembly Constituencies Order, 1956

²¹SK Mendiratta, 'How India Votes- Election Laws, Practice and Procedure', LexisNexis (2017), pp. 251

²²ibid

²³Sec.3 and 4(1) of Delhi Administration Act, 1966

²⁴K.C.Sivaramakrishnan, 'Delimitation in India: A Politico-historical Overview', Fixing Electoral Boundaries in India, Oxford University Press (2015).

²⁵ Ibid. pp. 68

states that follow the NPP and maintain low population growth ^[26]."

In accordance with the Constitution, if the delimitation process is carried out further, the Southern states may lose their representation in the House of People, while the Northern states that failed to control their population expansion may gain representation.

The Interregnum (1971-2001).

The number of seats in the Lok Sabha and state legislative assemblies remained unchanged after 1975 due to the absence of a Delimitation Commission. However, as new republics and union territories were formed or reorganized, the country's political landscape was constantly shifting. In 1986, Arunachal Pradesh and Mizoram were granted statehood; in 1987, Goa, Daman, and Diu were restructured; in 2000, Uttaranchal was separated from Uttar Pradesh; in 1991, the National Capital Territory was granted a legislative assembly; and so on. The number of SCs and STs in several states was also changed by the recognition and inclusion of a few more castes and tribes. The size of the geographical constituencies at the time was supposed to reflect these developments. Therefore, in spite of the embargo, "the Election Commission was entrusted by Parliament to delimit the parliamentary and assembly constituencies or locate the additional reserved constituencies for the scheduled castes and scheduled tribes, instead of setting up any separate body for the purpose ^[27]." This indicates that the delimitation process was not entirely halted and that the EC was acting as a delimitation commission when necessary. Under the respective State Reorganization Acts, the EC was given the responsibility of carrying out the delimitation exercise after the states of Uttaranchal, Chhattisgarh, and Jharkhand were divided. The sole requirement was to never change the number of seats in state legislative assemblies or the Lok Sabha. Nonetheless, there were multiple attempts to restore the status quo and bring the delimitation process back to life. In that regard, the Dinesh Goswami committee has already issued certain recommendations. The 80th Constitutional Amendment Bill was introduced later in 1996, but it was shelved due to the Lok Sabha's dissolution. When then-law minister Ram Jethmalani called an all-party meeting in 1998, some parties supported redrawing the parliamentary and assembly constituencies, while others opposed it, arguing that it would "change the community composition and disturb the base on which seats were reserved." These ten-year occurrences show that, in spite of some initiatives that showed forethought, Indian delay and fear of change won out ^[28].

Fourth Delimitation Commission and Further Freeze.

The 30-year embargo seemed to have ended with the release of the 2001 Census. The delimitation process began with the passage of the Delimitation Act in 2002. Before that, a Constitutional Amendment Bill was moved in 2000, in favour of conducting the delimitation exercise on the basis of already published Census data of 1991 as it could be

irrational to use the decade-old Census figures when the process of the 2001 Census was already in fore and the Census figures were about to come. For further discussion and agreement, the Bill was therefore referred to a Parliamentary Standing Committee, which was presided over by Shri Pranab Mukherjee. The bill was thoroughly considered by the committee. Since it was anticipated that the data, including that of the SC/ST population, would have been released no earlier than 2005, the Ministry of Law and Justice explained that using the 2001 data would have resulted in a significant delay in the delimitation process. Additionally, this would have significantly delayed the conduct of new elections. After much discussion and deliberation, the standing committee approved the bill in its original form, and it became the Constitution (Eighty-fourth) Amendment Act after being ratified by more than half of the states.

The parliament did, however, opt to prolong the moratorium until the first numbers following the 2026 Census were published by this Act. However, the same justification as in 1976 was restated, this time with higher hopes that the nation will attain consistent population growth by 2026.

The initial delimitation exercise was conducted without the support of a Delimitation Commission. Prior to the first general elections in 1952, the President of India's office established the constituencies with the collaboration of the Election Commission of India (EC). At times, the EC had to implement minor delimitations in response to the creation of new States. Most recently, in 2001, the EC carried out the delimitation of constituencies in the newly established States of Uttaranchal, Jharkhand, and Chhattisgarh, which were formed from portions of Uttar Pradesh, Bihar, and Madhya Pradesh, respectively. These periodic delimitation exercises are performed by the EC in accordance with the relevant Reorganization Acts and the provisions of the Constitution. In this process, the EC defines the scope and boundaries of each newly formed Assembly constituency within the State and also determines the list of constituencies designated for reservation for Scheduled Castes (SCs) and Scheduled Tribes (STs) in that State. Delimitation in India is required by the Constitution to occur every decade following the release of population data from each Census (Article 82). Consequently, delimitation exercises were conducted after the Census figures were published in 1951, 1961, and 1971, marking the first, second, and third such exercises. However, no delimitation took place following the Census data of 1981 and 1991. This absence was a result of the Constitution (Forty-second) Amendment Act of 1976, which imposed a freeze on delimitation until the first Census figures post-2000 were released. The provisional figures from the 2001 Census have now been published; nevertheless, Parliament has opted to extend the freeze on delimitation until the first Census figures after 2026 are available, effectively maintaining the freeze until 2031. This decision was enacted through the eighty-fourth amendment to the Constitution. The Constitution (Eighty-fourth) Amendment Act of 2001 came into force following its ratification by the States and subsequent assent from the President in February 2002.

The Parliament, through the Eighty-fourth Amendment of the Constitution, did not impose a comprehensive prohibition on the process of delimitation. It specifically suspended only one facet of this process, namely the reallocation of seats in the Lok Sabha among various States,

²⁶ A.K. Verma, 'Issues and Problems in India's Delimitation Exercise', *The Indian Journal of Political Science*, Vol.63, No. 4, (Dec 2002), pp. 371-388

²⁷Supra 16, pp. 253-254

²⁸Supra 19, pp. 73

as well as the adjustment of seats in the Legislative Assemblies of the States based on their population.

The electoral landscape has experienced significant transformations over the past two decades; however, one aspect has remained unchanged. Since the 1970s, there has been no alteration to constituency boundaries. While this matter may appear minor, it carries substantial theoretical and practical implications for the operation of democracy. The political elite are beginning to recognize the necessity for impending delimitation. This topic has been discussed within the cabinet, and the Chief Election Commissioner, M. S. Gill, has emphasized its constitutional significance^[29]. With the government's recent announcement of a constitutional review, there is now a framework that could facilitate efforts to modify the process of delimitation^[30]. The fundamental principle of electoral democracy is encapsulated in the concept of 'one person, one vote, one value,' which asserts that no individual's vote carries more significance than another's. In a nation employing an electoral framework centered on single-member constituencies, it is essential that each constituency maintains a relatively equal number of voters. This ensures that individuals casting their votes in one area do not exert disproportionate influence on the election outcome compared to those voting in different locations^[31].

India has historically witnessed uneven population growth across its various regions and administrative divisions. Currently, different areas of the country are at distinct stages of demographic transition. To address the potential disruption of population parity due to these spatially uneven growth patterns, the framers of the Indian Constitution included provisions for periodic adjustments of constituency boundaries. Articles 82 and 170 (3) of the Constitution mandate that delimitation occurs every ten years in conjunction with the decennial population census.

For the inaugural general election following India's independence, constituencies were established under the Representation of the People Act (1950), with the groundwork laid by the Election Commission of India. However, due to identified procedural deficiencies, the Election Commission recommended that the central government establish an independent commission for future delimitation efforts. This led to the enactment of the Delimitation Commission Act in 1952.

The first delimitation commission redefined electoral boundaries using the population data from the 1951 census. A second delimitation commission was formed in 1962, which revised electoral boundaries and redistributed seats based on the 1961 census figures. The third delimitation commission was established in 1972, creating a delimitation plan according to the 1971 census. Consequently, the first three rounds of delimitation were conducted every ten years, as stipulated in the Constitution.

The continuous delimitation of electoral constituencies has ensured that the variation in the people-to-representative ratio (PRR) for Lok Sabha seats across states (excluding smaller states) remains minimal. For instance, the ratio

calculated by the third delimitation commission ranged from 10.31 lakh in Rajasthan to 10.67 lakh in Kerala^[32] (Table 1)^[33]. The ratio of legislative assembly seats across states was approximately equivalent to that of Lok Sabha seats (refer to Table 2)^[34]. Consequently, earlier delimitation efforts largely satisfied the constitutional mandate for population parity both within individual states and among different states, applicable to both Lok Sabha and assembly constituencies. The 10-year cycle of delimitation was interrupted by the 42nd Constitution Amendment Act of 1976. This amendment, through a proviso to Article 82 and Article 170 (2), effectively froze the population figures based on the 1971 census and postponed any further delimitation and reallocation of seats among the states until the year 2000. In 2002, the restriction on delimitation was removed, leading to the establishment of the fourth delimitation commission. However, this fourth delimitation round was only partially effective, as it did not address the redistribution of seats among the states but rather focused on readjusting electoral boundaries within individual states. Additionally, Parliament, via the 91st Amendment Bill of 2001, aimed to delay the next delimitation process until 2026.

The prolonged suspension of delimitation has resulted in two significant adverse effects. Firstly, it has caused substantial population imbalances among constituencies both within and between states. Generally, these disparities can be observed along two main dimensions. On one hand, urban constituencies have expanded considerably in size relative to their rural counterparts, largely due to the rising trend of migration from rural to urban regions. On the other hand, northern states have experienced a more rapid population increase compared to southern states, primarily due to their inadequate implementation of family planning initiatives.

Over time, the constituencies in the northern states have experienced significant population growth. For instance, a Lok Sabha constituency in Rajasthan, according to the 2001 census data, had an average population exceeding 22 lakh, in contrast to 15.9 lakh in Kerala (refer to Table 3). This indicates that a Lok Sabha constituency in Rajasthan had a population 1.5 times greater than that of Kerala. Anticipating the next delimitation, which may occur shortly before or after the 2031 census, it is expected that the disparity in the size of Lok Sabha constituencies between states will further increase, as the demographic gap between various states and regions is narrowing at a slower rate.

Additionally, there has been a substantial increase in the population of constituencies across different states. When comparing the third round of delimitation in 1976 to the fourth round, the ratio of people to representatives in the Lok Sabha nearly doubled, reaching 18.9 lakh. In contrast, the population represented by a member of parliament (MP) in other countries is significantly lower: 92,000 in the UK, 1 lakh in Canada, 1.7 lakh in Australia, and 7.4 lakh in the US. By the year 2031, it is projected that the average size of

²⁹ See interview 'Setting the Agenda for Electoral Reforms', *Frontline*, 17(1), January 8, 2000.

³⁰ Man statute review panel constituted', *The Times of India*, February 14, 2000.

³¹ For a review of the principles and practice of drawing single-member constituency boundaries see McLean and Butler (1996).

³²<https://www.theindiaforum.in/politics/indias-delimitation-dilemma-challenges-and-consequences>.

³³Sivaramakrishnan, K.C. (2015). "Delimitation in India: A Politico-historical Overview." In *Fixing Electoral Boundaries in India*, edited by M. SanjeevAlam and K.C Sivaramakrishnan. Oxford: Oxford University Press.

³⁴*Ibid*.

a Lok Sabha constituency will increase to 27 lakh (see Table 3).

Notable regional disparities are evident. By the year 2031, a Member of Parliament in Kerala and Tamil Nadu will represent a population ranging from 1.8 to 2 million, whereas their counterparts in Bihar, Madhya Pradesh, Rajasthan, and Uttar Pradesh will be responsible for over 3 million constituents. This raises significant concerns regarding the capacity of political representatives to effectively address the needs of their constituencies, as their roles extend beyond legislative duties to include direct service to their voters. Recently, the concept of "constituency service" has expanded in scope, depth, and intricacy. It encompasses a wide array of activities, such as providing individual support, educating the electorate, addressing grievances, and facilitating development initiatives. The allocation of Lok Sabha seats among states has emerged as a politically charged and contentious matter. Central to this issue is the persistent regional disparity in population growth. The impact of such redistribution on the current regional power dynamics within Parliament is readily apparent. Should the allocation of Lok Sabha seats be recalibrated based on the population data from the upcoming census (expected to be completed by or before 2026, coinciding with the end of the delimitation moratorium), while maintaining the current total number of seats, the landscape of political representation would undergo significant transformation.

Collectively, the five southern states are projected to lose as many as 24 seats, representing nearly one-fifth of their current total. Specifically, Kerala faces the possibility of losing approximately one-third of its Lok Sabha representation. Conversely, four states in the Hindi heartland-Uttar Pradesh, Bihar, Rajasthan, and Madhya Pradesh-are anticipated to gain an impressive 34 additional seats (TABLE 4).

The political leadership in the southern states is expressing significant concern regarding the impending shift in the regional balance of power towards the north. This apprehension is particularly pronounced in light of the proposed redistribution of Lok Sabha seats, which is to be determined by each state's proportion of the national population. It is important to recognize that the southern and northern states are distinct not only in demographic terms but also in cultural and economic aspects.

The prevailing argument posits that allocating seats based on a state's share of the overall population would unfairly disadvantage those southern states that have successfully managed to control population growth while simultaneously contributing significantly to the nation's revenue. Despite the strength of this argument, the issue of unequal political representation among states has escalated to a level where delaying the reapportionment of seats is no longer a viable option.

The Fourth Delimitation Commission (FDC) was established in 2002, marking the first such initiative in nearly three decades. The commission's recommendations received parliamentary approval in March 2008. The newly defined constituency boundaries are set to remain in effect until 2026, and effectively until 2031. Consequently, a new delimitation process will not occur for approximately 30 years. The nation is undergoing significant demographic shifts, alongside substantial rural-to-urban migration, which has led to varying population growth rates. This prolonged moratorium on regular delimitation has understandably resulted in numerous challenges that have significant implications for the functioning of Indian democracy. Moreover, while delimitation commissions are generally perceived as impartial and non-partisan, they are not beyond scrutiny. Allegations of bias favoring specific parties or candidates often arise in discussions about the actions of delimitation commissions.

Table 1: People to Representative Ratio for Lok Sabha in the Third Delimitation (1972–76) ^[35]

State	Population in 1971 census (in lakhs)	Number of seats allocated	Ratio of population per seat in 1971 (in lakh)
Andhra Pradesh	435.03	42	10.35
Assam	149.57	14	10.68
Bihar	563.53	54	10.43
Gujarat	266.97	26	10.27
Haryana	100.36	10	10.04
Karnataka	292.99	28	10.46
Kerala	213.47	20	10.97
Madhya Pradesh	416.54	40	10.41
Maharashtra	504.12	48	10.5
Orissa	219.44	21	10.45
Punjab	135.51	13	10.42
Rajasthan	257.65	25	10.31
Tamil Nadu	411.99	39	10.56
Uttar Pradesh	883.41	85	10.39
West Bengal	443.12	42	10.55
Total	5,293.74	507	10.44

³⁵ <https://www.theindiaforum.in/politics/indias-delimitation-dilemma-challenges-and-consequences>. Last accessed on 20 December 2024.

Table 2: People to Representative Ratio for Legislative Assemblies in the Third Delimitation (1972–76) ^[36]

State	Population in 1971 census (in lakhs)	Number of seats allocated	population per seat (in lakh)
Andhra Pradesh	435.03	294	1.48
Assam	149.57	126	1.19
Bihar	563.53	324	1.74
Gujarat	266.97	182	1.47
Haryana	100.36	90	1.12
Karnataka	292.99	224	1.31
Kerala	213.47	140	1.52
Madhya Pradesh	416.54	320	1.30
Maharashtra	504.12	288	1.75
Orissa	219.44	147	1.49
Punjab	135.51	117	1.16
Rajasthan	257.65	200	1.29
Tamil Nadu	411.99	234	1.76
Uttar Pradesh	883.41	425	2.08
West Bengal	443.12	294	1.51
Total	5,293.74	3,405	1.55

Table 3: Changing Size of Lok Sabha Constituencies in Major States ^[37]

State	Number of Lok Sabha Seats *	Average size of lok Sabha seats (in lakhs)	
		2001 (actual)**	2031(projected)***
India	543	18.94	27.23
Andhra Pradesh	42	18.14	22.23
Bihar	40	20.74	35.26
Chhattisgarh	11	18.93	29.74
Gujarat	26	19.48	29.97
Haryana	10	21.14	32.94
Jharkhand	14	19.24	30.86
Karnataka	28	18.78	25.23
Kerala	20	15.92	18.34
Madhya Pradesh	29	20.90	32.43
Maharashtra	48	20.18	27.87
Odisha	21	17.52	22.98
Punjab	13	18.73	34.87
Rajasthan	25	22.60	20.02
Tamil Nadu	39	16.00	31.49
Uttar Pradesh	80	20.76	24.32
West Bengal	42	19.08	24.32

Source: Author's computation from the population figures of the 2001 census and projected population provided by the Technical Group of Population Projections.

Notes: * Figured from Election Commission of India; ** Figures based on census of India 2001;*** Figures based on report of the Technical Group on Population Projections.

³⁶ <https://www.theindiaforum.in/politics/indias-delimitation-dilemma-challenges-and-consequences>. Last accessed on 20 December 2024.

³⁷ <https://www.theindiaforum.in/politics/indias-delimitation-dilemma-challenges-and-consequences>. Last accessed on 20 December 2024.

Table 4: Proportional Allocation of Seats for Major States on the Basis of Projected Population in 2026 ^[38]

	Number of seats (Lok Sabha)*	Projected population in 2026 (in thousands)**	Proportional seats (2026)	Gain/Loss
India	543	1,425,908	-	-
Andhra Pradesh	25	53,709	20	-5
Assam	14	36,717	14	0
Bihar	40	132,265	50	+10
Chhattisgarh	11	31,211	12	+1
Gujarat	26	74,086	28	+2
Haryana	10	31,299	12	+2
Jharkhand	14	40,958	16	+2
Karnataka	28	68,962	26	-2
Kerala	20	36,207	14	-6
Madhya Pradesh	29	89,673	34	+5
Maharashtra	48	129,308	49	+1
Odisha	21	47,147	18	-3
Punjab	13	31,318	12	-1
Rajasthan	25	83,673	32	+7
Tamil Nadu	39	77,546	30	-9
Telangana	17	38,636	15	-2
Uttar Pradesh	80	242,859	92	+12
West Bengal	42	100,522	38	-4

Sources: *Election commission of India;** Report of the Technical Group on Population projection (2020); National Commission on Population, Ministry of Health and Family welfare.

Note: Calculation of population per seats is done by dividing projected population of the country for 2026 by total number of current elected seats in Lok Sabha, $1,425,908,000/543=2,625,982$ (rounded off). If we set aside the populations and seats of smaller states and union territories, the quota per seat for the major states will not change significantly.

Challenges in current delimitation and Suggested Solutions

Delimitation Commission of India carries the process of delimitation in India and is observed under Article 82 of Indian constitution. While the current framework possesses several significant characteristics, there are notable discrepancies when juxtaposed with the optimal approach outlined previously

Population-Centric Delimitation

- The existing delimitation largely depends on population data to determine the number of constituencies, but it does not effectively capture recent shifts in population growth or migration patterns. The last comprehensive exercise was based on the 1971 Census data, with subsequent delimitation exercises still relying on this outdated information.
- The allocation of seats to states is based on population numbers, but because the data from the 1971 Census is still in use, states with significant population growth, like Uttar Pradesh, are underrepresented, while states with slower population growth, such as Kerala and Tamil Nadu, have an overrepresentation.

Political Influences

- The current delimitation process is often influenced by political considerations, which can lead to accusations of gerrymandering-manipulating boundaries for the advantage of specific political parties. Constituency lines may be drawn to favor ruling parties in particular regions or states, skewing electoral fairness.
- In many cases, political parties control the process, which can lead to the creation of boundaries that unfairly benefit one party over others in specific states or regions.

- The ideal process would minimize political interference, ensuring that constituency boundaries are drawn fairly and reflect an equitable distribution of representation.

Legal and Constitutional Constraints

- The delimitation process is restricted by the freeze on constituencies outlined in Article 82 of the Constitution, which was introduced by the 42nd Amendment (1976). According to this provision, the total number of seats in the Lok Sabha and State Assemblies must remain the same until the first census after 2026. As a result, the process is not fully aligned with the latest population data (such as from the 2021 Census), stalling updates that would reflect current population figures.
- The freeze on representation particularly impacts states with substantial population growth, preventing an accurate redistribution of seats to these regions, even though they now represent a larger portion of the national population.

Special Provisions for Reserved Constituencies

- The current system provides reservations for Scheduled Castes (SCs) and Scheduled Tribes (STs) within the Lok Sabha and State Assemblies. While this initiative is important, there are concerns about the placement of these constituencies, which may not always align with the actual distribution of these populations.
- Regular reviews should be implemented to ensure that reserved constituencies better reflect demographic changes in the SC and ST communities over time.

Lack of Public Participation

- The current delimitation process often lacks transparency and public participation, as decisions are

³⁸ <https://www.theindiaforum.in/politics/indias-delimitation-dilemma-challenges-and-consequences>. Last accessed on 20 December 2024.

made primarily by the Delimitation Commission, which is composed of political appointees. This limits direct involvement from the public and may lead to a disconnect between the people and the boundaries that are drawn.

- Improving transparency and ensuring greater public engagement by involving stakeholders such as political parties, civil society groups, and the general public can enhance the legitimacy and fairness of the delimitation process.

Suggested Optimal Approach

An ideal method for drawing electoral boundaries in India should focus on fair representation based on population, geographical cohesion, and community unity, free from political bias. While the current approach relies heavily on population data and adheres to constitutional mandates, it is hindered by outdated census data, political pressures, and a lack of public involvement. Adopting a more dynamic and transparent system, one that revises boundaries based on the most recent census data and accounts for the country's evolving demographic and social landscape, would improve the fairness and accuracy of electoral representation in India.

The Optimal Approach to Delimiting Electoral Constituencies includes Equal Representation

- Delimitation should minimize population disparities between constituencies, ensuring each has nearly equal populations. The core principle of delimitation is to uphold "one person, one vote."
- To achieve this, the latest census data should be used to accurately reflect current population demographics.

Geographical Contiguity and Compactness

Constituencies should respect geographical boundaries, grouping areas with shared interests, such as districts or administrative units, to avoid unnecessary fragmentation of communities.

Community and Cultural Cohesion

Boundaries should be drawn to maintain cultural and social unity, preventing disenfranchisement. This includes recognizing the needs of marginalized groups like Scheduled Castes (SCs) and Scheduled Tribes (STs), as protected by the Indian Constitution.

Practical Considerations

Constituencies should be designed for easy accessibility, facilitating effective communication between candidates and voters, and avoiding unnecessary changes to prevent voter confusion and ensure stability.

Periodic Review

Delimitation should be conducted regularly, ideally after each census (Every ten years), to reflect demographic changes and maintain equal representation as population growth and shifts occur.

4. Important Case Laws

Delimitation exercise in India has been addressed in several key legal and constitutional cases. Below are some important case laws and constitutional provisions related to

census data and the delimitation exercise:

1. *Meghraj Kothari v. Delimitation Commission & Ors* (1967) ^[39], 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.

2. In the context of India's constituency delineation, the 1980 case *Kuldip Singh v. Union of India* ^[40] is noteworthy. The distribution of seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and State Legislative Assemblies during the delimitation process was the main focus of this dispute. Kuldip Singh, the petitioner, contested the Delimitation Commission's constituency demarcation. The primary concern was how the borders for Scheduled Tribes (STs) and Scheduled Castes (SCs) were drawn during the constituency delimitation process. The case explicitly questioned whether the distribution of seats for SCs and STs was in accordance with constitutional provisions, as well as the validity and fairness of the delimitation process that was carried out at the time. Additionally, the petitioner contended that the delimitation process need to take into account the population's demographic changes and whether or not the representation of Scheduled Castes and Scheduled Tribes was commensurate with their numbers. The Supreme Court of India declared in its ruling that the Delimitation Commission's acts were lawful and that the procedure complied with the Constitution's requirements.

- The Court ruled that the Delimitation Commission could change the boundaries of constituencies and that its rulings were legally obligatory.
- It was determined that the procedure for allocating seats to Scheduled Tribes and Scheduled Castes was constitutional and did not infringe upon any fundamental rights.
- The Court reaffirmed that in order to guarantee marginalized communities proper political representation, such reservations were required.
- Following careful analysis of the demographic data, the delimitation procedure was carried out in accordance with the constitutional plan, including the distribution of seats for SCs and STs. The Court further noted that in order to guarantee equity and equal representation, the delimitation procedure needed to be informed by both geography and population factors. The delimitation process was primarily a mathematical and geographic adjustment exercise rather than a political one, and it had to adhere to the Constitution's

³⁹ AIR 1967 SC 779

⁴⁰ AIR 1980 SC 1314.

stipulations.

3. *Union of India v. Association of Democratic Reforms* (2002) ^[41] is a landmark decision in Indian constitutional law, especially when it comes to the Delimitation Commission and the legal challengeability 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 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.

4. 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* ^[42]. 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 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.

5. A Supreme Court ruling supporting the formation and operations of the Delimitation Commission for the Union Territory (UT) of Jammu and Kashmir is known as the *Jammu and Kashmir Delimitation Case (2023)* ^[43]. The legal foundation and jurisdiction for redrawing the region's electoral constituencies were made clear by this case.

The Delimitation Act of 2002 was extended to the area once Jammu and Kashmir was reorganized as a UT in 2019. In order to revise the borders of Assembly and Parliamentary constituencies using the 2011 Census, a Delimitation Commission was established in March 2020. By creating reservations for Scheduled Tribes (STs) and Scheduled Castes (SCs) in the Legislative Assembly, this exercise sought to guarantee equitable representation.

Legal objections were raised against the Delimitation Commission's formation and operations, with petitioners contesting the commission's legitimacy and methodology. They contended that the procedure might not be in accordance with the constitution, specifically Articles 170 and 370, which deal with the makeup of legislative bodies and the unique status of Jammu and Kashmir, respectively. By guaranteeing that the delimitation procedure was carried out openly and in compliance with constitutional directives, this ruling strengthened the Delimitation Commission's jurisdiction in Jammu and Kashmir. It allayed worries about the exercise's possible political ramifications while reaffirming its legality and validity. In order to make sure that comparable procedures follow the law and the constitution, the Supreme Court has continued to supervise delimitation procedures in other areas, including the northeastern states, as of March 2025.

In conclusion, the Supreme Court's ruling in the *Jammu and Kashmir Delimitation Case of 2023* maintained the validity of the UT's delimitation procedure while highlighting compliance with legal frameworks and constitutional

⁴¹ (2002) 5 SCC 294

⁴² (2002) 3 SCC 359.

⁴³ *Jammu and Kashmir Delimitation Commission v. Sheikh Imran*, 2023 SCC OnLine SC 193.

obligations.

5. Conclusion

Delimitation plays a crucial role in maintaining fair and equitable representation in India's democratic system. Its primary objective is to redraw constituency boundaries based on population changes, ensuring that each constituency has a roughly equal number of voters. This process is essential for upholding the principle of one person, one vote, ensuring that every citizen's vote carries equal weight in the democratic process. In conclusion, delimitation is a critical process in maintaining the integrity of democratic elections. It ensures fair and equal representation, allowing every citizen's vote to carry the same weight through the principle of "one person, one vote." By considering factors such as geographical contiguity, community cohesion, and practical accessibility, the delimitation process can preserve the integrity of electoral boundaries, ensuring they reflect the true demographics and needs of the population.

Equally important is the periodic review of constituencies, which keeps the electoral system responsive to population changes and demographic shifts. Regularly updating constituencies through transparent, data-driven methods, based on the latest census, allows the system to evolve with the country, preserving fairness and equity.

Ultimately, the success of the delimitation process relies on balancing fairness, community integrity, and practical considerations, free from political influence. When executed properly, delimitation plays a pivotal role in fostering a democratic framework where every citizen has an equal opportunity to be represented.

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