

# **Delimitation in India: Challenges, Implication and Democratic Representation**

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## **Abstract**

The practice of delimitation is an important tool in a democratic polity for conducting free and fair elections. In India, the Constitution has mandated for the creation of a separate Delimitation Commission that will undertake activities relating to delimitation throughout the country. Using data from the Election Commission and other secondary sources, the paper tries to analyze delimitation and its implications in various spheres. The paper tries to analyze how delimitation at the level of state assemblies and urban local self-governing institutes impacts the outcome of elections, party loyalties and political process of a particular region. Ghettoisation and the structure of the economy are largely affected by delimitation. The frozen boundaries of the electoral constituencies have created an intense North-South divide in the democratic representation of India. Taking these policy issues into consideration, the paper also recommends measures to increase efficiency of delimitation in India.

## **Introduction**

Delimitation means demarcating or fixing boundaries of territorial constituencies. This process has to be repeated over regular intervals to balance the proportion of population and representation in the Parliament, State Assemblies and Local self-government institutions. The ultimate goal of the delimitation activity is “one man, one vote, one value”, so that no constituency is ‘overrepresented’ or ‘underrepresented’. The Indian polity has adopted the first-past-the-post system with every constituency (at any levels of the governance) choosing only one representative. Delimitation of electoral constituencies needs to be such that every constituency approximately has an equal number of inhabitants. Keeping in view the aim of social justice and uplifting the backward classes, the Constitution provides for reservation of constituencies for the SCs and STs. For a particular constituency to be declared reserved, it must have a higher proportion of either SCs or STs. Only a person belonging to SC or ST class can contest election in such constituencies, but everyone (irrespective of their castes) can exercise their right to vote.

The General elections are considered to be the most important election in India. Delimiting seats is not an easy task. The last delimitation activity for Lok Sabha seats, in the 1970s, envisaged that ideally a Member of Parliament should represent 1 million (10 lakh) people. Today the same number has gone up to 2.5 million, while the number of MPs remains the same. India has undergone tremendous demographic change over the past five decades. What makes it more worrisome is the fact that this demographic growth is uneven throughout the country. Thus,

delimitation in today's time has become a more challenging task than ever before. Before discussing these challenges let's first have a look at what the law has to say about delimitation.

## **Legal and Constitutional Dictates for Delimitation**

- **Article 82:** As per this Article, after every census the Parliament enacts the Delimitation Act and constitutes a Delimitation Commission that demarcates boundaries of constituencies as per provisions of the Delimitation Act.
- **Article 170:** As per this Article, States also get divided into constituencies as per the Delimitation Act after every census. Secondly, it also notes that the legislative assembly of every state should not have more than 500 seats and not less than 60 seats.
- **Article 330 & 332:** The Article 330 provides for reservation of Scheduled Castes and Scheduled Tribes (separate reservation for Scheduled Tribes of the autonomous district of Assam) in the House of People while the Article 332 provides for reservation of Scheduled Castes and Scheduled Tribes in the state Legislative Assembly. Both articles state that the reservation should be in proportion to the population in the state or a specific region in the state.
- **84th Amendment, 2001:** The Amendment fixed the constituency boundaries till the first census after 2026.
- **Section 8A of Representation of People Act, 1950:** The section provides for delimitation of Parliamentary and Assembly seats in the state of Arunachal Pradesh, Assam, Manipur and Nagaland.

## **Delimitation Committee and their work till now**

In India, the task of delimitation is assigned to the Delimitation Committee, a statutory body, which has been constituted four times till now- in 1952, 1963, 1973 and 2002. The Commission is appointed by the President and works in collaboration with the Election Commission of India. It consists of a retired Supreme Court judge, the Chief Election Commissioner and the State Election Commissioner of the respective state.

In accordance with the Article 82 of the Indian Constitution, the Parliament enacted the Delimitation Act, 2002 and constituted the Delimitation Commission in 2002. Following was the composition of the Commission<sup>1</sup> :

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<sup>1</sup> Changing Face of Electoral India: Delimitation 2008, *Volume I*, Delimitation Commission of India

- It was headed by retired Supreme Court judge, Justice Kuldip Singh.
- The Chief Election Commissioner or an Election Commissioner appointed by CEC was an ex-officio member.
- The State Chief Election Commissioner of the concerned state or UT was an ex-officio member.
- Five MPs and five MLAs from each state are nominated as Associate Members of the Commission, nominated by the Speaker of Lok Sabha and Speaker of State Legislative Assemblies respectively. These Associate Members did not have a right to vote or sign orders of the Commission.
- As per the Section (6) of the Delimitation Act, 2002, one of the secretaries of the Election Commission of India was notified as an ex-officio Secretary of the Commission.

According to the Delimitation Act, 2002, the Commission must delimit constituencies in such a way that:

- all constituencies shall be geographically compact, within the existing boundaries of administrative units, facilities of communication and public convenience.
- All assembly constituencies must fall wholly within one parliamentary constituency.
- Constituencies reserved for Scheduled Caste must be in such areas where the proportion of their population to the total is comparatively large.
- Constituencies reserved for Scheduled Tribes must be in such areas where the proportion of their population to the total is the largest.

## **Recent Delimitation in States and UT**

### ASSAM

The Election Commission published its first draft on delimitation in Assam in June 2023 and kept it open for suggestions from various stakeholders and the public at large. The Election Commission published the final report on delimitation in Assam on 11th August 2023. Delimitation in Assam was put on hold for a long period of time. The last delimitation was carried out in Assam in 1976. Later, a Delimitation Commission was constituted in 2002, but before it could complete its work by 2008 delimitation works in four North Eastern states, namely- Assam, Manipur, Arunachal Pradesh and Nagaland, was suspended by a presidential order, citing the reason of “security risks”. Similarly, the delimitation of Jammu and Kashmir was also deferred. Several organizations like the

BJP wanted the delimitation process in Assam to initiate only after the NRC (national register of citizens). After receiving orders from the Central Government, the ECI under the Section 8A of the Representation of People Act, 1950 constituted the Delimitation Commission for the North-Eastern state and used the 2001 census data for the delimitation of Assam. The ECI defended the use of 2001 census by taking the base of Article 170 and Article 82 of the Indian Constitution.

Interestingly, the Delimitation Commission retained the earlier number of seats of Assam in the Lok Sabha as well as Assam's Legislative Assembly, to 14 and 126 respectively. Two major aspects of change have been proposed by the Commission. Firstly, constituencies have been redrawn and re-arranged without actually increasing their number. Secondly, reserved seats for SCs and STs in the state's legislative assembly have been increased to 9 seats and 19 seats respectively, from the earlier 8 seats and 16 seats. Reservation for SCs and STs in the Parliament remains unchanged.

While the opposition suspects political motive behind the delimitation and alleges the delimitation activity to undermine the influence of Muslim voters (by scattering or ghettoizing them), the state Chief Minister Shri Hemant Biswa Sarma attributed the delimitation activity to safeguard the interest of the indigenous population and overturn the "demographic invasion" of Assam. Four days after the delimitation was announced, the Assam cabinet merged four newly formed districts with their parent district, out of which three had a sizable Muslim population. Post-merger, the proportion of Muslim population was altered which affected the activities of the Delimitation Commission. These districts include Biswanath which was merged with Sonitpur, Tamulpur merged with Baksa, Hojai was merged with Nagaon and Bajali was merged with Barpeta.<sup>2</sup> The Chief Minister has cited the decision to merge districts as an "administrative compulsion" which was taken for the "welfare, betterment and development of Assam". On the other hand, opposition including the Congress and All India United Democratic Front (AIUDF) have criticized this decision of the ruling party by alleging that the Muslim majority constituencies have been reduced from 29 to 22.<sup>3</sup> The draft delimitation proposal has reserved five Muslim-dominated seats for SCs and STs. Such a reservation can adversely affect Muslim representation in Assam's Assembly. For instance, the Goalpara West constituency has been electing a Muslim candidate since its creation in 1967.<sup>4</sup> If the suggestion to reserve this constituency for STs is implemented, no Muslim candidate could contest from the constituency. Number of Assembly seats in Barpeta, a Muslim dominated area, has been reduced from 8 to 6. Assembly seats in the Bengali dominated district of Barak Valley

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<sup>2</sup> [Merger of newly formed districts in Assam](#)

<sup>3</sup> [Fewer Muslim majority constituencies in Assam](#)

<sup>4</sup> [Draft delimitation to erase Muslim population in Assam](#)

like Cachar, Hailakandi, Karimganj have also been reduced from 15 to 13. Another area of concern is the de-reservation of the Karimganj Lok Sabha constituency. The said constituency was reserved for SCs since 1976 for reasons like national security and population demographics. Keeping in mind the constituency's close proximity to Bangladesh and the Muslim dominated demography, the locals are now arguing for retaining the SC status for the peace, welfare and security of the constituency.<sup>5</sup> While Karimganj poses a unique challenge of representation, deliberation and decision regarding the reserved status will have significant implications over the democratic representation, development and national security of the area.

## JAMMU KASHMIR

Along with the delimitation of four North Eastern states, the delimitation in Jammu and Kashmir was also halted in 2008 citing the reason of "security risks". However, after the abrogation of the special status to the erstwhile Jammu Kashmir state in 2019 and its bifurcation into two union territories, namely Jammu and Kashmir and Ladakh, the Government of India decided to undertake the delimitation activity in the union territory of Jammu Kashmir in 2020.

The delimitation commission of Jammu Kashmir was headed by retired Supreme Court Justice Ranjana Prakash Desai and other members like the Chief Election Officer and J & K Electoral Officer. It also included 5 MPs from Jammu Kashmir as associate members. The Commission increased the seats in the Legislative Assembly for Jammu to 43 and Kashmir to 47 (from the earlier 37 in Jammu and 46 in Kashmir). It has also redrawn the existing assembly constituencies. For the first time ever, seats (9 seats) have been reserved for scheduled tribes in the region of Jammu Kashmir. The Jammu and Kashmir Reorganization Act, 2019 proposes to increase the total number of assembly seats in Jammu and Kashmir from 107 to 114. Out of these 114, 24 seats are reserved for Pakistan Occupied Kashmir i.e PoK, which will remain vacant. With respect to Lok Sabha constituencies, the commission has redrawn the boundaries of the Anantnag and Jammu seat. The regions of Poonch and Rajouri district, which were earlier a part of the Jammu parliamentary constituency, have now been shifted to the Anantnag constituency in Kashmir. A Shia dominated area from Srinagar has been shifted to the Baramulla constituency. The Commission also proposed for inclusion of two seats from the community of Kashmiri migrants (or Kashmiri pandits) in the union territory's legislative assembly. It is important to note the delimitation in Kashmir has not only been carried out on the basis of population. The Commission

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<sup>5</sup> [Revoking reserved status for Karimganj Lok Sabha constituency](#)

has also considered other factors like geography, remoteness, closeness to the border, etc. The opposition has alleged vested interests of the ruling party in the delimitation activity. A drastic increase in the seats allocated to Jammu, a Hindu majority region, despite its population being low (as per the 2011 census, Jammu's population is around 53 lakh while that of Kashmir is approximately 68 lakh) has been seen as a tactic by the BJP to forward its Hindutva interest. Extension of franchise rights to non-permanent residents has been doubted to disempower the people of Jammu and Kashmir. Valley based political parties like the National Conference and the PDP have slammed the commission's report saying that it is an extension of the BJP's will to perpetuate its existence in the region.

In the revised electoral map drawn by the Delimitation Commission, the average population of an assembly constituency in the Muslim dominated Kashmir valley was around 1.4 lakh, while that in the BJP stronghold Jammu was around 1.2 lakh.<sup>6</sup> Thus, Jammu is over-represented and Kashmir is under-represented in the UT's assembly. There are six assembly constituencies (Paddar, Shri Mata Vaishno Devi, Kishtwar, Inderwal, Bani, Basohli) in Jammu region with an average population of less than one lakh, while the same for Kashmir regions is just three constituencies (Gurez, Karnah, Kunzer).<sup>7</sup> Valley based parties have slammed the Commission's report saying that it has tried to reduce their influence and winnability in the region. The Commission has dissolved constituencies in Srinagar like Amira Kadal, Batamaloo and Zadibal, which were traditionally won by local parties, and split them between new constituencies. Further, the newly carved territories of Jammu have helped consolidate the Hindu vote. Paddar, a new constituency in the Kishtwar district, has more than 80% Hindu population. Rajouri constituency also has a Hindu conglomerate who were displaced from areas now across the LOC. With its current strength as 90, victory over Jammu Kashmir's Assembly will require a party to win 44 seats. 43 seats coming from the Hindu majority Jammu region, the BJP's race to power will be simplified. Keeping in mind the final report of the Delimitation Commission, out of the total population of the UT, 44% of Jammu's population will vote for 48% of seats and 56% of Kashmir's population will vote for 52% of seats in the Assembly. As mentioned above, the Commission's decision to merge Poonch and Rajouri districts (earlier a part of Jammu Lok Sabha constituency; both districts are Muslim dominated) with Anantnag district has led to the creation of a 'trans-Pir Panjal Lok Sabha constituency', significantly shifting the importance of the Kashmiri voter in the area. With an alleged gerrymandering of Muslim pockets into limited constituencies, the BJP is attempting to set the grounds for winning maximum seats in the UT's upcoming elections. Majority of the newly formed six assembly constituencies in Jammu are dominated by Hindus: Kathua-87%, Samba- 86%, Udhampur- 88%, Kishtwar, Doda

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<sup>6</sup> [Jammu Kashmir Delimitation](#)

<sup>7</sup> [J&K Delimitation](#)

and Rajouri- all the three have around 35-45% Hindu population.<sup>8</sup> The BJP has supported and justified the increase in the Assembly seat allocation to Jammu, taking into consideration the geographical spread of the region (Jammu is 26,293 sq km and Kashmir is 15,948 sq km<sup>9</sup>). Departing from the conventional system of proportion to population, the BJP's advocacy for considering geographical spread as a factor for determining the number of constituencies will benefit the saffron party in registering electoral success in the UT's assembly and fulfill its dream of consigning a Hindu Chief Minister to the Muslim-majority territory.

### Analysis of Delimitation of Wards In Delhi Municipal Corporation

The Parliament passed the Delhi Municipal Corporation (Amendment) Bill, 2022 to merge Delhi's three municipal corporations- South, North and East. Introduced during the Sheila Dixit government, the move to trifurcate the MCD was aimed to increase efficiency of governance. However unequal funds were observed for North and East Delhi in favor of the cash rich South Delhi. The delimitation has reduced the number of total seats from 272 to 250. Out of the 250, 42 wards have been reserved for SCs. Additionally, 50% seats have been reserved for women. Though the BJP lost the 2022 MCD elections, its current vote share (39.09%) had increased when compared to the 2017 elections (36.08%).

### Analysis of Delimitation of Wards In Brihanmumbai Municipal Corporation

The Brihanmumbai Municipal Corporation is India's richest municipal corporation who's annual budget supersedes the annual budget of various small Indian states. Since the past 25 years, Shiv Sena has been occupying the position of the Mayor by winning elections, sometimes with or without the alliance with the BJP. With the 1991 census, the BMC seats were increased from 170 to 221. Similarly with the 2001 census, seats in the corporation were increased from 221 to 227. However, after the 2011 census no such delimitation had taken place. With passing years, delimitation became necessary to provide better services. The delimitation activity in BMC started while the MVA government was in power. The state government amended the Mumbai Municipal Corporation Act, 1888 to change the composition of the corporation. The BJP, who was then in opposition, criticized the delimitation as it benefited the Shiv Sena. The proposed delimitation was intended to increase the number of seats by nine. Three wards each have been increased in the Eastern Suburbs, Western Suburbs and the City. New wards are in regions like Dahisar, Kandivali, Andheri East, Ghatkopar, Kurla, Chembur east west combined, Parel-Lalbaug combined, Worli

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<sup>8</sup> [BJP to benefit from Jammu Kashmir's delimitation](#)

<sup>9</sup> [BJP's plan for a Hindu CM in J&K](#)



and Byculla.<sup>10</sup> In many areas, boundaries of the ward have been dragged into another ward, reshuffling and readjustment has led to suspicion among local corporators too. As per broad analysis, Shiv Sena has a strong base in R-North (Dahisar), H-East (Santacruz East), G-South (Worli, Prabhadevi, Mahalaxmi, Lower Parel), E (Byculla West), F-South (Parel, Lalbagh, Hindmata) wards. While the BJP is believed to be in a strong position in R-Central (Borivali West) and R-South (Kandivali) wards.

## **Implications of Delimitation**

### Political Implications

Political representation and electoral success of a political party highly depends on delimitation. The practice of “gerrymandering” (term of American origin which has been discussed further in the paper) or drawing boundaries of constituencies in order to favor a political party or candidate has led to “packing” (concentration of opposition votes in few electoral districts) or “dilution” (diffusing opposition votes in many constituencies).<sup>11</sup> Thus political implications of delimitation can be understood in the following ways. Firstly, associate members can influence the Commission’s decision by suggesting to exclude wards/localities of opposition strongholds. Secondly, the Ministry of Home Affairs is the custodian of raw census data. Any national political parties’ access to this confidential data might change the contours of the electoral constituencies in India. Thus data from EVM and census gives the political parties, especially the one in power, a fair idea about voting patterns. Moreover, Indian voter’s affinity to religion and caste over the ideology and programmes of a political party leads to wards and localities linking to a particular party very openly.

The North-South divide, which has been discussed further in the paper, has not only led to regional imbalance or lopsided democratic representation but also added political advantage in favor of the states in North India. The five states from the South (Kerala, Tamil Nadu, Karnataka, Andhra Pradesh and Telangana) elect a total of 130 representatives to the Lok Sabha. While just two Hindi-speaking states, Uttar Pradesh and Bihar, elect a total of 120 representatives to the Lok Sabha.<sup>12</sup> Thus, it is technically possible for a national party to secure its position in the Lower House (and in turn win elections) by winning a majority of seats from the constituencies in North

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<sup>10</sup> [BMC Ward Delimitation](#)

<sup>11</sup> [Delimitation in India](#)

<sup>12</sup> [Equality or Fraternity?](#)

India and none in the South- which, if reversed, won't be possible. Table 1 and Table 2 will give us a fair idea about how the Congress as well as the BJP has climbed up the ladder of winning elections by securing majority seats in North India.

*Table 1: State-wise seats won by the BJP in the 2019 Lok Sabha; Source- ECI*

States	Number Of Seats Won By The Bjp	Total Lok Sabha Seats In The State
Andhra Pradesh	0	25
Karnataka	25	28
Kerala	0	20
Tamil Nadu	0	39
Telangana	4	17
Bihar	17	40
Jharkhand	11	14
Rajasthan	24	25

*Table 2: State-wise seats won by the Congress (Indira) in the 1980 Lok Sabha; Source- ECI*

States	Number Of Seats Won By The Congress (Indira)	Total Lok Sabha Seats In The State
Andhra Pradesh	28	42
Tamil Nadu	8	39
Kerala	6	20
Uttar Pradesh	73	85
Rajasthan	14	25
Bihar	39	54

Another important political impact of delimitation is the ghettoization of communities. It is difficult to cite whether ghettoization is a cause or an effect of delimitation since the two are strongly interlinked. Let's take the example of Mumbai. Ghettoization (or rather more appropriately self-ghettoisation) of India's largest minority ie, Muslims has been observed in Mumbai, especially after the 1992-93 bomb blasts.<sup>13</sup> Community pockets of Muslims can be seen over parts of Mumbai and its suburbs in areas like Bandra, Mankhurd-Govandi belt, Mumbra, Dongri, Mira Road, etc. Interestingly, MLAs elected from these constituencies overwhelmingly (and not always) come from the Muslim community itself or belong to erstwhile depressed class of Hindus, namely OBC and SC/ST. To name a few examples: Abu Azmi elected from Mankhurd Shivaji Nagar, Nawab Malik elected from Anushaktinagar (both these constituencies cover the Mankhurd-Govandi belt), Zeeshan Siddique from Bandra East (comprises of Behrampada, a muslim dominated slum area), Jitendra Awhad elected from Mumbra and Varsha Gaikwad elected from Dharavi (Dharavi is a reserved seat for the SCs).

### Economic Implications

The economy of a region is determined by the people residing in that area, their education and the skills they possess. Believe it or not but delimitation plays a substantive role in determining the economy of the region. For instance, in constituencies covering slum areas, the economy of the constituency is dominated by activities in the primary sector. Generally characterized by low standard of living, slum dwellers are often poverty stricken and engage themselves in the informal sector. Constituencies like these draw great attention from legislators since there is a huge scope for development as well as setting up permanent party loyalties. Left-oriented, socialist and welfarist parties like the Congress and its allies have generally dominated such areas. Constituencies in and around tribal dominated areas witness either a closed, traditional tribal economy or a transition economy from tribal to rural livelihood activities. In both of the above types, we see a greater implementation of government schemes related to basic amenities, infrastructure, health, education, sanitation, etc. Constituencies situated in the semi-urban areas (periphery of the city) are dominated by the middle class and the lower middle class. Residents in these semi-urban areas are drivers of the city's economy and thus these areas witness greater engagement in the tertiary/service sector and secondary sector. It is also generally observed that constituencies in the

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<sup>13</sup> [Ghettoization of Muslims in Mumbai](#)

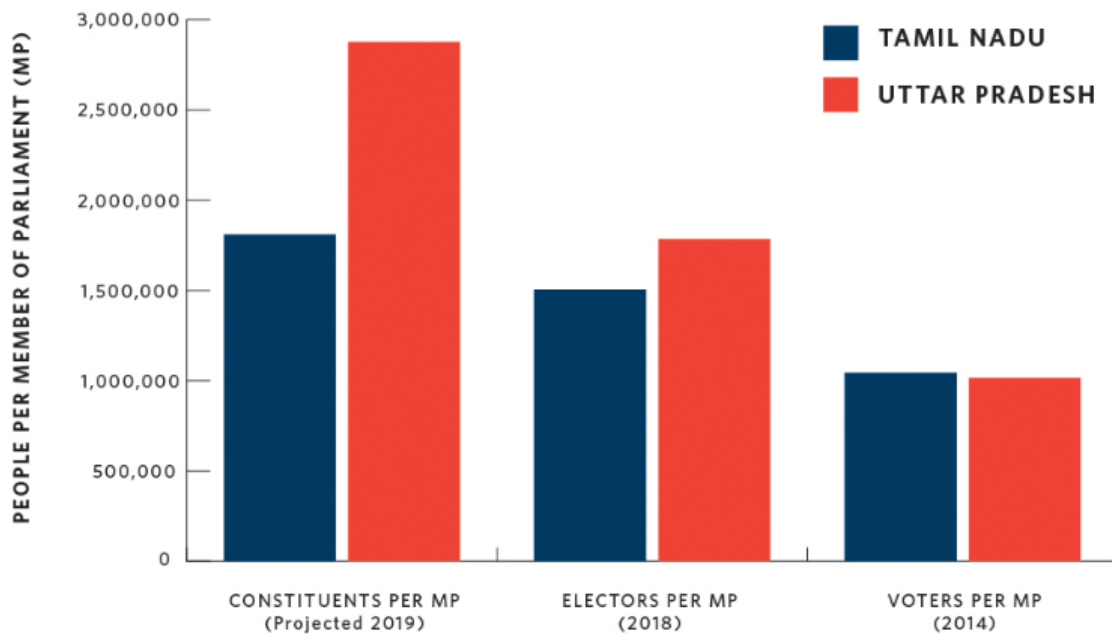
semi-urban areas are subject to swing voters. Lastly, concentration of certain communities/castes in a region drives the economy in a certain direction. For example, the presence of a business community (like Gujrati, Marwadi, Baniya) pushes the economy of the region in business oriented activities. Constituencies that cover such areas weigh in favor of parties with liberal trade policies, like the BJP.

### North-South Divide and Democratic Representation

Even after 75 years of independence, India is still plagued by regional imbalance, but now the imbalance isn't only of economy or growth but also of democratic political representation. Disparity in economy and demography have led to inter state migration, typically from the less prosperous northern states to the more prosperous western and southern states. The southern state's lesser fertility rates (and in turn slower population growth) and the Indian Government's unwillingness to reappropriate constituencies have now costed them. A study by Milan Vaishnav and Jamie Hinton<sup>14</sup> suggest that, with approximate estimates of the 2026 population figures, northern states like Uttar Pradesh and Bihar would gain around 22 seats collectively and southern states like Kerala and Tamil Nadu would lose 16 seats collectively in the Lok Sabha. To understand this misrepresentation let's take an example from the above study. Northern states with higher population (also higher population under 18 years) tend to have a low voter turnout as compared to southern states. Let's consider a MP from Uttar Pradesh. The total population of his constituency is around 30 lakh. From that constituency roughly 18 lakh voters have registered while around 10 lakh voters actually turned out to vote. Moving down to the south, a Tamil Nadu MP's constituency has an approximate population of 18 lakh, out of which 15 lakh are registered voters and around 10 lakh people actually vote. (Refer to *Figure 1*) From the above example it's clear that though both states had more or less an equal voter turnout, a legislator from Uttar Pradesh has to cater to more people than a legislator from Tamil Nadu. Thus, it is important to note that northern states are more than often 'under-represented' while the southern states are often 'over-represented'. Keeping in mind the projected population figures of 2026 and the proportion to population system, northern states like Uttar Pradesh might have around 143 seats more than its current share, while Tamil Nadu or Kerala might retain their current share of seats (which is around 20) in Lok Sabha.

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<sup>14</sup> [India's Emerging Crisis of Representation](#)



**SOURCE:** Election Commission of India; Office of the Registrar General, 2006; and authors' calculations.

*Figure 1*

### **Delimitation Practices in other countries**

The United States of America is the world's oldest democracy. Over the years, democratic representation, party loyalties, electoral behavior and delimitation practices have evolved in the US to its current form. The notorious practice of Gerrymandering is as old as America itself. Gerrymandering was first practiced in the 1787-88 Congress elections in the Virginia district, to keep the Federalist candidate James Madison out of power. The term Gerrymandering was coined in 1812 after amalgamating two words- Elbridge Gerry, the governor of Massachusetts and salamander.<sup>15</sup> It indicated a salamander-shaped Senate district especially designed to help Gerry's party, the Democratic-Republicans, to win more seats in the upper chamber. Gerrymandering violated two objectives of electoral apportionment- compactness and equal size of constituencies. By the 1840s, the notion of Congressional elections through single-member districts was largely accepted in America. Gerrymandering became aggressive during the Reconstruction Era, a time when voter turnout was high, party loyalties were fixed and there was close competition between the Republicans and the Democrats for national power. In the following decades, States became

<sup>15</sup> [Gerrymandering in the US](#)

strictly Republican or strictly Democrat, leaving a very small space for the swing voters. Thus, the practice of redistricting became low and electoral constituencies remained stable till the mid 20th century. However during the same time migration from rural to urban areas increased, which meant that urban areas with higher population had lower representatives than those of the rural areas which had comparatively less population. Finally in 1964 the Supreme Court established the principle of 'one vote, one value', whereby the states had to redraw their constituencies in such a way that each district had almost equal population. Along the same time, Gerrymandering was used as a tool of racial oppression against the Blacks and Hispanics. The Supreme Court held that such a practice of redrawing districts was a violation of the Voting Rights Act of 1965 that prohibited a person from racial minority from having less opportunity than other members of the electorate to elect the representative of his choice. In *Miller vs Johnson* (1995), the Supreme Court noted that the equal protection clause of the 14th Amendment prohibits race to be a "predominant factor" in drawing electoral district boundaries.

### **Flaws and Recommendation for better Delimitation practices**

From the above discussion it is quite clear that population alone being the criteria for delimitation is problematic in a developing country like India, where regional imbalance persists and economic growth, population growth, etc are not evenly divided. The southern surge in the post 90's decade has made the states in South India way more developed in parameters like education, health, income, poverty, skill development, human capital, etc. than the states in North India. Keeping in mind that the next delimitation activity in India will be carried out after 50 years, it must be done with greater sensitivity so that the north south divide does not further deepen into India's politics and policy making. States in South of the Vindhyas that are economically prosperous (namely Maharashtra, Tamil Nadu, Kerala, etc.) must not be disincentivised. Along with population, **weightage to social welfare mechanisms and proportionality to economic growth must also be considered while conducting further delimitation activity.** Delimitation based on population is not only creating a North South divide, but also questioning the democratic representation from States with higher migration rates like Gujarat and Uttarakhand.<sup>16</sup> While deciding the boundary limits of a constituency following criterias like **number of residents, number of residents (including minors), number of registered voters, number of actual voters must be taken into account.**<sup>17</sup> A fine blend of these criterias must be used for efficient and democratic redistricting.

While further postponement of delimitation might temporarily relieve the southern states, it is further going to deepen the political representation crisis in India. Following the logic of 1 million

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<sup>16</sup> [Lok Sabha seat delimitation](#)

<sup>17</sup> Election Obligation and Standards, A Carter Centre Assessment Manual

citizens behind every MP, with India's current population the total of MPs in the Lok Sabha would cross 1000. One of the common recommendations given by many scholars is to **increase the strength of Lok Sabha in such a way no state would have to lose seats from its current status.** Another recommendation that has been discussed in the academic field is for **conducting direct election to the Rajya Sabha** and bringing in a system of **equal representation to all states in the House, just like the US Senate.** Though radical in nature, such changes are required to bring out the true intention of establishing the Upper House i.e., to preserve the interest of the states.

Lastly, a considerable degree of partisanship can be seen with respect to the composition of the Delimitation Commission. The Speaker of Lok Sabha and state assemblies have to nominate associate members to the Commission in such a way that it reflects the complexion of the chamber. Thus the incumbent party (earlier the Congress and now the BJP) have an undue advantage as their MPs and MLAs can exert influence, more strongly than the opposition, over the Commission's decision. Thus **the nomination of associate members should be completely removed or it should be amended in such a way that all political parties in that particular state have equal representation in the commission, irrespective of whether the party has its member in the legislature.** The Constitution also makes the Commission's final decision with respect to delimitation all powerful, such that it cannot be challenged in a court of law. Taking into consideration the point mentioned above, it is highly possible that the decisions of the commission weigh in favor of a particular political party. Thus, **provision to challenge the Commission's decision, only in a good public spirit and not further any vested personal or political interest, before a competent legal authority must be initiated.** Unlike 2008, **the Commission must carry its work in a transparent manner** thereby disclosing the methods, criteria and intentions behind the delimitation activity.

## **Conclusion**

The current union government replaced the planning commission with the Niti Aayog with the objective of identifying diverse needs of India and undoing the one-size-fit-all approach. Now ending the one-size-fits-all approach in delimitation also has to be undertaken. The divergent needs of North and South India need to be recognised, so that both sides do not lose their relevance and importance in the policy making for India. The dilemma continues: whether to punish the success of governance in the south by robbing them of their democratic representation or punish the failure of governance in North by relegating their votes to nothing by retaining the status quo in Parliament seat sharing.

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