

Boundary Lines and Ballots:

Exploring Delimitation, Electoral Dynamics, and Reservation in India

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List of Abbreviations

AC: Assembly Constituencies

AIADMK: All India Anna Dravida MunnetraKazhagam

BJP: Bhartiya Janata Party

CAA: Constitutional Amendment Act

IPU: Inter-Parliamentary Union

NDA: National Democratic Alliance

NRC: National Register of Citizens

PC: Parliamentary Constituencies

PoJK: Pakistan-occupied Jammu and Kashmir

ST: Schedule Tribes

Delineating Delimitation of Constituencies: An Introduction

Introduction

A resilient India in 2024 stands on the cusp of what political scientists and journalists call the “Second Republic”, marking the end of the ‘Nehruvian dynasty’ in Indian politics (Baru, 2014). Addressing the ‘new beginnings’ observed during the consecration of the Ram Mandir (Ram Mandir Prāna Pratishtha) in Ayodhya, Prime Minister Narendra Modi extended the narrative towards making India a more representative, inclusive, participatory, and subalternized form of democracy. By drawing a new line—a *Ram Rekha*—he has redefined the interface between the state and religion. Furthermore, he emphasized the significance of his journey across sacred sites from the northern to the southern regions of India, reaffirming the continuum of civilization. In other words, combined with the seating capacity of the newly inaugurated Lok Sabha- the lower house of Indian parliament that has been expanded to 888 seats, Prime Minister’s bold and radical attempt to inaugurate ‘Second Republic’ has rekindled the debate on the unfinished democratic revolution of delimitation in India. In short, delimitation post-2029 elections is no longer a speculation, but a real possibility.

However, it would be naive to consider the redrawing of political boundaries just as a technical exercise. Instead, it also constitutes rethinking about representation in particular and democracy in general. The idea of democracy has often been surmounted by the debates on whether the true interests of the ‘demos’ are being represented and this time and again has ignited and re-ignited the debates that continue to define the understanding of representation and its linkages with population and size of the territory. Following James Madison’s famous insight, the classic democratic theory argues that the population or size of the republic appears to be inversely correlated with democracy (Colomer, 2007).

However, it is also true that ‘larger populations foster greater electoral democracy’ as it affects number of potential challengers and also increases the diversity of constituents (Gerring et al., 2013). Even in non-democratic societies, representation through non-popular means, as stated by Heywood, has remained a truism (Heywood, 2013). Though these debates have depicted representation as a normative idea, its manifestation in practice relies on a highly empirical exercise. Delimitation is one such exercise. Often referred to as a method of fixing or redrawing the electoral boundaries to bring parity between the size of the territory and the size of the population. The drawing and re-drawing of these territorial boundaries is fundamental to elections to representative bodies of States. The process of defining the area and nature of such constituencies is important for two reasons. Firstly, it decides the primary units of area and population to be represented. Secondly, the nature of such units determines, in its turn, the comparative influence and effectiveness of different parties, and thirdly, it alters the relationship between democracy and the size of territory (Hiscox & Lake, 2002; Lipset et al., 1968).

It is due to this political pertinence of delimitation that different constitutional documents across the globe have made provisions for it. While constitutions of countries like Ceylon (Articles 40 and 41), New Zealand (Sections 6 and 7 of the Electoral Act,) and South Africa (4 Section 41 of the Act to Constitute the Union of South Africa) have explicit provisions for delimitation, others like India (Article 327), Burma (Article 83(1)), Ireland (Article 162 (1)) and Japan (Article 47), have resorted to the process of ordinary law which Ivor Jennings feels is "very odd", thinks Ivor Jennings, that "the delimitation of constituencies is governed by ordinary legislation... because one would have thought this to be a function of the greatest constitutional importance" (Jennings, 1964). Yet smaller countries like Argentina (Article 42) and Switzerland (Article 73) recognize the existing political or administrative units as electoral units (Jha, 1963).

Despite its significance to the process of elective democracies, delimitation often suffers from a lingering democratic paradox in large republics confronting the challenges of balancing conflicting territorial, demographic, ethnic and factional political considerations. These range from the parity of population in the constituencies to the inclusion of complete administrative units, and from balancing local community interests to considerations of physical features, and facilities of communication. It also has to grapple with critical questions like what should the delimitation process be premised on - the numerical equality of voters or convenience, administrative or convenience, administrative or otherwise? While the former enables elections to be conducted easily and smoothly, the latter aids in balancing representation by ensuring a consistent ratio between constituency population and legislative representation. Arguably, these constitute two stages towards the development and consolidation of democratic processes, practices, and institutions in a country. While the former is prioritized in the early stages, the latter gains emphasis as a country gains experience. Further, delimitation not only affects right to vote but it also affects majority and minority community horizontally and vertically. Through the redrawing of the boundaries of constituencies, and use of governmentality tools like cracking, stacking and packing of population, delimitation can sideline or make insignificant the votes of minority communities or historically marginalized communities. In other words, it has the potential to create permanent electoral majority via the route of de facto disenfranchisement.

Such questions become more pertinent in large, diverse, and complex contexts like India, famous for 'the greatest show on earth' when it comes to conducting elections in the most epic logistical sense (Dasgupta, 2024). While the Constitution of India, recommends balancing the ratio between population and representation, numerous reports of ECI indicate a preference for the administrative convenience that results from taking districts as the primary unit for the delimitation exercises. These concerns are further exacerbated by speculations that with the changing share of different states in the country's projected population by 2026, the north-south divide will widen with the North Indian Hindi-speaking states like Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh gaining significantly, while those of peninsular India specially Kerala, Tamil Nadu, Telangana, Andhra Pradesh losing out (Hinston et al., 2019).

Another deviation from the Constitutional mandate outlined in Article 82 is observed in the four northeastern states— Manipur, Arunachal Pradesh, Assam and Nagaland—which have not undergone constituency demarcation since the 1970s. Women’s reservation Bill in India is also contingent on delimitation. The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023, commonly referred to as the “Nari Shakti Vandan Adhiniyam”, was recently approved by both chambers of Parliament. It mandates one-third reservation for women in the Lok Sabha and state assemblies, as stipulated by Article 334A.

“Reservation of seats for women shall come into effect after an exercise of delimitation is undertaken for this purpose after the relevant figures for the first census taken after the commencement of the Constitution (one Hundred and Twenty-Eighth Amendment) Act, 2023 have been published” It further states that the *“rotation of seats reserved for women in the Lok Sabha, the legislative assembly of a state or the Delhi assembly shall take effect after each subsequent exercise of delimitation.”*

Surrounding the debates on delimitation has been the question of whether the judiciary should intervene and review delimitation. This has surfaced at various points in the history of post-independent India. While the original Draft Constitution of India, 1948, had no provision, the subsequent draft of 1949, presented by Dr. B.R. Ambedkar, proposed the inclusion of Article 329A as an addition to the Constitution's chapter on ‘Elections’. Various prominent voices like Hukum Singh, Akthar Hussain, and R Velayudhan at various junctures highlighted the critical nature of delimitation and suggested that the Parliament be given the powers to discuss, amend wherever needed, and ratify the orders before they became law (Constituent Assembly of India, 1949). None of these were accepted, and finally, when the Delimitation Commission Act 1952 was passed, it gave the commission the final say and also exemption from the judicial review (Das, 2023).

Since then, the courts have at various points heard various petitions challenging delimitation, notable of which is “Meghraj Kothari v. Delimitation Commission & Ors”¹ (1967) where in a 5-judge Constitution bench judgment, the Supreme Court supplied a rationale for why courts are kept out of the process, “There seems to be a very good reason behind such a provision. If the orders made under Sections 8 and 9 were not to be treated as final, the effect would be that any voter, if he so wished, could hold up an election indefinitely by questioning the delimitation of the constituencies from court to court.” More recently, the apex court grappled with this question last year when political parties and civil society approached the apex court challenging the delimitation of constituencies in Jammu and Kashmir, arguing that it would ‘diminish the political voices of the minorities in the affected areas’ (Rajagopal, 2023). The courts have upheld the provisions of article 329A that states: ‘the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies... shall not be called in question in any court’ (Const. of India, Art. 329A).

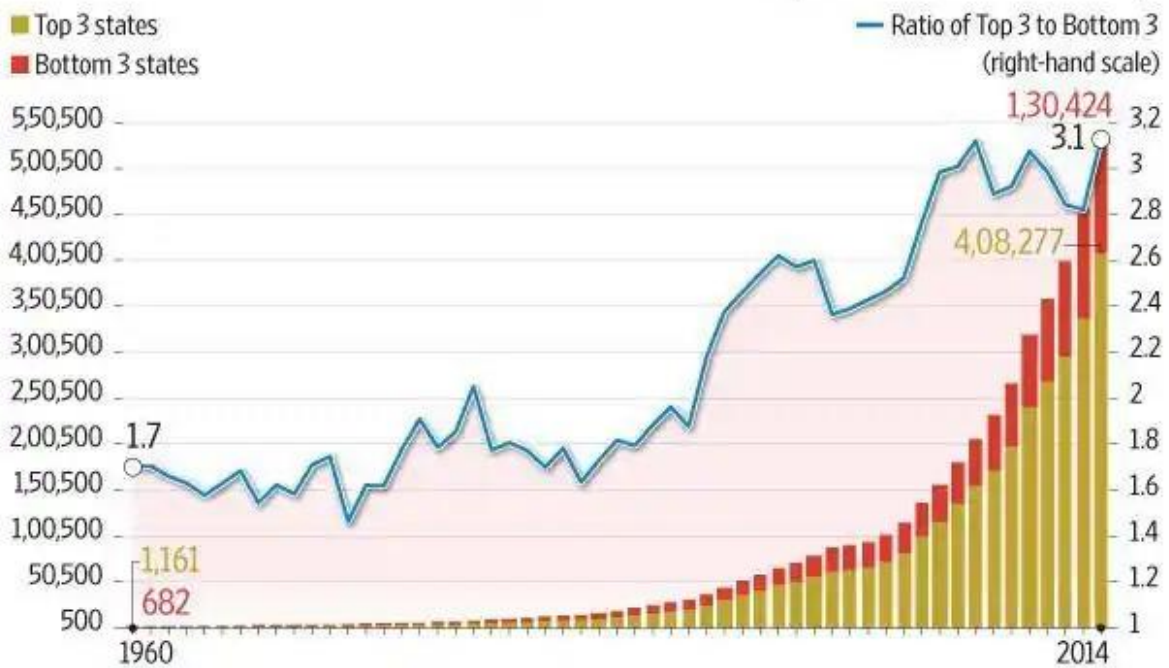
In the context of these pressing ideas and concerns, this paper attempts to understand the process and dynamics of delimitation exercise in India. It begins by historically tracing the meaning and trajectory of delimitation in India. By highlighting the economic and social progress of the South Indian states and their total contribution to the national wealth pool, it

suggests how the process of delimitation has been continually postponed. This has been detrimental to north Indian states like Uttar Pradesh and Bihar, who, despite a higher population ratio (as evident from the Total Fertility Rate) have not been given an equal number of seats in the Parliament. The paper further delves into some recent cases of delimitation in India. With the help of Jammu & Kashmir and Assam, it discusses the process and challenges of delimitation exercise in India. Herein, the paper also discusses the question of marginal groups including migrants, and other socio-religious minorities. The third and fourth sections of the paper discuss the entangled relationship between delimitation, reservation, participation, and empowerment from the perspective of women, Scheduled Castes, and Scheduled Tribes in India. The paper concludes by reiterating the pertinence of the process of delimitation to democracy's commitment to one person, one vote, and one value and it also reflects on the emergent conflicts between majoritarianism and consociational forms of democracy in India.

Delimitation in India: Meaning and Trajectory

While technically speaking redrawing of political boundaries in India is a complex task, it becomes all the more challenging when it is practiced amidst the high disparities between the states. The states that have worked extensively to promote balanced population growth run the risk of being disincentivized in this exercise. The southern states in particular are at the receiving end. With the allocation of resources to the states by the central government being based on the outdated 1971 census, differences amongst the states do not get properly reflected. This has in a way posed a potent wedge, as Vaishnav argued, between the states (Hinton and Vaishnav, 2019).

PER CAPITA NET DOMESTIC PRODUCT (12 LARGEST STATES)



GRAPHIC BY SUBRATA JANA/MINT

Source: IDFC Institute

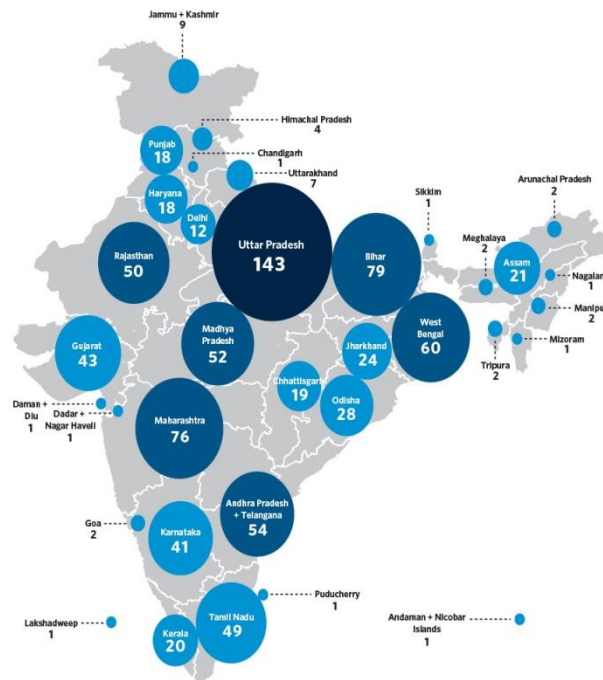
Fig 1: Per Capita NET Domestic Product of 12 Largest States; IDFC Institute

Does it resolve the conundrum labeled as the "3-3-3" puzzle by Vivek Dahija and Praveen Chakravarty? This puzzle highlights that the three richest states have a per capita income that is three times higher than that of the three poorest states. Over the past twenty-five years, the income gap between the wealthiest and poorest three of the 12 largest states has been widening, now surpassing a 300% difference. This phenomenon poses a puzzle because it contradicts conventional economic wisdom. It suggests that "contiguous economic units which are knitted together by movements of trade and people ought to exhibit convergence, not divergence" (Dahejia, 2017). More than cultural or linguistic differences, economic data has been used to present a political allegory with tragic consequences. Consider this what political commentator Makrand Paranjape (February 2024) says:

"Generally speaking, the South continues to outperform the North on most parameters including per capita income and contribution to the central exchequer, not to speak of infrastructure, health, and education. The South is also more urbanized, has lower infant mortality rates, and higher life expectancy. The argument is that the South is subsidizing the North, bearing the burden of the latter's population growth, unemployment, poverty, poor infrastructure, and social backwardness"

To what extent was the inequitable allocation of seats in the Indian parliament a concern? It was already a significant issue by 2001, prompting politicians to defer seat readjustment for a second time. Alistair McMillan, a political scientist, highlighted the severity of over- and underrepresentation in his 2001 analysis, which documented the extent of the problem exacerbated by parties and politicians delaying delimitation for their own interests. According to the 2001 Census, for instance, "McMillan calculated that Tamil Nadu should have had 7 fewer Lok Sabha seats, while Uttar Pradesh should have gained 7 more"

FIGURE 5
Expanding the Lok Sabha Using 2026 Population Projections



SOURCE: Office of the Registrar General, 2006; and authors' calculations.

NOTE: Calculations use projected population figures while ensuring no state loses seats during reapportionment.

Fig 2: 2026 Population Projections

While the electoral arena in India has witnessed substantial changes in the last few decades, one aspect, a rather significant one that has remained constant is the redrawing of constitutional boundaries, a process called ‘delimitation’. Political scientists argue that ‘the unwillingness to acknowledge India’s changing demographics and new forms of interstate inequalities between North and South has resulted in ‘severe and entrenched malapportionment’ in the parliament (Vaishnav & Hinton, 2019).

Economic data has been compiled to support the interests of the South over the North. Broadly speaking, the South consistently surpasses the North across various indicators, such as per capita income, contributions to the central treasury, infrastructure, healthcare, and education. Additionally, the South exhibits higher urbanization rates, lower infant mortality rates, and longer life expectancies. The contention is that the South is subsidizing the North, shouldering the burden of population growth, unemployment, poverty, inadequate infrastructure, and social underdevelopment in the latter.

Also, what is more significant from the perspective of democratic political theory is that it presents an enigmatic case of a lingering ‘democratic paradox’ in the midst of the ‘silent revolution’ of lower castes in India (Jaffrelot, 2003). Southern states especially Tamil Nadu led

by historically oppressed classes and castes with a distinctive notion of sub-national solidarity oppose any attempt to change their existing boundaries of the parliamentary seats. They see this as punishment for implementing effective population control policies and also their high economic growth. While the northern states especially poorer states like Bihar and Uttar Pradesh argue that they have been denied “one person, one vote”. For instance, in Uttar Pradesh, nearly a population of three million gets one MP, while the corresponding 1.8 million elects one MP in Tamil Nadu. So, the political value of a vote in Tamil Nadu is nearly double that of someone who lives in UP. The violation of this most basic tenet of democratic representation results in perverse consequences in an unequal and hierarchical society like India because most poor, Dalits, lower castes, and minorities are concentrated in Bihar and Uttar Pradesh. Not surprisingly, the Indian Constitution provided for a decennial review of the state-wise share of seats via a neutral and autonomous delimitation commission.

Eliminating Partisanship and reifying effective representation: Delimitation Commission

Delimitation then means two things: determining boundaries of Assembly and Lok Sabha constituencies based on census data; and as provisioned by Article 82 of the Indian constitution, the recalibration of the number of Lok Sabha seats per state and in the Legislative census. This exercise is to be conducted by the "Delimitation Commission" a body that is to be a non-partisan, independent authority whose decisions regarding altering the boundaries of constituencies are immutable and cannot be challenged in any court of law (Kumar, 2009). The Supreme Court recently rejected a petition challenging the delimitation process conducted to redraw Legislative Assembly and Lok Sabha constituencies in the Union Territory of Jammu & Kashmir.

In other words, such a commission that exists separate from the Electoral Management Body (EMB) i.e. the Election Commission of India is constitutionally and legally immune from the usual procedures of judicial review. This clearly shows that the delimitation exercise is accorded a rare status in democratic political theory as it is established to “understand, and capture, how the country’s demographics are changing, based on decennial census data” (Rajagopalan, 2022).

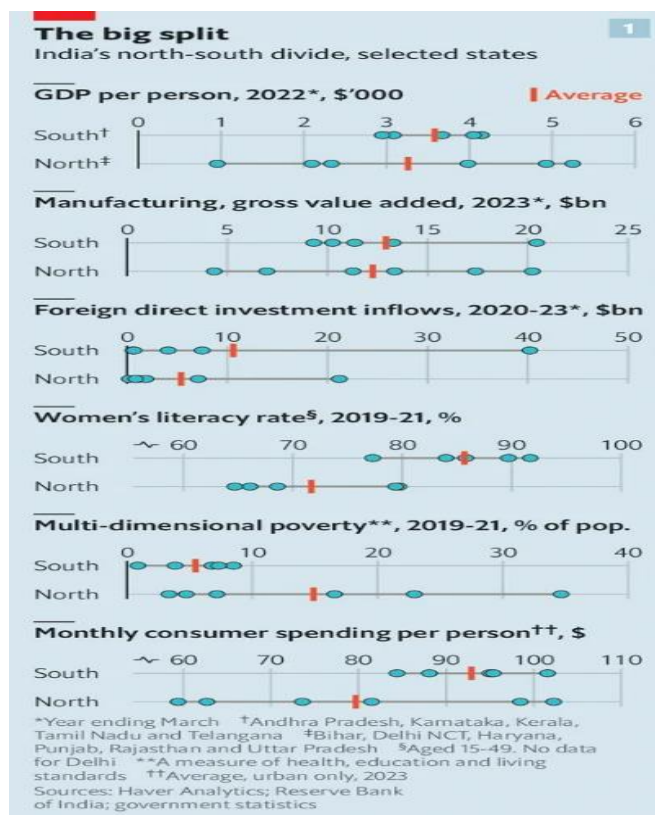


Fig 3: Contribution of Southern States to India's Economic Success, Source: The Economist

This process of delimitation is at the heart of electoral democracies, especially in large republics. It upholds the cardinal principle of 'one person, one vote, one value', meaning that no one person's vote will have a greater weight than another's. In a country where the electoral system is premised on the logic of single-member constituencies, it is crucial that each constituency be roughly similar in the electorate size so as to ensure that people voting in one part of the country do not have a greater influence than others voting in another part of the country (McLean and Butler, 1996).

Article 81 of the Indian Constitution specifies that Lok Sabha seats should be distributed among states according to their population, ensuring that constituencies within states have approximately the same number of people. Originally, the 1950 constitution set a cap of 500 seats in the Lok Sabha, with one Member of Parliament representing every 750,000 individuals. Article 80 of the Constitution limits the Rajya Sabha to 238 members elected from states, plus an additional 12 members appointed for their expertise. The Constitution is designed to avoid uneven distribution of seats in both parliamentary houses. This contrasts with the U.S. system, where each state has an equal number of Senate seats, regardless of population size. In India, Rajya Sabha seats are allocated based on population and members are elected by state legislatures using proportional representation through the single transferable vote method.

The Seventh Amendment in 1956 set the limit for elected representatives at 520—500 from states and 20 from Union Territories (UTs). Later changes, such as the First Amendment in 1973 and the Goa, Daman, and Diu Reorganisation Act of 1987, raised the Lok Sabha's upper limit to 552 members, comprising 530 from states, 20 from UTs, and two appointed by the President to represent the Anglo-Indian community. Currently, the Lok Sabha can have up to 545 members filling these seats.

Delimitation not only establishes constituency boundaries and seat allocation between and within states but also addresses historical injustices by reserving seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and Vidhan Sabhas. Article 330(2) requires seats reserved for SCs and STs to be proportionate to their population in each state. Therefore, a state with a higher percentage of SCs and STs will have more seats reserved for such communities than one with fewer, no matter the national average (Verma 2006).

The Constitution also acknowledged that populations across states will grow and not evenly. It thus mandated that delimitation would take place after every census, the Constitution remains silent on who should carry out this task and how should this process be undertaken. It leaves it to Parliament to provide the machinery for the delimitation of constituencies. Article 327 says:

"...Parliament may from time to time by law make provision with respect to all matters relating to or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and other matters necessary for securing the due Constitution of such House or Houses."

The idea behind delimitation was that after an increase in population, constituency boundaries ought to be re-drawn to ensure ‘equal population seat ratio in all the assembly constituencies within the states and to have equal population seat ratio for all parliamentary constituencies within the Indian republic’ (Kumar, 2003). With the aim of reducing disparities in constituency sizes based on the number of voters, the initial three delimitation exercises took place in 1952, 1962, and 1970. However, these exercises were abruptly halted in 1976 following the 42nd Amendment to the Constitution, which prohibited any further delimitation until data from the 2001 census became available. The reason for this was the uneven growth in population, which the political mobilizations from the southern states of India raised concerns about (Jacob, 2023). Leaders from these southern states believed that because they more stringently followed the population control measures of the Centre when compared to states of the north Indian belt, they were being politically and electorally penalized.

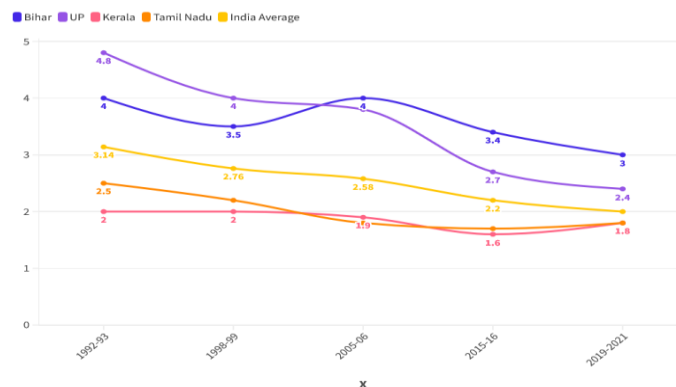


Fig 4: Total Fertility Rate in North Indian States along with an all-India Average

However, the main cause for postponing delimitation was the absence of fiscal federalism, even though India operates as a bicameral federal union (Rao and Singh, 2007). The wealthier southern states contributed significantly more to the central revenue pool (as shown in Fig 1), but the union government reallocated these funds according to need. As a result, the poorer northern states, which had higher fertility rates and population growth, ended up receiving more from the revenue pool than they contributed. Money, more than population thus played a role in postponing delimitation (Rajagopalan, 2023). As figure 2 suggests, an analysis of Total Fertility Rate (TFR) trends in the five north Indian states and the national average reveals a consistent decline in fertility rates over nearly three decades. Initially, Bihar and Uttar Pradesh exhibited higher TFRs, reflecting regional disparities in development, but both states saw significant reductions, narrowing the gap with Kerala and Tamil Nadu. Stable TFRs in Kerala and Tamil Nadu suggest effective family planning programs and healthcare advancements.

While the 44th Constitutional Amendment Act (CAA) spearheaded by the Janata government tried to undo many of the provisions of the 42nd CAA, it did not do much as far as provisions of Articles 81, 82, and 170 were concerned. Due to fiscal centralization, the malapportionment issue became apparent during the delimitation freeze from 1976 to 2001.

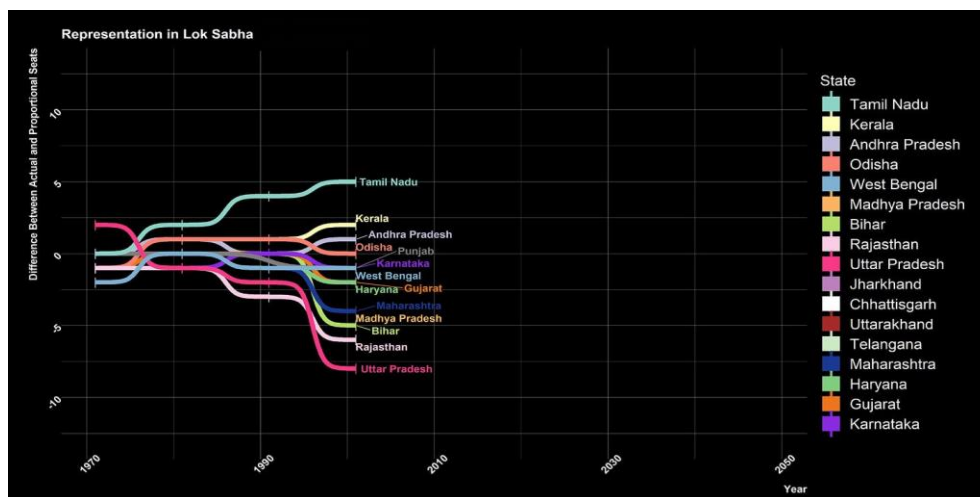


Figure 5: Malapportionment from 1971-2001 (based on census data); Source: Rajagopalan, 2023

The figure above demonstrates that by 2001, Tamil Nadu had five seats more than warranted by its population size, whereas Uttar Pradesh had eight fewer seats than its proportional share. Concurrently, while states such as Rajasthan, Madhya Pradesh, and Bihar saw population increases, their seat allocations did not reflect this growth. Conversely, states like Kerala and Andhra Pradesh received additional seats. The political sensitivity of delimitation became clearer by 2001, when despite time, even the Vajpayee-led government postponed it to 2026. The fragile nature of its coalition and the previous experience of All India Anna Dravida MunnetraKazhagam (AIADMK, a regional political party with a strong base in

Tamil Nadu) walked out of an earlier BJP (Bhartiya Janta Party) led NDA (National Democratic Alliance) coalition within 18 months. Thus, the 84th Constitutional Amendment Act (CAA) prolonged the freeze on the total number of seats for each state in the Lok Sabha and state legislatures, using the 1971 census data, until the release of the census figures post-2026.

The Delimitation Act of 2002, which set up the Fourth Delimitation Commission, applied 1991 Census Data to revise seat allocations for scheduled tribes and castes. Meanwhile, the 87th Constitutional Amendment Act (CAA) preserved the seat distribution among states according to the 1971 Census Data but permitted redrawing of constituency boundaries within each state based on the 2001 census data. These developments were significant in shaping the delimitation trajectory of independent India, leading to more symmetric constituency sizes within each state. This was notably observed in the creation of new states such as Chhattisgarh, Uttarakhand, and Jharkhand.

Due to the unavailability of 2021 Census Data, most projections regarding constituency and seat asymmetries rely on census data up to 2011. Based on data from the 2019 “Report of the Technical Group on Population Projections”, the ECI, and Aadhaar data, scholars argue that the asymmetry in seat share is likely to worsen compared to 2001. For example, it is projected that states such as Tamil Nadu and Kerala will have nine and six seats more, respectively, than what their population sizes would suggest. Conversely, states like Bihar and Uttar Pradesh are expected to have nine and twelve seats fewer than their proportional population shares (Vaishnav & Hinton, 2019).

By 2031, when the delimitation freeze ends, the discrepancy is anticipated to worsen, with Uttar Pradesh and Bihar projected to have 12 to 13 seats fewer than their population proportions. On the other hand, Tamil Nadu is expected to exceed its population proportion by 11 seats, with other states varying in their seat allocations within this range.

Recent Cases of State-level Delimitation- Case Study of Jammu & Kashmir and Assam

The delimitation process is not without its challenges and criticisms. It is commonly perceived as having fallen prey to partisan politics, particularly in conflict-ridden regions of the nation. Pursuant to section 3 of the Delimitation Act, 2002, the Central Government set up the Delimitation Commission to undertake the delimitation of Assembly and Parliamentary constituencies in the Union Territory of Jammu and Kashmir and the states of Assam, Arunachal Pradesh, Manipur, and Nagaland. This recent delimitation in Jammu and Kashmir (J&K) and Assam led to rising concerns among opposition parties on the grounds of communal “gerrymandering” (Daniyal, 2023). In both instances, the argument has been made that the representation of Muslim-majority areas in the legislature has been reduced for partisan considerations to favor the ruling National Democratic Alliance, specifically, the Bhartiya Janata Party.

It is noteworthy that the delimitation processes in both instances were overseen by distinct entities. In Jammu and Kashmir, a bipartisan commission led by a retired Supreme

Court judge conducted the exercise, while in Assam, it was conducted by the Election Commission of India. The Delimitation Commission for Jammu and Kashmir was chaired by Justice Ranjana Prakash Desai, a retired Supreme Court judge, along with Sh. Sushil Chandra, the Chief Election Commissioner, and Sh. K. K. Sharma, the state election commissioner for Jammu and Kashmir.

Census data shows that the complaints of the opposition parties are not without merit. Even while delimitation may ensure adequate representation to certain communities, there is every danger that it may result in the disenfranchisement of others for partisan reasons. This section of the paper delves into delimitation in both these states, on the basis of statistics made available by ECI.

a. Assam

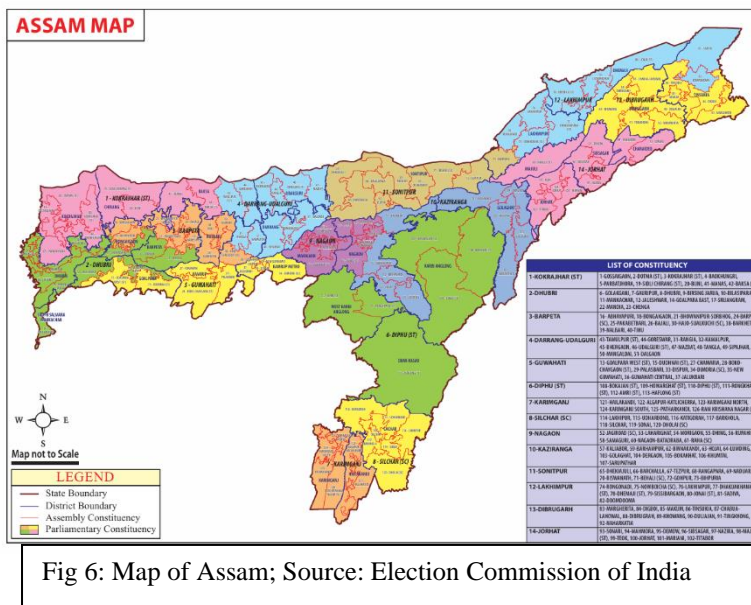


Fig 6: Map of Assam; Source: Election Commission of India

In accordance with Article 82 and Clause (3) of Article 170 of the Indian Constitution, revised by the Constitution (Eighty-fourth Amendment) Act, 2001, the Indian Parliament passed the Delimitation Act, 2002, which established a Delimitation Commission to redraw electoral boundaries using the 2001 census data. The commission carried out its task nationwide except in Assam, Arunachal Pradesh,

Manipur, and Nagaland. Specifically for Assam, the President, exercising powers under subsection (1) of section 10A of the Delimitation Act, 2002, and upon determining that conditions threatened India's unity and integrity and posed a serious risk to peace and public order, postponed the delimitation process in Assam as per the notification S.O. 283(E) issued on February 8, 2008. It was only in February 2020 that the President, through Presidential Orders S.O. 903(E), notified that the aforementioned conditions in Assam had ceased to exist (Kalita, 2020).

Pursuant to directives from the Ministry of Law & Justice, recorded under file number H-11019/06/2022-Leg.II, Government of India, the Election Commission of India (ECI), headed by Chief Election Commissioner Shri Rajiv Kumar and Election Commissioners Shri Anup Chandra Pandey and Shri Arun Goel, consented to initiate the delimitation of Assembly and Parliamentary Constituencies in Assam in accordance with Section 8A of the Representation of the People Act, 1950. The Chief Electoral Officer of Assam was directed to collaborate with the State Government in enforcing a strict ban on forming new administrative units from January 1, 2023, until the delimitation exercise is complete. This exercise was to be

based on the 2001 census data as required by Article 170 of the Constitution and was to ensure seat reservations for Scheduled Castes and Scheduled Tribes as per Articles 330 and 332. The Commission established its own protocols and procedures for delineating constituencies, considering factors such as topography, existing administrative boundaries, accessibility, and public convenience to maintain the geographical compactness of the constituencies.

Assembly seats in Assam were previously delimited in 1952, 1962, and 1976. The last exercise was conducted on the basis of the 1971 census under the Delimitation Act, 1972. According to the 2001 census, the population had surged by over 100%, leading to significant malapportionment of constituencies. Furthermore, since the last delimitation, the number of districts in Assam had grown from 9 to 31. In response, the Chief Electoral Officer of Assam was directed to compile Statistical Data and Maps for the entire state. After extensive consultations with various stakeholders, the Election Commission of India (ECI) issued the final delimitation order for the Assembly and Parliamentary Constituencies in Assam.

There were varied aspects to the delimitation exercise conducted in Assam. The Election Commission of India held public sittings in Guwahati and Dibrugarh before the draft publication. Approximately 1000 persons attended the meetings of the Commission. They voiced their suggestions, and objections and submitted written memorandums. Before finalizing the proposal, the ECI considered over 1200 representations, incorporating about 45% of the suggestions and objections into the final order. Representations were received from various quarters, including political parties, civil society organizations, student organizations, public representatives, etc. These representations were received at the stage of both pre-draft publication and post-draft publication. Prior to draft publication, the Commission held interactions with political parties, CSOs, members of the public officers of state administration and Chief Electoral Officer, District Election Officers, etc. The Commission also received numerous representations highlighting the disparate population growth trends in Assam. While certain districts have experienced significant population increases since the previous delimitation, others have seen less growth. For example, population density across districts in the state ranged from 38 persons per square kilometer in Dima Hasao to 1096 persons per square kilometer in Kamrup (Metropolitan) district.

Subsequent to the draft publication, the Commission held further meetings at Guwahati, which were attended by more than 6000 people consisting of recognized and registered political parties, civil society organizations, student organizations, etc. After reviewing all submissions and objections, and following consultations with the office of the Chief Electoral Officer, the Election Commission of India (ECI) published the final delimitation order on August 11, 2023, in both the Gazette of India and the state Gazette. For effective and prompt dissemination, it was advertised in all major newspapers and other forms of media. Following the publication of the final order, a notification was issued by the Ministry of Law and Justice on behalf of the President of India, designating "16th August 2023" as the effective date for the Election Commission's orders concerning delimitation, as dated 11th August 2023, for the state of Assam. The copies of the order were also laid before the House of People and State Legislative

Assembly of Assam. However, no changes could be made or no modifications were permissible therein by them.

Based on this delimitation exercise and using data from the ECI, the following arguments can be made:

- Kokrajhar, designated as a Scheduled Tribe (ST) constituency, has a total population of 1,701,337, with 35.7% classified as ST, highlighting its significant tribal population. However, Scheduled Caste (SC) representation is lower at 4.63%. With a population size of 10.64% below the state's average, Kokrajhar plays a key role in Assam's political landscape due to its distinct tribal identity.
- Dhubri, with a population of 2,770,635, is among Assam's most populous constituencies, yet it has lower SC and ST representations at 3.53% and 0.32%, respectively. The considerable deviation of 45.52% above the state average emphasizes Dhubri's substantial electoral influence.
- Barpeta has 2,129,170 residents, with a noticeable SC presence at 9.32%, although the ST population is smaller at 2.98%. The constituency's population is 11.83% above the state average, underscoring its electoral importance.
- Darrang-Udalguri, home to 2,394,094 people, has a substantial 18.13% ST population, indicating a strong tribal presence. The population is 25.74% above the state average, highlighting its significant size within Assam's political framework.
- Guwahati's population of 2,102,410 includes 6.49% SC and 14.16% ST, showing a diverse demographic. With a population 10.42% above the state average, Guwahati's role is pivotal in the state's politics.
- Diphu, another ST-designated constituency, has a total population of 1,001,390, with a remarkable 58.06% belonging to STs, accentuating its tribal character. The -47.41% deviation from the state average signifies a smaller population, yet its high ST percentage underscores its socio-political relevance.
- Karimganj, with a population of 1,537,805, has a higher SC percentage at 12.17%, while STs make up only 0.23%. The -19.23% deviation from the state average indicates a smaller population, but the high SC representation highlights its unique demographic.
- Silchar, designated for SCs, has 14.49% SC and 1.29% ST of its population. With a -23.42% deviation from the state average, Silchar's smaller size does not diminish its diversity and electoral significance.
- Nagaon closely matches the state average population size with a minimal deviation of -0.67%, hosting balanced SC and ST representations of 10.04% and 9.06%, respectively.
- Kaziranga, with 2,203,457 people, shows a balanced demographic of 8.51% SC and 6.33% ST, with a 15.73% positive deviation from the state average, indicating a larger population size.
- Sonitpur, hosting 1,837,145 people with 12.1% ST and 5.65% SC, shows a -3.51% deviation, suggesting a slightly smaller population size but notable for its ST representation.

- Lakhimpur, with 28.57% ST and 5.45% SC of its 1,682,436 population, also deviates by -11.64% from the state average, underscoring its distinct demographic composition within the state.
- Dibrugarh and Jorhat exhibit relatively balanced demographic compositions, with Dibrugarh aligning closely with the state average and Jorhat hosting a larger population, both significant for their potential to represent diverse community interests in Assam.

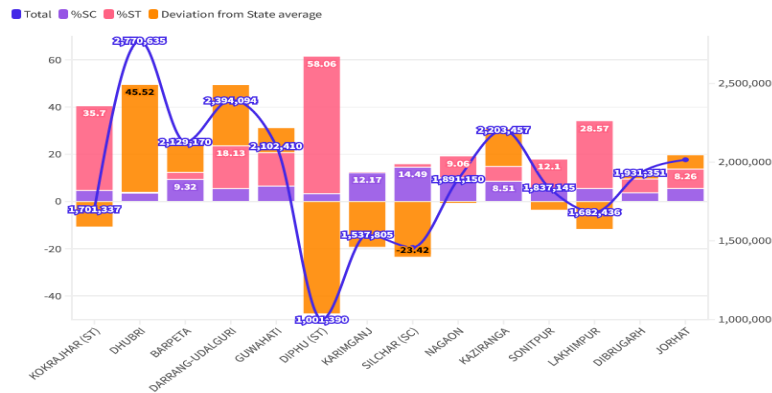


Figure 7: Constituency Profiles

The final delimitation notification received both positive and negative reactions from various sections of society, including political parties, student organizations, and the people of Assam. The challenges of delimitation in Assam stem from finding a balance between the technical parameters of delimitation and the aspirations and demands of the people of Assam. In the process of delimitation, the Election Commission of India (ECI) endeavored to make each constituency geographically compact where feasible, considering factors such as physical features, population density, current administrative boundaries, communication facilities, and public convenience. Additionally, the ECI acknowledged significant variations between districts in aspects like geography, population density, communication means, and the continuity of areas. These factors, alongside the goal to preserve administrative units without division, meant that exact equality in population across all constituencies was not possible, permitting some deviation from the average population at the state and district levels.

The delimitation order included changes to the names of nineteen Assembly Constituencies (ACs) and one Parliamentary Constituency (PC). The number of Assembly seats remained unchanged at 126, and Lok Sabha seats at 14. Additionally, 19 ACs and 2 PCs were reserved for Scheduled Tribes (STs), while 9 ACs and 1 PC were reserved for the Scheduled Castes (SCs). The allocation of Assembly Constituencies (ACs) reserved for Scheduled Castes (SCs) has been based on the SC population's proportion to the state's total population. The allocation of these seats across districts takes into account the share of the SC population in each district compared to the total SC population of the state. Within these districts, the Assembly Constituencies (ACs) with the largest proportion of SC population relative to their total populations are designated as reserved for SCs. In a similar manner, the

Parliamentary Constituency (PC) with the highest proportion of SC population compared to its overall population is also marked as reserved for SCs.

As per Article 330 (2) of the Constitution, “The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the House of the People as the population of the Scheduled Castes in the State or Union territory or of the Scheduled Tribes in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory.” The number of seats in the state's Legislative Assembly and House of People remains unchanged at 126 and 14 respectively. However, the number of Assembly Constituencies (ACs) reserved for Scheduled Castes (SCs) has risen from 8 to 9, and for Scheduled Tribes (STs), it has increased from 16 to 19. Two seats have been reserved for STs in the Lok Sabha and one seat has been reserved for SCs.

The final delimitation notification in Assam has been reacted upon both positively and negatively by various sections of society, including political parties, student organizations, and the people of Assam as observed in the various news and media reports. Crafted by an independent and impartial Election Commission of India (ECI), it has found its critics in those who argue that the delimitation exercise favored certain political interests. While delimitation aims to ensure equal political representation and delegate decision-making power, the delimitation adjusted constitutional provisions, on the grounds of supporting indigenous rights (Sultana, 2023). In Assam, where the indigeneity issue is highly contested and the National Register of Citizens (NRC) has not conclusively resolved the matter of alleged illegal migrants, this delimitation process is seen to be contentious. Although it does not alter the total number of seats, its impact on the 2024 parliamentary and 2026 assembly elections is seen as being politically motivated. On the other hand, there are the proponents and advocates who hail the delimitation as a historic exercise that holds the possibility of positively contributing to furthering the democratic processes in the state of Assam.

b. Jammu and Kashmir

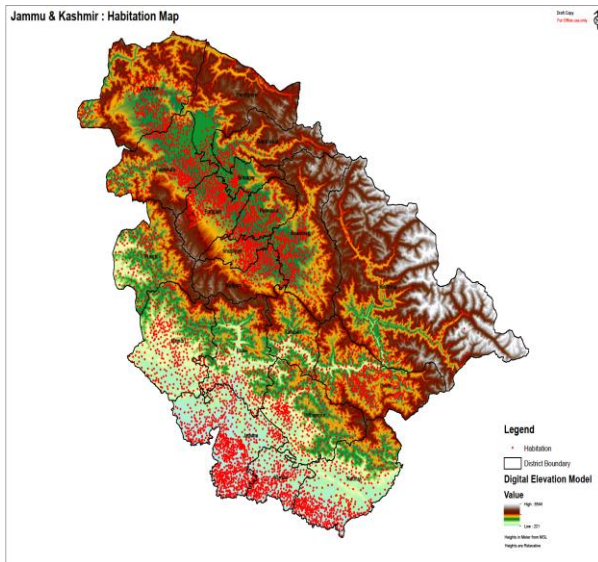


Figure 8: Habitation Map of Jammu & Kashmir

The Delimitation Commission was set up under notification number H-11019/3/2019-Leg.II, dated March 6, 2020, to redistrict constituencies in the Union Territory of Jammu & Kashmir, following Section 3 of the Delimitation Act, 2002 (33 of 2002) and the Jammu & Kashmir Reorganisation Act, 2019. This redistricting was to utilize the 2011 census data specific to the Union Territory. The Commission was chaired by Justice Ranjana Prakash Desai, a retired Supreme Court Judge, and included Sushil Chandra, the Chief Election Commissioner, and K. K. Sharma, the State Election Commissioner for the Union Territory, as Ex-Officio members. Additionally, 5 members of the Lok Sabha representing the Union Territory served as Associate Members. Their appointment was

made by the Speaker of the house. The Commission was designated with the responsibility of redrawing the Assembly and Parliamentary Constituencies in Jammu and Kashmir “using the 2011 Census data, following the guidelines set out in Part-V of the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019) and the Delimitation Act, 2002 (33 of 2002)” (Delimitation Commission, 2022).

The redrawing of constituencies in Jammu and Kashmir was governed by the Jammu and Kashmir Reorganisation Act, 2019, and the Delimitation Act, 2002. The Commission developed specific Guidelines and Methodology to map the Assembly and Parliamentary Constituencies effectively. During their field assessments in the Union Territory, they considered factors such as “geography, communication, public convenience, and the contiguity of areas, as detailed in Section 9(1) of the Delimitation Act, 2002” (ibid). Based on these considerations, the Commission categorized the 20 districts into three main groups: A - Predominantly hilly and challenging regions, B - Areas with a mix of hilly and flat terrain, and C - Primarily flat regions. This classification facilitated a permissible deviation of up to +/- 10% from the average population per Assembly Constituency in district allocations. In certain instances, additional constituencies were proposed for districts to ensure equitable representation, especially in geographically isolated or topographically challenging regions, including those along the international border.

The Commission ensured that the delimitation of constituencies was based on the existing administrative structures as of June 15, 2020, such as districts, tehsils, and Patwar circles. It directed the Union Territory administration not to modify these units until the delimitation was complete, ensuring that each Assembly Constituency was contained within a single district and that the smallest units, like “Patwar Circles and Wards in the Jammu

Municipal Corporation, remained intact and confined to a single constituency” (Delimitation Commission, 2022).

Furthermore, in accordance with Article 330 and Article 332 of the Constitution, along with subsections (6) and (7) of Section 14 of the Jammu and Kashmir Reorganisation Act 2019, the Commission established the number of seats that should be reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Legislative Assembly of the Union Territory. This was the first time that nine Assembly Constituencies were designated as reserved for STs and seven for SCs, a measure that had not been part of the previous Jammu and Kashmir’s Constitution. Further, the Commission engaged with various political parties, civil society groups, and the public in Srinagar, Pahalgam, Kishtwar, and Jammu prior to initiating the delimitation process. In these meetings, political parties presented specific demands:

- To increase seats in the Jammu region
- Draft recommendations should be made public to invite suggestions/objections from the public.
- To do delimitation exercise with correct census figure.
- The reserved seat should be rotated.
- Suggestion on carving out certain constituencies including certain Panchayat Halqas among others

The J&K region, treated as a single U0054 by the Delimitation Commission, comprises five Parliamentary Constituencies. In the reorganization process, one Parliamentary Constituency was formed by combining parts of the Anantnag area in the Valley with the Rajouri and Poonch areas in the Jammu region, and each Parliamentary Constituency was allocated 18 Assembly Constituencies. The Commission also ratified changes to the names of certain Assembly Constituencies in response to requests from local representatives, including renaming “Tangmarg-AC to Gulmarg-AC, Zoonimar-AC to Zaidibal-AC, Sonwar-AC to Lal Chowk-AC, and several others. Additionally, the Commission approved various proposals for shifting Tehsils among Assembly Constituencies, such as moving Tehsil Shrigufwara from Pahalgam-AC to Bijbehara-AC and others” (PIB, 2022). These adjustments also included minor territorial changes within the proposed Assembly Constituencies, with only select rational modifications being finalized. According to the final Delimitation Order, “the region was divided into 90 Assembly Constituencies, with 43 in the Jammu region and 47 in the Kashmir region, following Section 9(1)(a) of the Delimitation Act, 2002, and Section 60(2)(b) of the Jammu & Kashmir Reorganization Act, 2019” (Delimitation Commission, 2022).

The task of delineating Assembly and Parliamentary constituencies in the UT of J&K was fraught with significant challenges, arising from its distinct geo-cultural landscape and intricate political context. The region is marked by a sharp contrast in political aspirations between the Jammu and Kashmir areas, further complicated by wide variations in population density. These range from 3436 individuals per square kilometer in the more accessible valley-plains to a sparse 29 per square kilometer in the predominantly mountainous regions. Additionally, the logistical difficulties of accessing certain sub-regions within the districts are

exacerbated by natural barriers, such as mountain passes that become impassable due to snow during the winter months. These factors collectively posed substantial hurdles to achieving equitable and practical delimitation of constituencies. Additional difficulties included sporadic but life-threatening cross-border firing and shelling affecting villages along the International Border, which also suffer from poor connectivity and limited public services.

These issues, emphasizing the uneven living conditions and competing claims for equitable democratic representation, were eloquently presented by political party representatives, social organizations, individuals, and the media. These discussions provided the Commission with critical insights, supporting the democratic credentials of world's largest democracy. The process aimed to establish a fair and robust framework, carefully designing constituencies to ensure that every electorate member, despite diverse and challenging circumstances, could exercise their voting rights in an equitably convenient manner.

Initially, Jammu and Kashmir were divided into two divisions for electoral purposes, with Jammu assigned 37 Assembly seats and Kashmir 46. Following the Commission's final adjustments, the seat allocation increased to 43 for Jammu and 47 for Kashmir, bringing the total number of Assembly seats in the Union Territory from 83 to 90. The Commission recommended that the central government should nominate at least two Kashmiri Pandits and consider appointing displaced persons from Pakistan-occupied Jammu and Kashmir to the Legislative Assembly. The delimitation exercise allocated nine seats for Scheduled Tribes (STs) with six in the Jammu region and three in the Kashmir valley, and reserved seven seats for Scheduled Castes (SCs) in the Jammu region. In its final order, the Commission merged Rajouri and Poonch from Jammu with Anantnag in Kashmir, forming the new Kishtwar-Rajouri constituency. Additionally, 13 constituencies were renamed across both regions to better reflect local public sentiment, reinstating names like Gulmarg, Hazratbal, Zadibal, Lal Chowk, Eidgah, and Gulabgarh (Delimitation Commission, 2022).

This final delimitation order from the Delimitation Commission for Jammu and Kashmir carries substantial political significance within the framework of "One Nation, One Constitution," particularly after the groundbreaking Jammu and Kashmir Reorganization Act of 2019, which annulled Article 370 of the Indian Constitution. This delimitation is a crucial step toward holding Assembly elections and potentially reinstating statehood to Jammu and Kashmir. As a result, Jammu, which represents 43% of the Union Territory's total population of 1.22 crore, will now hold 47% of the seats. Conversely, Kashmir, with 56% of the population, will have 52% of the seats (Delimitation Commission, 2022).

The revision incorporates five Assembly segments designated for Scheduled Tribes in the Jammu region, predominantly inhabited by the Gujjar and Bakarwal communities, who accounted for 11.9% of the total population according to the 2011 census. This restructuring is likely to significantly influence future electoral dynamics. Additionally, it mirrors changes in the administrative configuration of the Union Territory, which now includes 20 districts and 207 Tehsils, a notable expansion from the previous 12 districts and 52 Tehsils. The delimitation process complies with Section 9(1)(a) of the Delimitation Act, 2002, and Section 60(2)(b) of the Jammu & Kashmir Reorganisation Act 2019, ensuring

that constituencies are geographically cohesive and take into account physical features, existing administrative boundaries, and public convenience.

In drafting this final order, the Delimitation Commission also took into account observations from the Hon'ble Supreme Court's judgment in R.C. Poudyal and Anr. Etc. Etc vs Union of India AndOrs. Etc. Etc on February 10, 1993:

“The principle of one man, one vote envisages that there should be parity in the value of votes of electors. Such a parity though ideal for a representative democracy is difficult to achieve. There is some departure in every system following this democratic path. In the matter of delimitation of constituencies, it often happens that the population of one constituency differs from that of the other constituency and as a result, although both constituencies elect one member, the value of the vote of the elector in the constituency having lesser population is more than the value of the vote of the elector of the constituency having a larger population.”

Under due consideration and consultations, and from the data provided by the Commission, a detailed insight into the demographic makeup and population variations among five parliamentary constituencies in Jammu and Kashmir can be discerned. These are Baramulla, Srinagar, Anantnag - Rajouri, Udhampur, and Jammu. These constituencies become important considering they showcase diverse profiles in terms of Scheduled Castes (%SC), Scheduled Tribes (%ST), and their deviations from the state average population.

- a. Baramulla, with a total population of 2,586,537, demonstrates a minimal presence of Scheduled Castes (%SC) at 0.11% but a significant representation of Scheduled Tribes (%ST) at 7.1%. The positive deviation from the state average population, standing at 5.42, indicates a larger population compared to the state average. This suggests a considerable tribal presence within Baramulla, potentially influenced by historical settlement patterns and geographic factors.
- b. Srinagar, with a population of 2,666,083, showcases extremely low percentages of Scheduled Castes (%SC) at 0.07% and Scheduled Tribes (%ST) at 5.18%. Despite this, it holds the highest deviation from the state average population at 8.67, suggesting a significantly larger population compared to the state average. This deviation may be attributed to factors such as urbanization, administrative importance, and strategic significance as the summer capital of Jammu and Kashmir.
- c. Anantnag - Rajouri, with a total population of 2,631,904, presents a more diverse demographic profile. It displays a relatively higher percentage of Scheduled Castes (%SC) at 1.44% and a substantial representation of Scheduled Tribes (%ST) at 19.57%. The positive deviation from the state average population, at 7.27, further emphasizes its above-average population size. This suggests a varied composition of marginalized communities within the constituency, potentially influenced by historical and socio-economic factors.

- d. Udhampur, with a population of 2,098,613, stands out for its significantly higher percentage of Scheduled Castes (%SC) at 17.25% but a relatively lower percentage of Scheduled Tribes (%ST) at 10.82%. Despite the substantial SC representation, Udhampur displays a negative deviation from the state average population, standing at -14.46, indicating a population below the state average. This discrepancy may be influenced by factors such as topographical constraints, infrastructural development, and historical demographics.
- e. Jammu, with a population of 2,283,876, exhibits the highest percentage of Scheduled Castes (%SC) at 22.75% among the listed constituencies and a moderate percentage of Scheduled Tribes (%ST) at 9.24%. However, it demonstrates a negative deviation from the state average population, at -6.91, suggesting a population below the state average.

During its public hearings, the Delimitation Commission received a variety of submissions from “Kashmiri migrants and displaced individuals from Pakistan-occupied Jammu and Kashmir (PoJK)” (PIP, 2022). Representatives of Kashmiri migrants detailed their experiences of persecution and displacement, characterizing themselves as refugees within their own nation for over thirty years. They sought reserved seats in both the Jammu and Kashmir Assembly and Parliament to safeguard their political rights. Similarly, displaced persons from PoJK also called for reserved seats in the Legislative Assembly. In light of these requests, the it made the following proposals to the Central Government:

1. “Provision of at least two members (one of them must be a female) from the community of Kashmiri Migrants in the Legislative Assembly and such members may be given power at par with the power of nominated members, of the Legislative Assembly of Union Territory of Puducherry” (PIB, 2022).
2. “The Central Government may consider giving the Displaced Persons from Pakistan occupied Jammu and Kashmir some representation in the Jammu and Kashmir Legislative Assembly, by way of nomination of representatives of the Displaced Persons from Pakistan Occupied Jammu and Kashmir”(PIB, 2022) .

The delimitation exercise in Jammu and Kashmir, much like that in Assam, has sparked extensive debate and contention due to the significant changes it proposes for parliamentary representation. Based on the 2011 Census, the revised delimitation results in Jammu’s 44% of the population holding 48% of the seats, while Kashmir’s 56% of the population receives 52% of the seats. Previously, Kashmir’s 56% of the population held 55.4% of the seats, and Jammu’s 43.8% held 44.5% (Masood, 2022). Notably, of the six new seats added in Jammu, four are predominantly Hindu. In the Chenab region, which includes the Doda and Kishtwar districts, Muslims are a minority in the new Padder seat (ibid). The additional seat in Kashmir is in Kupwara, a stronghold of the People’s Conference, which is perceived to be aligned with the central ruling party. Though much needed, the proposal to reserve seats for Kashmiri Pandits and displaced persons from PoK raises the issue of partisan benefit for the Bharatiya Janata Party (BJP)(ibid).

The restructuring of Anantnag and Jammu could notably alter the influence of different demographic groups within these constituencies. The Commission has allocated nine Assembly seats for Scheduled Tribes, with six situated in the revised Anantnag parliamentary seat, encompassing areas in Poonch and Rajouri that have substantial ST populations (Masood, 2022). Opposition parties speculate that this seat might be designated for STs, which would shift the electoral dynamics since the Anantnag seat previously had a minimal ST population. Political parties in the Valley contend that this reconfiguration reduces the impact of ethnic Kashmiri-speaking Muslim voters. If Poonch and Rajouri had remained within the Jammu Lok Sabha constituency, it might have been categorized as an ST-reserved seat, potentially enabling the BJP to strengthen the Hindu vote in that area. Furthermore, the reconfiguration of Baramulla is expected to consolidate Shia votes, which could favor Imran Reza Ansari, a Shia leader in Sajad Lone's People's Conference.

In retrospect, it can be argued that historically the delimitation process in Jammu and Kashmir has been complex, given its role in representing the Muslim-majority Kashmir and Hindu-majority Jammu in the legislative assembly as equitably as possible. As such all rounds of delimitation have been held responsible for upholding bias that enhances electoral gains for one political party over the other.

Delimitation and Women Reservation: A New Social Compact in Federal Democracy

Women's quest for formal political representation has been a lengthy and persistent one, challenging entrenched notions that viewed politics as a male preserve (Chafetz & Dworkin 1986). Initial victories in women's suffrage were only achieved after extended, intense national struggles. Over time, the concerted actions of the global women's movement unified these individual national efforts into a collective demand for political rights, helping to normalize them globally. Legal recognition of women's political rights began to spread worldwide after World War II, despite considerable opposition. Today, in nearly all nations with legislative bodies—Saudi Arabia being a notable exception—women not only vote but sometimes do so in larger numbers than men. However, the struggle for political rights continues; gaining the right to vote did not immediately translate into equal participation or the ability to run for public office. For instance, in the United States, women were granted the vote in 1920, but it wasn't until the 1980s that their turnout matched that of men.

The level of women's political participation and representation still varies widely both within and across countries. In nations like Sweden, Argentina, and Rwanda, women have made rapid advances in political engagement and representation. Conversely, in places like Saudi Arabia, women still lack voting rights, and in others like Kyrgyzstan, Micronesia, St. Kitts, and the Solomon Islands, women are entirely absent from legislative roles. This underscores the argument by the UN Inter-Parliamentary Union (IPU) that although the number of female parliamentarians is slowly increasing, achieving gender parity is still a distant goal.

This disparity is due to various factors, including gender differences in voting, campaigning, leading, political knowledge, socialization, and attitudes, as well as gender-biased policies by national and regional parties in the allocation of electoral seats to women.

Political parties often perpetuate gender discrimination not only in seat allocation but also within their internal hierarchy and decision-making bodies. Despite being described as weak or disorganized in India (DeSouza and Sridharan, 2006; Chhibber et al, 2014), party leadership there tightly controls electoral nominations (Farooqui and Sridharan, 2014).

India presents a particularly intriguing case as it undergoes what some scholars term 'silent feminization' (Rai, 2017). Recent trends show a significant rise in women's electoral participation, with a noticeable increase beginning in the 1990s and peaking in the 2014 Lok Sabha elections. Additionally, women's involvement in high-profile election campaigns in 2014 also surged. The gender gap in voter turnout, which was once in double digits, dropped to a single digit by the end of the twentieth century and plummeted to below 2 percent in the 2014 general elections. These developments challenge the outdated notion from 1970s election studies that women, particularly in developing countries, are less politically active than men (Deshpande, 2004).

However, these positive trends are marred by the continued underrepresentation of women in legislative bodies and within political parties. Women in India have struggled to gain the necessary influence to bring gender perspectives into political decision-making processes. The limited number of women in most state legislatures in India is below the global average, reflecting a widespread pattern of gender exclusion in electoral politics and highlighting the ongoing need to strive for gender parity in political power-sharing.

Such an imbalanced representation is also evident in the executive and judicial wings of the government. According to the "Global Gender Gap Report 2023", India has less than 7% of women who are ministers. Further, "women make up only around 15% of the members of Parliament (MPs). This is a big increase from the first elected Lok Sabha in 1952, where only 5% of the MPs were women, but it is nevertheless far from the ideal of adequate representation. Data also shows that less than 10% of legislators in 20 state assemblies and union territories are women" (EPW Editorial, 2023).

Some theorists contend that India's electoral processes are heavily influenced by male patriarchy and dominance, which serve as barriers that intentionally prevent women from sharing power on equal terms with men. For the majority of women, gender, caste, and class are constraints that are further compounded by the pervasiveness of patriarchy, thereby impeding their political participation. This is evident from the fact that women members constituted less than 10 percent of legislative assemblies in 20 states and Union Territories. These states include Maharashtra (8.3 percent), Andhra Pradesh (8 percent), Gujarat (8.2 percent), Kerala (7.9 percent), Tamil Nadu (5.1 percent), Telangana (five percent), and Karnataka (4.5 percent). Only one state, Tripura, manages to surpass the 15 percent threshold. Until 2023, Nagaland did not have any women MLAs.

Various studies indicate that India's representation of women in Parliament is among the lowest worldwide. Among BRICS nations, India's 15 percent representation of women places it just above Iran, which has a mere six percent. Among political parties, "the Trinamool Congress in West Bengal has the highest proportion of women MLAs, at 15.3 percent, with the

Congress in Chhattisgarh following closely at 14.7 percent” (Chauhan & Jaffrelot, 2023). In contrast, the Congress in Karnataka has a notably low representation at just 3 percent, while the Dravida Munnetra Kazhagam in Tamil Nadu has the least, at 4.5 percent. Among the parties in the Lok Sabha, the Biju Janata Dal boasts the highest proportion of women MPs, at 41.7 percent, with the Trinamool Congress close behind at 40.9 percent.

To address these, the reservation was designed as a consciously planned policy that would preferences that may be based on various aspects of ascriptive identities. It is in this context, that question of reserving seats for women in Parliament emerged. Before being enacted in September 2023, the bill that sought to reserve 33% of parliamentary seats for women faced a prolonged and tumultuous journey. A report by the “PRS Legislative Research Bureau” states that the “Bills amending the Constitution to reserve seats for women in Parliament and state legislative assemblies have been introduced in 1996, 1998, 1999, and 2008. The first three Bills lapsed with the dissolution of their respective Lok Sabhas. The 2008 Bill was introduced and passed by Rajya Sabha but it also lapsed with the dissolution of the 15th Lok Sabha. The 1996 Bill had been examined by a Joint Committee of Parliament, while the 2008 Bill was examined by the Standing Committee on Personnel, Public Grievances, Law and Justice” (PRS, 2023).

The “Nari Shakti Vandan Adhiniyam 2023”, which requires reserving “one-third of all seats in the Lok Sabha, state legislative assemblies, and Delhi (as a union territory with an elected assembly) for women”, is viewed as a positive advancement toward achieving gender parity in politics (Sinha et al, 2023). This initiative aims to foster greater participation among women in the political sphere. The changes are being implemented by adding Articles 330A and 332A to the legislation. The bill additionally suggests adding a new article, designated as 334A, which states “reservation of seats for women shall come into effect after an exercise of delimitation is undertaken for this purpose after the relevant figures for the first census taken after the commencement of the Constitution (one Hundred and Twenty-Eighth Amendment) Act, 2023 have been published and shall cease to have effect on the expiration of the fifteen years from such commencement” (Kumar, 2023). As argued earlier, such a delimitation will take place after the first census post 2026, as its history suggests is a multi-year procedure (Verma 2006).

With the uncertainty that surrounds the next census (Singh 2023), it is unclear when the promises of empowering women by enabling their “participation in debates, deliberations, and questioning on the floor of the house (Hussain, 2022)” will actualize. Women’s equal representation and enhanced participation through reservations in legislatures therefore remains contingent on two events—the first census after 2026 and a delimitation exercise following that census (Naqvi 2023). This provision essentially defers the earliest possible year of its implementation to the 2029 general election. Although the reservation for women is a positive move, tying it to delimitation is likely to delay its implementation, suggesting that the gender makeup of India’s Parliament and state assemblies might not see significant changes anytime soon.

Delimitation, reservation, and the representation of SCs and STs

The SC and ST communities are significant, having endured historical social discrimination (Elayaperumal, 1969; Thorat et al., 2009), while benefiting from one of the world's most comprehensive quota systems (Galanter, 1984). Since the 1950s, parliamentary and state legislative assembly seats have been reserved for SCs and STs proportionate to their populations. In these reserved constituencies, only candidates from these communities can stand for election, although all eligible voters can participate in the voting process. The 73rd and 74th Constitutional Amendments further institutionalized reservation at the rural and urban local body levels starting in 1990.

Although there have been many studies on the socioeconomic effects of quotas at the grassroots level (Besley et al., 2004; Besley et al., 2005; Chattopadhyay and Duflo, 2004a; Bardhan et al., 2010; Dunning and Nilekani, 2013), their impact within Parliament and state assemblies has received less attention. Notable exceptions include Pande (2003) and Chin and Prakash (2011), who analyzed how quotas in state assemblies influence state government spending and poverty levels at the state level, respectively.

These quotas have been in effect for over 60 years, ensuring a proportional political representation for these groups. Research indicates significant socioeconomic impacts of electoral quotas in India. Besley, Pande, and Rao (2005) demonstrated a direct correlation between a higher proportion of SCs in leadership and increased benefits for the SC community in four southern Indian states. Bardhan, Mookherjee, and Torrado (2010) observed in West Bengal that reservations for SCs in the position of pradhan (village president) led to heightened benefits for the entire village, particularly targeting female-headed households. Chattopadhyay and Duflo (2004a) noted enhanced provision of public goods to SC hamlets in reserved villages. Similarly, Chin and Prakash's 2011 study revealed a significant reduction in poverty when more ST politicians held power.

Considering that reservation of seats for the SC and ST communities in accordance with their population reaps benefits for the overall development and empowerment of the community, it is critical that the number of seats reserved for them is in sync with their rising population. The delay in delimitation has repercussions for reservation and subsequent representation, of the Scheduled Caste and Tribe groups whose population has increased in states but has not been taken into consideration due to delay in the delimitation. For instance, the Bihar Caste-based Survey report highlights an increase in the population of the SC from 15.9% to 19.65% and of the ST community from 1.2% to 1.68% from the 2011 census (Tewary, 2023). Arguably this could be a nationwide reflection that has remained hidden due to the delay in the 2021 census.

The number of reserved seats in the Lok Sabha and Vidhan Sabha, based on the 2001 Census, has become outdated. Failing to take into account the steady increase in the percentage of SCs and STs as a proportion of the population, is important not only for fulfilling the mandate of Article 330 of the Constitution but for also ensuring the political presence of under-represented groups and warranting socio-economic amelioration for the community as a whole.

In retrospect, considering that the representation of the SCs, STs, and women in legislatures is adversely affected by a delay in delimitation, it is a matter of urgency that India conducts a census, sets up a delimitation commission, reallocates seats, redraws boundaries, and reserve constituencies appropriately.

Future Contours of India's Delimitation

Delimitation is critical for ensuring a balance of power in the Lok Sabha (House of the People) for ensuring adequate representation and participation of women, SC, and ST and for re-aligning the weight of representation from the south to the north. There are two arguments for resisting this change: that it will penalize states that have successfully adhered to family planning programs, and that it disrupts the federal balance of the country. Delimitation should be based on sound principles of equity and justice and should be carried out using procedures that are unbiased and representative. The postponement of delimitation in the 1970s has led to a distorted and unbalanced electoral process, and it is crucial that this be redressed now. However, some political scientists believe that 'delimitation is the last thing India needs now as it will widen the north-south inequity and disrupt the federal arrangement in Indian politics. A purely population-based quota of seats in the parliament will lead to Hindi - heartland's majority in Indian democracy (Yadav, 2023).

In response to this, political scientists suggest to expand the size of the house balancing the competing interests of democratic representation and federalism. Political scientist Alister McMillan supports expanding the size of the Lok Sabha (House of the People) so overrepresented state does not lose any seats under reapportionment. Based on a rough calculation of demographic shifts, if no state is to lose representation post 2029 delimitation, the Lok Sabha would have to consist of 848 representatives. Another option as suggested by political scientist Milan Vaishnav is to reform the Rajya Sabha ("Council of States", India's upper house of parliament) to bring parity between states and representation. As with the Lok Sabha, upper house seats are allocated to states in proportion to their population, with the constitution setting a maximum ceiling of 250 seats. Unlike the directly elected Lok Sabha, however, state legislative assemblies select Rajya Sabha MPs. Thus, it will be worth considering ending the indirect election of Rajya Sabha members and instituting a process of direct election. The United States's Seventeenth Amendment (ratified in 1913), which introduced the direct election of U.S. senators as opposed to leaving their selection to state legislatures (Hintson & Vaishnav, 2019).

The practice of delimitation also faces significant challenges due to constitutional amendments and legal constraints. These raise issues of representation equity considering that population growth and demographic changes are not uniformly distributed across states. These concerns become much more pressing considering that delimitation is not just a technical exercise but also a politically sensitive one, that can impact the representation of various communities and regions.

It is also important to note that previous delimitation exercises in India, did not disclose the specific methodologies used, leading to accusations of gerrymandering, where electoral

boundaries are drawn to advantage specific political parties or groups (Verma, 2006). In contrast to other countries where independent bodies often handle delimitation, in India, the process can be influenced by political parties, especially if they are in power. The need thus is to balance population equity with geographic, administrative, and community considerations. This would include ensuring that constituencies are geographically compact and respect existing administrative boundaries while also considering the needs and characteristics of the local population. Further, it can be argued that incorporating independent experts such as academicians and social scientists into the delimitation process could enhance its impartiality and transparency. This approach could help mitigate the influence of partisan politics and ensure that the delimitation process upholds democratic principles and fosters fair electoral competition.

Though any exercise of delimitation raises the specter of ‘gerrymandering’, but given the cross-cutting, dispersed and overlapping nature of social diversities and consociational forms of federal governance in India, establishing permanent electoral or political majorities is almost impossible, at least in near future. In other words, we advance a more optimistic view in this paper for expanding the seats of the parliament via delimitation and also propose to link delimitation to the devolution of power to subnational units of the country (Rodden 2004). While these twin forces of delimitation and devolution bring power closer to the people – enhancing the representative, participatory dimension of democracy with gender empowerment, an integral aspect of gradual development of ‘equality of conditions’ as Alex Tocqueville prophesized.

In summary, the delimitation exercise in India is a complex interplay of demographic data, constitutional law, and political interests, all of which must be navigated carefully to ensure equitable and fair representation in the nation's electoral systems. The spatial division of electors into constituencies and their periodic updating every ten years is useful for administrative purposes. This will ensure that the discrepancy in seat-population ratio is rectified on a regular basis and malapportionment is mitigated. This is mandatory if the principle of equal value of the vote of each individual that lies at the bedrock of a democracy is to be upheld. For this, regular delimitation as was envisaged by constitution makers is crucial. And if India has to continue to remain a vibrant and shining electoral democracy, it needs to build a large consensus across political parties, national and regional for updating and upgrading the democratic and electoral infrastructure of India. Though delimitation exercise raises the fears of gerrymandering and electoral majoritarianism, but given the unprecedented political consensus on the recently passed Constitution 127th Amendment Bill in the otherwise fractious Parliament, it seems that India is fast becoming what Arend Lijphart called ‘consociational’ or power-sharing democracy within the majoritarian polity. Thus, delimitation has the potential to enhance the quality of electoral democracy and rejuvenate India’s democratic longevity in the long term.

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ⁱ1967 AIR 669, 1967 SCR (1) 400, AIR 1967 SUPREME COURT 669, 1967 JABLJ 699, 1967 (1) SCR 400, 1967 MPLJ 553, 1967 2 SCJ 248

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