

# "North-South Divide: Constitutional Challenges and Federal Implications of India's 2026 Delimitation Exercise"

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## ABSTRACT

This article examines India's forthcoming 2026 delimitation exercise, which represents a critical juncture for the nation's federal structure and democratic integrity. The analysis explores the constitutional framework governing the Delimitation Commission and investigates how divergent demographic patterns between northern and southern states have created an unprecedented challenge for equitable representation. Population projections indicate a significant power shift, with northern states potentially gaining 43 parliamentary seats while southern states lose 24, fundamentally altering federal power dynamics. Southern states, having successfully implemented population stabilization policies, face reduced representation despite their developmental achievements and disproportionate economic contributions. Meanwhile, northern states assert their constitutional right to representation based on current population figures, citing greater infrastructure needs and resource requirements. The article evaluates competing perspectives and proposes innovative solutions including hybrid allocation formulas, constitutional safeguards, and international models like Germany's weighted voting system and the European Parliament's digressive proportionality. The research concludes that India must pioneer representation mechanisms that balance population realities with federal stability through constitutional creativity—models that acknowledge population size while not penalizing successful implementation of national policies. This delimitation exercise ultimately presents an opportunity to strengthen India's democratic foundation by developing representation formulas that honor both demographic realities and federal diversity within the world's largest democracy.

**Keywords:** Delimitation Commission, Federal Balance, North-South Divide, Parliamentary Representation, Population Stabilization

## INTRODUCTION

India stands at the threshold of a defining moment in its democratic journey as it approaches the 2026 delimitation exercise—a constitutional process with far-reaching implications for its federal structure. Delimitation, the redrawing of electoral boundaries to ensure proportional representation, has evolved from a routine administrative procedure into a complex political challenge that strikes at the heart of India's diverse federal arrangement. The forthcoming delimitation will navigate the consequences of decades of divergent demographic patterns between northern and southern states, potentially reconfiguring the balance of political power in the world's largest democracy.

Since independence, India has conducted four delimitation exercises, each responding to evolving population dynamics while maintaining democratic integrity. However, the 2026 delimitation presents unprecedented challenges due to stark regional disparities in population growth—southern states like Kerala and Tamil Nadu have successfully stabilized their populations, while northern states like Uttar Pradesh and Bihar continue to experience significant growth. This demographic divergence has created a constitutional dilemma: strict adherence to population-based representation would shift substantial political power northward, potentially undermining federal harmony.

The Delimitation Commission, a constitutionally empowered body led by a Supreme Court judge, will face the formidable task of reconciling competing principles—democratic representation based on population versus federal stability that acknowledges developmental achievements. This article examines the constitutional framework governing delimitation, analyzes its political implications through projected seat allocations, presents regional perspectives, and explores potential solutions to this federal challenge. As India prepares for this watershed moment, the nation must engage in thoughtful constitutional dialogue to develop innovative representation models that honor both population realities and federal diversity—transforming a potential source of division into an opportunity to strengthen its democratic foundations.

**The Delimitation Commission of India:** Delimitation refers to the precise and methodical process of establishing or redefining the boundaries of territorial constituencies in regions with legislative representation. This critical democratic exercise ensures that population changes are reflected in electoral representation, maintaining the fundamental principle of equitable representation across different geographical areas.

### **Constitutional Status and Legal Authority**

In the Indian democratic framework, this essential responsibility is entrusted to a specialized body of considerable constitutional significance—the Delimitation Commission, also sometimes referred to as the Boundary Commission. What distinguishes this institution is its extraordinary legal standing within the Indian constitutional apparatus. The Commission functions as a quasi-judicial entity whose determinations carry the force of law and possess a unique constitutional immunity—they cannot be challenged or contested in any court of law throughout the Indian judicial system.

The finalization and implementation of the Commission's decisions follow a structured constitutional process. These orders become operational on a specific date designated by the President of India through official notification. As part of the democratic oversight mechanism, copies of all delimitation orders are formally presented before both the Lok Sabha (House of the People) and the relevant State Legislative Assemblies. However, it is significant to note that neither parliamentary body possesses the authority to amend or modify these orders, underscoring the independent and definitive nature of the Commission's mandate.

### **Constitutional Provisions of the Delimitation Commission**

Article 82 and Article 170 of the Constitution empower the Parliament to readjust the allocation of seats in the Lok Sabha and the Legislative Assemblies of States respectively, after every census. Accordingly, the Parliament enacts a Delimitation Commission Act and an independent high-powered panel known as the Delimitation Commission is constituted to carry out the exercise of delimitation.

The Parliament has enacted the Delimitation Commission Acts in 1952, 1962, 1972 and 2002 for this purpose. There was no Delimitation Commission Act after the 1981 and 1991 census. The present delimitation of constituencies has been done on the basis of 2001 census data under the provisions of Delimitation Commission Act, 2002. The next Delimitation Commission will be set up after 2026.

Article 330 and Article 332 of the Constitution provide for re-fixing the number of seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and the Legislative Assemblies of the states, on the basis of the 2001 census. The Commission's orders have the force of law and cannot be called in question before any court. The Commission's orders are laid before the Lok Sabha and the legislative assemblies concerned, but they cannot effect any modifications in the orders.

### **Composition of Delimitation Commission**

The Delimitation Commission is a high-powered committee entrusted with the task of drawing and redrawing of boundaries of different constituencies for state assembly and Lok Sabha election. It is appointed by the President and works in collaboration with the Election Commission.

The Commission consists of a retired or working Supreme Court Judge who serves as the chairperson, the Election Commissioner, and the concerned State Election Commissioners.

## Why Delimitation is Conducted

Delimitation is conducted to ensure fair and equal representation in a democracy. It aims to have equal representation for equal segments of the population and to create a fair division of geographical areas so that no political party has an undue advantage over others. The fundamental principle behind delimitation is "**One Vote One Value**" which ensures that each vote has the same weight regardless of where it is cast. As populations shift and grow unevenly across regions, regular delimitation becomes necessary to maintain this balance of representation.

## Working Principles of Delimitation

The Delimitation Commission works on the principle of equitable distribution of seats based on population data. It determines the number and boundaries of constituencies in such a manner that the population of all seats is approximately equal, ensuring practical feasibility. The Commission operates independently with legal authority, as its orders have the force of law and cannot be questioned in any court. It follows a consultative process by releasing draft proposals for public review and conducting hearings before finalizing boundaries. The Commission also ensures representation for scheduled castes and scheduled tribes in areas where their population is significant.

## Functions of the Delimitation Commission

The primary function of the Delimitation Commission is to readjust the representation of territorial constituencies in both the Lok Sabha and State Legislative Assemblies based on the latest census figures. The Commission determines the boundaries of constituencies while maintaining population equality. It identifies and reserves seats for scheduled castes and scheduled tribes in areas with significant populations from these communities. The Commission follows a transparent process by publishing draft proposals, gathering public feedback through hearings, and making appropriate changes before issuing final orders. When there are differing opinions among Commission members, decisions are made by majority vote. The final orders are published in official gazettes and implemented on a date specified by the President.

## Historical Evolution Through Four Delimitation Exercises

Since India's independence, the nation has witnessed four comprehensive delimitation exercises, each established under specific legislative frameworks:

1. **First Delimitation Commission (1952):** Constituted under the Delimitation Commission Act, 1952, this inaugural commission set the foundation for electoral boundary demarcation in post-independence India. This commission established the initial electoral geography of the young republic.
2. **Second Delimitation Commission (1963):** Operating under the Delimitation Commission Act, 1962, this commission undertook the redrawing of boundaries approximately a decade after the first exercise, responding to the demographic and administrative changes that had occurred during India's formative years.
3. **Third Delimitation Commission (1973):** Established through the Delimitation Act, 1972, this commission's work reflected the evolving nature of India's population distribution and settlement patterns through the 1960s and early 1970s.
4. **Fourth Delimitation Commission (2002):** Created under the Delimitation Act, 2002, this most recent commission completed its work in 2008, applying the population figures from the 2001 Census. This delimitation exercise has shaped the current electoral constituency boundaries that remain in effect today.

Each successive delimitation exercise has adapted to India's changing demographic landscape while maintaining the integrity of the electoral system. The temporal spacing of these commissions approximately

once per decade, aligning with census operations demonstrates the Indian democratic system's commitment to periodically recalibrating political representation to reflect population dynamics.

The Delimitation Commission stands as a testament to India's institutional approach to ensuring equitable democratic representation across its vast and diverse landscape. Its constitutional design, combining independence, legal authority, and structured processes, safeguards the integrity of electoral boundary determination from political interference while providing a systematic mechanism to adapt representation to changing demographic realities.

### Demographic Divergence Between North and South

The issue of demographic divergence between northern and southern states provides crucial context for understanding India's delimitation policies. Southern states like Kerala and Tamil Nadu have successfully implemented family planning policies, resulting in stabilized population growth rates and completed demographic transitions. In contrast, northern states such as Uttar Pradesh and Bihar continue to experience higher fertility rates and population growth. This divergence created a dilemma for electoral representation: a purely population-based delimitation would shift political power northward, potentially penalizing states that successfully implemented family planning programs. The Constitution (Eighty-fourth Amendment) Act, 2002 addressed this challenge by freezing the allocation of Lok Sabha seats based on the 1971 census until 2026, while allowing for boundary readjustments within states based on the 1991 census. This compromise solution aims to balance democratic representation with the national policy objective of population stabilization, preventing states with better family planning outcomes from losing political representation while motivating other states to pursue similar demographic goals.

### Political Implications of Delimitation

The post-2026 delimitation exercise will fundamentally reshape India's political landscape and federal structure. Based on current demographic trends, a population-based delimitation will redistribute Lok Sabha seats from southern to northern states. Electoral data projections indicate that Uttar Pradesh, Bihar, and Madhya Pradesh will gain substantial representation, while Tamil Nadu, Kerala, and Karnataka will lose seats proportionally. This redistribution alters the federal power balance, concentrating more political influence in the Hindi heartland. Previous constitutional amendments, particularly the 84th Amendment Act, addressed these concerns by freezing seat allocations based on the 1971 census while allowing constituency boundary adjustments. This solution recognized that demographic responsibility should not result in political penalization. The Delimitation Commission's future work faces the challenge of reconciling democratic representation with federal stability, requiring constitutional mechanisms that maintain equitable representation while acknowledging population realities, similar to solutions adopted in federal systems like the United States and Germany.

### States Gaining Seats

<b>STATES ARE GAINING THE SEATS WITH DELIMITATION IN 2026</b>				
S no	State Name	Current Seats	After Delimitation	Gain/ loss
1	Uttar Pradesh	80	97	17
2	Bihar	40	51	11
3	Madhya Pradesh	29	37	8
4	Rajasthan	25	32	7
5	Maharashtra	48	53	5
6	Jharkhand	14	18	4
7	Gujarat	26	29	3
8	Haryana	10	12	2
9	Chhattisgarh	11	13	2

10	Odisha	21	22	1
11	Uttarakhand	5	6	1
12	Delhi	7	8	1
<b>Total</b>		<b>316</b>	<b>378</b>	<b>62</b>

**States are losing the seats with Delimitation 2026**

S no	State Name	Current Seats	After Delimitation	Gain/ loss
1	West Bengal	42	39	-3
2	Karnataka	28	25	-3
3	Andhra Pradesh	25	21	-4
4	Telangana	17	15	-2
5	Kerala	20	14	-6
6	Tamil Nadu	39	30	-9
<b>Total</b>		<b>171</b>	<b>144</b>	<b>-27</b>

**States Losing Seats**

**VIII. Regional Pattern**

1. **Northern States** (UP, Bihar, MP, Rajasthan) would collectively gain 43 seats
2. **Southern States** (Tamil Nadu, Kerala, Andhra Pradesh, Karnataka, Telangana) would collectively lose 24 seats
  - a. The projected changes show a clear north-south divide, with northern states with higher population growth gaining representation while southern states with better population control measures losing representation.
  - b. Uttar Pradesh alone would gain almost as many seats (17) as the combined loss of Andhra Pradesh, Karnataka, and Kerala (13).
  - c. The most dramatic proportional changes would be in Kerala (30% reduction) and Tamil Nadu (23% reduction).
  - d. This redistribution would significantly shift the balance of political power toward the Hindi heartland states.
  - e. The data confirms the concerns raised by southern states about being "penalized" for their successful family planning and population control measures.

**Delimitation on Federal Balance**

India's upcoming 2026 delimitation exercise threatens to fundamentally alter the nation's federal equilibrium by significantly shifting parliamentary representation northward, with Hindi heartland states projected to gain 43 seats while southern states lose 24 seats, potentially creating a democratic paradox where states that successfully implemented population control policies face reduced political voice despite their developmental achievements, while simultaneously concentrating disproportionate power in northern states that represent 40% of the population but would control over 50% of parliamentary seats—a rebalancing that risks exacerbating regional tensions, undermining cooperative federalism, and challenging the foundational principle that demographic responsibility should not diminish political representation in a diverse federal democracy.

## South Indian States' Concerns

The southern states have expressed significant apprehension regarding the upcoming delimitation exercise. Kerala, Tamil Nadu, Karnataka, and Andhra Pradesh—which have successfully implemented population control measures—face the prospect of reduced parliamentary representation despite their developmental achievements. According to electoral data, Kerala's Total Fertility Rate (TFR) of 1.8 and Tamil Nadu's 1.7 stand well below the national average of 2.2, while Bihar's TFR remains at 3.4 and Uttar Pradesh at 2.7. This disparity has led to pointed criticisms from southern leaders who argue against being "penalized" for successfully implementing national population policies. The economic dimension compounds these concerns—southern states contribute disproportionately to national GDP while potentially facing reduced political voice. Tamil Nadu, contributing approximately 8.4% to India's GDP while having only 6.5% of the population, exemplifies this imbalance. Political leaders from these states have advocated for alternative representation models that balance population figures with economic contributions and developmental indicators. The debate highlights the fundamental tension in India's federal structure between democratic principles of equal representation and rewarding states that have achieved national policy objectives of population stabilization.

## North Indian States' Perspective

The northern states present a contrasting viewpoint in the delimitation debate, emphasizing their constitutional right to proportional representation based on current population figures. States like Uttar Pradesh, Bihar, Madhya Pradesh, and Rajasthan argue that their larger populations reflect greater infrastructure and development needs that require adequate political representation to address. With Uttar Pradesh housing over 200 million people and Bihar approximately 104 million, these states contend that the democratic principle of "one person, one vote" necessitates increased representation in national decision-making bodies. Economic indicators support their position—Bihar's per capita income of approximately ₹31,000 compared to Kerala's ₹1,48,000 underscores the development disparities requiring greater political attention. Northern political leaders have consistently maintained that the 84th Constitutional Amendment, while necessary as a temporary measure, cannot indefinitely postpone the constitutional mandate for representation based on population. Their perspective emphasizes that resource allocation and policy attention should correlate with population size, as larger populations inherently face more significant challenges in healthcare, education, and infrastructure development. This position frames the delimitation debate not as a competition between regions but as a fundamental question of democratic representation in a diverse federal system.

## Potential Solutions and Compromises

1. Alternative formulas for seat allocation include a hybrid system with 50% population-based seats and 50% based on factors like geographic area and development indicators.
2. Population coefficient models have been proposed that would adjust representation based on states' success in meeting national demographic goals.
3. Germany's weighted voting system in the Bundesrat and the European Parliament's degressive proportionality model offer international precedents for non-strictly population-based representation.
4. Constitutional safeguards could guarantee minimum representation for each state regardless of population and establish upper limits on maximum representation.
5. Strengthening the Rajya Sabha's role as a true Council of States with expanded powers could help balance regional interests.
6. Creating specialized inter-state councils with representation based on multiple criteria would provide additional federal balancing mechanisms.
7. Consensus-based decision-making processes for nationally significant policies could help bridge the north-south divide.

8. Exploring a two-chamber system within the Lok Sabha itself—one based on population and another on equal state representation—has gained traction in policy discussions.
9. Economic federalism measures like special development packages and weighted resource allocation could complement political representation reforms.

### **The Way Forward**

1. The 2026 delimitation milestone necessitates establishing a Constitutional Review Commission specifically focused on representation mechanisms in a demographically diverse federation.
2. Implementing a graduated delimitation process with phased implementation over three election cycles would minimize political disruption while gradually achieving population-based representation.
3. Developing a "Federal Representation Index" that incorporates multiple variables—population size, literacy rates, healthcare indicators, and economic output—could provide a more holistic approach to seat allocation.
4. Creating constitutional provisions for periodic reassessment of representation formulas every 15 years would establish a self-correcting system responsive to demographic shifts.
5. Establishing Regional Consultative Forums with representation from neighboring states would foster interstate dialogue and collaborative problem-solving on shared regional concerns.
6. Linking delimitation with broader constitutional reforms, including changes to the Seventh Schedule's distribution of powers, could comprehensively address federal imbalances.
7. Exploring technological solutions like digital participation platforms could supplement traditional representation by providing citizens direct input on national policies.
8. Incorporating successful aspects of representation models from other large, diverse federations like Brazil, Nigeria, and Indonesia would enrich India's approach.
9. Developing a "Charter of Federal Fairness" with principles agreed upon by all states would establish a shared framework for resolving representation disputes.

### **CONCLUSION**

The forthcoming delimitation exercise represents a watershed moment in India's constitutional evolution, challenging the nation to reconcile democratic principles with federal realities in unprecedented ways. What began as a constitutional mechanism for electoral boundary adjustment has evolved into a fundamental question about power-sharing in a demographically diverse union.

Key considerations that will shape India's path forward include:

1. The need to develop representation formulas that acknowledge population size while not penalizing states for successful implementation of national population policies.
2. Recognition that both northern and southern perspectives contain legitimate constitutional concerns that must be addressed rather than dismissed.
3. Understanding that delimitation is not merely a mathematical exercise but a profound recalibration of federal relationships with far-reaching implications for governance and resource allocation.

The delimitation challenge ultimately invites India to pioneer innovative solutions to questions facing many diverse federations worldwide. Success will depend not on regional victory but on whether the resulting

framework strengthens democratic institutions across all states while preserving the delicate balance between unity and diversity that defines the Indian experiment. Through thoughtful dialogue and constitutional creativity, the 2026 delimitation can become not a source of division but an opportunity to forge a more perfect union—one that honors both democratic representation and federal stability as complementary rather than competing values.

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