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**DAILY EDITORIAL
ANALYSIS**

TOPIC

**ENSURING FEDERALISM WITHIN
DELIMITATION**

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ENSURING FEDERALISM WITHIN DELIMITATION

Context

- The upcoming delimitation becomes a pivotal moment in India's democratic evolution as it affects federal balance, representation, and governance outcomes.

About Delimitation

- It refers to the **redrawing of boundaries of electoral constituencies** to ensure equal representation based on population.
- It is a crucial mechanism for maintaining the democratic principle of **'one person, one vote, one value'**.

Constitutional Framework

- **Article 81:** Allocation of Lok Sabha seats among States;
- **Article 82:** Readjustment of constituencies after every Census;
- **Article 170:** Similar provision for State Legislative Assemblies;
- **Article 327 & 328:** Parliament/State legislatures can make laws on elections;
- **Article 329:** Courts barred from interfering in delimitation matters;
 - ♦ These provisions make delimitation a **constitutional obligation after each Census**.
- **42nd Amendment (1976):** Froze seat allocation till 2000.
- **84th Amendment (2002):** Extended freeze till **2026** to incentivize population control.

Delimitation Commission

- **Legal Basis:** Constituted under **Delimitation Commission Acts** (1952, 1962, 1972, 2002).
- **Composition:** Retired Supreme Court judge (Chairperson); Chief Election Commissioner (or nominee); State Election Commissioners
- **Features:** Independent and **quasi-judicial body**; orders have **force of law**; **cannot be challenged in court** (finality ensured).

Arguments in Favour of Delimitation in India

- **Ensures Equality of Vote (One Person, One Vote):** Without delimitation, MPs from populous constituencies represent far more people than others.
 - ♦ Delimitation restores **electoral parity**.
- **Corrects Malapportionment:** Long freeze (1976–2026) has created over-representation of low-growth States; and under-representation of high-growth States.
 - ♦ Delimitation corrects this imbalance by **realigning seats with population**.
- **Strengthens Democratic Representation:** Reflects **current demographic realities**. It enhances accountability of elected representatives, and responsiveness to citizens.
- **Improves Governance and Policy Outcomes:** Smaller, balanced constituencies improve accessibility of MPs, and enable better grievance redressal.
- **Enhances Political Accountability:** Representatives serve **comparable population sizes**. It reduces electoral distortions, and unequal political influence.
- **Reflects Demographic Changes (Urbanisation & Migration):** Rapid urbanisation has created overcrowded urban constituencies, and under-populated rural ones.
 - ♦ Delimitation ensures fair urban representation, and balanced rural-urban political weight.
- **Strengthens Federalism:** While concerns exist, delimitation aligns representation with actual population, and reinforces **democratic federalism**.
- **Protects Against Electoral Inequality and Bias:** It prevents structural advantages to certain regions, and distorted political outcomes.

- **Promotes Inclusive Democracy:** Enables better representation of marginalized groups; and SC/ST communities (through reserved seats adjustment).

Arguments Against Delimitation in India

- **Penalises States that Controlled Population:** Southern and some western States successfully reduced fertility rates.
 - ♦ Delimitation based purely on population **reduces their seat share**, and it is seen as a **disincentive to population control policies**.

Changing Demographic Trends

- **Fertility Transition Across States:**
 - ♦ **Early achievers (TFR \leq 2.1 by 2005):** Kerala, Tamil Nadu, Karnataka, etc.
 - ♦ **Late achievers:** Bihar, UP, Jharkhand, etc.
- **Persistent Divergence [NFHS-5, 2019–21]**
 - ♦ Low TFR States: \sim 1.64
 - ♦ High TFR States: \sim 2.38
 - Nearly **45% higher fertility** in lagging States.

Threat to Federalism: India is a **Union of States**, not just a population aggregate.

- ♦ Delimitation may increase dominance of populous northern States, and reduce the voice of smaller or developed States.
- **North–South Political Divide:** Likely outcome Northern States gain more seats; and Southern States lose relative influence,
 - ♦ It may intensify **regional tensions**, and fuel **political polarization**.
- **Ignores Developmental Performance:** Pure population-based approach rewards high population growth; and ignores human development, and governance quality.
 - ♦ It leads to **perverse incentives** in policymaking.
- **Risk of Majoritarianism:** Larger States gaining more seats, that could dominate national politics.
 - ♦ It weakens minority voices, and smaller States' bargaining power.
- **Political Instability and Resistance:** States likely to lose influence may oppose reforms, and create political deadlock.
 - ♦ It could delay or complicate implementation.
- **Distortion of Cooperative Federalism:** Existing system balances population, and regional representation; sudden changes may undermine trust among States and affect Centre-State relations.
- **Urban Bias Concerns:** Rapid urban population growth may lead to **over-representation of urban areas**; and risk of neglect of rural issues, and skewed policy priorities.
- **Complexity and Administrative Challenges:** Redrawing boundaries are politically sensitive, and logistically complex; possibility of disputes; and allegations of bias.
- **Freeze Was a Deliberate Policy Choice:** 42nd & 84th Amendments recognized risks of unfair redistribution.
 - ♦ Removing the freeze abruptly may undo decades of **policy consensus**.

Measures to Ensure Federalism in Delimitation

- **Demographic Performance (DemPer) Principle:** It is inspired by the **Finance Commission formula**, which combines **population (50%); and performance indicators** (e.g., demographic efforts).
 - ♦ It suggests applying DemPer only to **additional seats beyond 543**, with weightage of:
 - **10%:** Early fertility achievement (pre-2005)
 - **90%:** Rate of TFR decline (2005–2021)
 - ♦ **Expected Outcomes:** All States gain seats (no absolute loss); better-performing States retain fair share; and large States still gain more seats (population remains dominant)
 - ♦ It reflects a **hybrid model of representation** combining equity and efficiency.

- **Protect Existing Seat Share (No Reduction Principle):** Ensure no State loses its **current number of seats**; and apply changes only to **additional seats**.
- **Increase Total Strength of Lok Sabha:** Expand seats (e.g., up to ~700); and avoid zero-sum redistribution.
- **Introduce Degressive Proportionality:** Larger States get more seats, but **not strictly proportional**; and smaller States get **relatively higher representation per capita**.
- **Strengthen Role of Rajya Sabha:** Rajya Sabha represents **States as units**. Enhance its legislative role, and federal balancing function.
- **Constitutional Safeguards & Judicial Oversight:** Ensure delimitation does not violate **basic structure (federalism)**; and limited judicial review may be considered.
- **Promote Cooperative Federalism:** Dialogue between Centre and States; and consensus-based reforms.

Conclusion

- India stands at a crucial juncture where **demographic realities intersect with constitutional ideals**.
- While Article 81 emphasizes numerical equality, evolving disparities necessitate a broader interpretation that incorporates **fairness, incentives, and federal stability**.
- A balanced delimitation approach, combining **population with demographic performance** can ensure equitable representation, incentivized governance, and sustained unity of the Union.

Source: TH

Daily Mains Practice Question

- [Q] Discuss the challenges that delimitation poses to India's federal structure. Suggest measures to ensure that the process upholds both electoral equality and federal balance.

