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The SIR-Census-Delimitation

A Wide Spectrum Metamorphosis of India

During the post-Fascism years in Europe, Benedetto Croce (1866-1952), proposed an evolutionary model of liberal thought. In his last book on ideology, *Politics and Morals* (1945), he depicted democracy as a dynamic and evolving system. Coming from someone who had suffered the Mussolini brand of Fascism, the book has a special relevance to our time.

A recently published overview of democracy, *The Shortest History of Democracy* (2022) by John Keane, follows the Croce line of argument. It traces the emergence of 'consultation' as a method of governance in prehistoric Syria, through its variants in Greek and Latin history, its modern forms since Lock and Rousseau, up to our own times. Both Croce and Keane, writing within the context of different forms of Fascism, emphasize the evolutionary character of Democracy, open to self-correction. Accordingly, constitutions of all democratic nations provide for the mechanism and scope for self-correction. One, relatively more familiar method is making amendments to the Constitution; the other method is a periodic delimitation of voter constituencies. Constitutional amendments enable law-makers plug gaps in the Constitution or to light up the spaces left open for debate by makers of the Constitution. Delimitation provides for a fairly autonomous space to debate the exact number of people's representatives to be elected and to determine the geographical boundaries of voter constituencies. Delimitation, therefore, is a feature embedded in all Constitutions as a method of reality check on the numerical proportion between voters and their representatives in state and national assemblies. It is a well-thought, time-tested and constructive device for keeping democracy in good health. The demos-citizens – who constitute the nation need to have equal right to be represented in legislative assemblies, with every vote cast in the process having equal value, as far as possible.

In India, the Colonial Acts of 1861 and 1892 inaugurated the concept of 'Councils', for which the term 'elect' did not mean more than just 'to appoint'. The 1901 Act allowed an element of election in the sense we understand the term today. It created a Central Legislative Council of 68 Members, of whom 27 were 'elected', though the electorate was restricted to a few 'select' bodies and individuals.

The roots of the bicameral system of parliament can be traced back to the Montague-Chelmsford Reforms in 1919 which provided for a Council of States – comparable to Rajya Sabha – with 60 members, of whom 34 were to be elected, and a Central Legislative Assembly – comparable to Lok Sabha – made of 145 members, of whom 105 were to be elected. The tenure of the Council was five years. In 1935, the arrangement changed significantly, when the colonial government moved towards initiating a federal structure

with Assemblies for provinces for Assam, Bengal, Bihar, United Provinces, Bombay and Madras. The Legislative Council was to be a permanent chamber with one-third members retiring every third year. Given this background, the general structure of a Parliamentary democracy was very much in the consciousness of the political class in India when the Constituent Assembly worked towards formulating the Constitution from 1946 to 1949. The Constitution which enabled the transition from the pre-Independence Councils to the first General Elections to the Parliament was a giant leap forward. It provided every adult Indian the statutory right to vote for constituting the the Lok Sabha and the State Assemblies. Universal adult voting right, with every vote having equal value, became the corner-stone of India's democracy. Since 1952, seventeen General Elections have been held within that framework.

The process of determining and adjusting the exact number of people's representatives in the Parliament as well as the precise area of the voter constituencies has been institutionalized in the Constitution. Article 82 states:

Upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine, provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House; provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the House may be held on the basis of the territorial constituencies existing before such readjustment.

Article 82 mandates the central government the power to enact a Delimitation Act in the Parliament after every decennial Census, and to set up a Delimitation Commission, towards ensuring that the ratio between the population of a state and the number of the MLAs in the State Assembly and number of MPs it send to the Parliament is near-equal in the case of all states. Elections to Lok Sabha and the Assemblies take place every five years; the census is carried out every ten years.

Therefore, the need to initiate the delimitation process is expected to be considered once in ten years. The Delimitation Commission demarcates the voter-constituencies in tune with the number of elected representatives as determined by the Parliament. However, the number of representatives is not pre-determined, but is co-determined by the Parliament and the Delimitation Commission after a post-census study of the number and the areas of the voter constituencies. The Commission also determines the number of reserved constituencies in the light of the census data. In order to enable the Commission to work without fear or favour, it is made immune to any judicial interference. Its autonomy is protected by keeping its final decisions outside the purview of parliamentary debates. Once the Delimitation Commission makes public its decisions, they acquire the force of law and become binding on all concerned government bodies and authorities such as the Election Commission and the Parliament.

The total strength of Lok Sabha members (MPs) was increased three times since independence by the respective Delimitation Commissions created under the Delimitation Acts, respectively in 1952, 1962, and 1972. Since then the strength has remained unchanged. The reason for bringing the process to a stand-still was the complexity in India's demography. In the first two decades after Independence, the formation of states was a work in progress. But by 1970, the state reorganization task was largely completed and the states had been sending MPs to the Lok Sabha as well as the Rajya Sabha. Therefore, the number of MPs was beginning to be seen not just in terms of the number of voters whom a given MP represented but also in terms of how many MPs represented a given state in the Lok Sabha.

Unlike in a Unitary Nation, the state-specific sensibilities become a significant political reality in a Federal Nation. Were the Delimitation to be made entirely in terms of the population size of a given state, there was no need for a special constitutional body such as the Delimitation Commission. Giving mechanically an MP for a certain given number of voters can be done by a simple administrative arrangement. The thought behind instituting Delimitation Commission precisely is to overcome the implicit imbalance and inequality caused by a mechanically applied arithmetical formula. The inequality arises when a state with a smaller population sends a smaller number of MPs to the Parliament than a state with a larger population would do, the political share in legislative decisions in the Parliament shrinks for the small state and increases for the large state in a system of decision by simple numerical majority. In turn, the interests of all but the very large states within the federal compact get adversely affected. Similarly, the federal balance changes when population growth rates are brought into the calculations. For instance, if two states with equal populations show a different rate of population increase over a period of a decade or two decades, and if the number of representatives is determined on absolute population figures, the state that kept its population growth under check stands punished for its good performance.

The 1961 census had reported 43.89 Cr as India's population; and the delimitation process had determined 494 as the number of Lok Sabha MPs. That is, a little less than one million population per parliamentary constituency. In 1971, the census had placed population figure at 548 million; and there were 521 MPs in Lok Sabha, bringing the average population per constituency to a little over 1 million. Later, the number was adjusted to 543, in view of the 1971 census, with the ratio of an MP per million people. During the 1970s, considerations of vast disparities in population growth rates in different states assumed a central importance. As a result, it was decided to freeze the number of MPs for a quarter century, hoping that in that duration population growth-rate-parity may be attained.

In 2002, the Delimitation Commission was constituted; but since the inter-state demographic imbalance had not yet been rectified, the DC did not increase the number. The southern states had managed by then to bring down their population replacement rates; and they feared retribution rather than a reward during the Delimitation. It was, therefore, decided that the number be increased through a fresh delimitation following the first census carried out after 2026. India had at that time the first NDA rule. The Delimitation

related debates in those years had opened up an active north-south debate. In a 2004 speech, then Home Minister L.K. Advani specifically mentioned this factor in a speech:

Both at a macro and individual level it is necessary to reward those states and families who have played their part in meeting the goals and targets of the National Population Policy. We must allay the fears of states who believe that they are being discriminated against precisely because they have managed to strike the right balance between economic development and population growth.

He went on to add, with his characteristic high-loaded suggestiveness,

I believe that the Finance Commission and Planning Commission should make adherence to population targets a criterion for the allotment of development funds. Success in checking population growth must be rewarded. Such a yardstick has been established for the next round of constituency delimitation. I would like a political consensus on whether or not the principle should be formalized.¹

This text has so far not been removed from BJP's official website. The Delimitation process, therefore, did not result in any increase in the number of MPs. It kept itself confined to demarcating the constituency boundaries. It was decided to defer it another quarter century before the question is revisited.

'Census carried out after 2026' is the most crucial point in the current Delimitation debate. That landmark Census was announced now, with the 1 March 2027 as its Reference Date, in principle allowing it be the legal basis for the next Delimitation. All past Census exercises in India have followed the time-series without any exception from 1951 to 2011, by carrying out every decennial Census in the first year of a given decade. If the Coronavirus epidemic thwarted the 2021 Census exercise, it should have been completed in 2023, and declared as the 2021 Census, or else it should have been postponed to 2031.

Among the community of nation-states which are expected to abide by the well-set international norms and principles on Census, Nigeria and India are the only two major countries which did not carry out in 2023 the delayed census. In any case, Nigeria has not had a Census since 2006; and the country is placed in the category of a Hybrid Regime by the *Economist's Democracy Index 2025*, a euphemism for an authoritarian regime. India thus stands conspicuous in the community of nations as the only Census-errant country. Were the Corona epidemic the primary reason for delaying the Census well until 2026-27, and were the rather absurd decision to be debated in the Parliament, the country would have known the rationale behind the exceptional delay. One more worrisome question needs be asked.

Will the Census data be unexceptionable and as per the United Nation's guidelines laid down in *Principles and Recommendations for Population and Housing Censuses* (Revision 4,

¹ 'Statement by Deputy Prime Minister Shri L.K. Advani at Janjgir [Bharat Uday Yatra]', 11 April 2004, press release, available on the BJP's official website, www.bjp.org. Last accessed on August 5, 2026.

March 2025)? The delimitation process is entirely dependent on the population data ascertained through the Census. The data of census conducted in the 7th year of a decade can hardly be used for gaining an international or intra-national perspective on issues pertaining to population, migration, poverty and gender-disparity. No explanation has been offered by the government as to why the decision is made, in violation of the well established practice; and that makes one suspect that the only reason for initiating the Census is to commence and complete Delimitation before the 2029 elections. The 2002 Delimitation Act and the 2003 supplementary Act provide that Delimitation can take place only after any census taking place after 2026, leading to increase in members, if necessary, in Assemblies and the Parliament. The last Delimitation Act does not say that the numbers have to be necessarily increased. They can be increased if necessary and on the basis of some well-stated principles agreed upon by the entire Parliament.

Even if the 2002 Act provides for Delimitation based on a census after 2026, the question of imbalance of population growth rates still persists and has become thornier than it was in the 1970s. In reply to a question in the Parliament on 20 December 2024, the Minister concerned stated that India's national Population Replacement Rate was 2.0, but for different states it ranged between 3.0 at the highest end and 1.3 at the lowest. The currently available official figures are: Andaman & Nicobar Islands 1.3; Andhra Pradesh 1.7; Arunachal Pradesh 1.8; Assam 1.9; Chandigarh 1.4; Chhattisgarh 1.8; Dadra & Nagar Haveli and Daman & Diu 1.8; Delhi 1.6; Goa 1.3; Gujarat 1.9; Haryana 1.9; Himachal Pradesh 1.7; Jammu & Kashmir 1.4; Karnataka 1.7; Kerala 1.8; Ladakh 1.3; Lakshadweep 1.4; Madhya Pradesh 2.0; Maharashtra 1.7; Mizoram 1.9; Nagaland 1.7; Odisha 1.8; Puducherry 1.5 ; Punjab 1.6 ; Rajasthan 2.0; Sikkim 1.1; Tamil Nadu 1.8; Telangana 1.8; Tripura 1.7; Uttarakhand 1.9; West Bengal 1.6. The States and Union Territories that lagged behind are: Bihar 3.0; Jharkhand 2.3; Manipur 2.2; Meghalaya 2.9 and Uttar Pradesh 2.4. Clearly, Uttar Pradesh and Bihar, among the most populous states stand to get the benefit of higher number of MPs if population alone were to be the basis of Delimitation, and, as the worry is, if the Census data is doctored so as to favour the ruling party.

However, not increasing the number of MPs too is not a sensible solution. The 2011 Census placed Indian population at 121.01 Cr. No census was carried out in 2021, though estimates place it at over 1.4 billion. Thus it appears that every Lok Sabha MP represents close to 2.4 million population. Going by the statistics of voters in 2024 General Elections, with qualified voters being 96.8 Cr, every Lok Sabha MP represents close to 1.8 million voters. It is needless to ask if a single individual, however competent, can at all meaningfully represent such a vast number of electors? At the same time if the Electors – MP proportion is to be brought back to what it was in 1970s (1 MP – Million Voters) that may result in an absurd increase in the Lok Sabha capacity for the 2029 elections, taking the number well above a 1500 MPs for a likely population of 1.5 billion in 2029, rendering the Parliament even more dysfunctional than it has already become. These figures determine the context of the next delimitation process. If the total population as in 2027 is taken as the base for the 2029 elections, and if the number of MPs is not increased, the ratio will well be an MP per 3 million, or an MP for nearly 2.3 million voters. The next DC, therefore, may look at substantially increasing the number of MPs. But there are several questions which need to

be carefully considered before India launches on the next Delimitation. The most worrisome question is, will the process be conducted impartially? And will it leave intact the federal structure of the Republic? Will it improve the quality of representation? And will it be executed only to ensure an unquestioned rule of a single party, and increase the political heft of only a few states?

The DC is made of three effective Members, a retired Supreme Court Judge, an Election Commissioner nominated by the Chief Election Commissioner (in one exceptional past instance during the first NDA rule, the CEC had nominated himself), and the Election Commissioner of the respective state (limited to that specific State or Union Territory). Additionally, there are five MPs from the given state nominated by the Lok Sabha Speaker and five MLAs nominated by the Assembly Speaker of the given state. These ten are designated as 'Associate Members', and they have neither vote nor veto. Considering the sharp decline in the credibility of the Election Commission of India, an institution lauded globally in the past for its performance, the anxiety and worry related to the coming Delimitation may be well justified.

Going by the hurried introduction of the Amendment Bill related to Delimitation on the back of the Women's Reservation in April 2026, which failed to get the required two-third majority support in Lok Sabha, it appears that the government is determined to complete the Delimitation process well before the 2029 General Elections. Normally, the delimitation process is fairly elaborate and may take several years. In the past, the completion of Delimitation has taken four to five years. But, aided by the Registrar General of India's public announcement that the census results will be published by December 2027, again against the previous practice of taking two to three years, the BJP looks anxious and impatient to finish with the Delimitation before the next general elections. With a sophisticated information technology at hand, the time taken to complete the process can be significantly shortened. Besides, in any case the Census has always been legally entirely immune. The Census Act of 1947, Clause 15 (drawn upon the Census Act of 1872) stipulates that 'No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such, or any schedule delivered under section 10, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act' Its data cannot be challenged in any court even when very glaring errors are spotted in it. The immunity provided is necessary in normal times. However, if the Census is deployed as an instrument of self-aggrandizement by a government whose credibility on data-transparency has been repeatedly challenged, the proposed Census can prove hugely problematic. Therefore, if the Census comes quickly after the nation-wide SIR, and in contravention of the UN norms, there is reason to believe that the SIR-Census-Delimitation is a single spectrum redefinition of the entire political-landscape of India.

At the very foundation of Delimitation is the idea to return power to the people by increasing the quality of their representation. It is therefore, that the caveat 'as far as possible' is entered in the provision for delimitation in the constitution. At the same time, the

provision also has in mind the balance of power between and among the states. Therefore, the BJP's proposed 'gross increase' idea is far from the spirit of the constitution. The question is will a 30 MPs from a given state in a Lok Sabha house of 825 will be more effective in representing the state's interests than 20 of them were doing in a house of 543? The most logical answer is, no! The 30 MPs will have the task of debating with nearly 800 as against the previous situation where the 20 were debating against 525. Won't it be much better to provide the states more, and to the extent possible fairly equal, numbers in Rajya Sabha in order to keep the interests of the states intact? But, the BJP will not entertain this argument. It is in a rush to establish unchallenged control over every constitutional institution and change entirely not just the political landscape of the country, but also the cultural self-perception of India.

The Government also appears to be in a rush to force the country to adopt 'One Nation, One Election', now endorsed by the Kovind Committee Report and the Law Commission. Besides, a High Level Committee on Demographic Change is constituted to study religion-wise and language-wise population changes. The census should be enough to reveal if any alarmingly large changes have taken place. The SIR-Census –Demographic Change Committee is one axis of BJP politics pushing India into a fatally divided society. The SIR-Census-Delimitation is the other axis of BJP politics aimed at gaining a stranglehold over all power-structures. Together they are aimed at redefining India as a nation, politically and demographically. Therefore, the future of India's democracy, the well-being of its federal structure and social harmony, all seem to be targeted at this juncture. It is no news anymore that democracy as a form of government is not doing well in most parts of the world. Like it or not, democracy in India as a form of government appears to be substantially weakened, even if it has not entirely become an idea of the past. In this context, the coming Delimitation is likely to prove a conclusive turning point in India's history. If it serves its intended objective, as envisioned in the Constitution, of improving the quality of representation, it can still keep India's democratic polity and its federal structure intact. If, on the other hand, Delimitation gets added to the repertoire of legal instruments used for subjecting the people to an autocratic rule and a single party-hegemony, it can prove the last blow dealt to the already weakened democracy. India will be waiting over the next three-four years to see which way the government takes the country.