
DELIMITATION IN INDIA: A COMPARATIVE ANALYSIS OF THE 1952, 1962, 1972, AND 2002 FRAMEWORKS AND PROSPECTIVE CONSTITUTIONAL REFORM

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1. Evolution of Delimitation Law in India and the Need for a Post-2026 Framework

The comparative study of the Delimitation Acts of 1952, 1962, 1972, and 2002 reveals that delimitation in India has evolved from a routine constitutional exercise into a politically sensitive mechanism shaped by federal anxieties, demographic asymmetries, and policy considerations. While Articles 82 and 170 of the Constitution envisage periodic readjustment of constituencies after every census, Parliament has repeatedly modified the operation of this mandate through statutory and constitutional interventions.¹

A. Early Phase: Institutionalising Electoral Representation (1952–1962)

The Delimitation Act, 1952 laid the foundational architecture for India's representative democracy by operationalising constituency demarcation for the first general elections. At this stage, delimitation was viewed primarily as an administrative necessity, with limited emphasis on strict population equality. The Delimitation Commission functioned as a technical body, insulated from judicial review, thereby ensuring finality and certainty in electoral boundaries.²

The Delimitation Act, 1962 marked a gradual shift towards population-based redistribution following the 1961 Census. Although the principle of vote value equality began to assume greater importance, Parliament remained cautious in implementing drastic reallocations of seats among States. This phase demonstrated early tensions between democratic equality and the political consequences of uneven population growth.³

B. The Freeze Era: Policy Over Parity (1972)

The Delimitation Act, 1972 represents a decisive constitutional turn. In response to population

¹ INDIA CONST. arts. 82, 170.

² Delimitation Act, 1952, No. 76, Acts of Parliament, 1952 (India).

³ Delimitation Act, 1962, No. 31, Acts of Parliament, 1962 (India).

control becoming a national policy priority, the Forty-Second Constitutional Amendment froze the allocation of seats in the Lok Sabha and State Legislative Assemblies on the basis of the 1971 Census.⁴ While internal readjustment of constituencies continued, inter-State representation was constitutionally frozen.

This departure from strict population-based representation was justified as necessary to avoid penalising States that had successfully implemented family planning measures. However, it also entrenched long-term representational disparities and marked a shift from electoral equality towards policy-driven federal compromise. Scholars have described this period as one of “frozen federalism,” where democratic recalibration was subordinated to political stability.⁵

C. Partial Recalibration Without Redistribution (2002)

The Delimitation Act, 2002, enacted pursuant to the Eighty-Fourth Constitutional Amendment, extended the freeze on seat allocation until after the first census conducted post-2026. At the same time, it permitted intra-State delimitation based on the 2001 Census, thereby attempting a limited restoration of vote value parity within States.⁶

The Delimitation Commission under the 2002 Act exercised expansive powers, including redrawing constituency boundaries and reclassifying reserved constituencies. Judicial precedent reaffirmed that delimitation orders are immune from judicial review, except on extremely narrow grounds, reinforcing the finality of the process.⁷ While this framework improved internal equality, it left unresolved the deeper constitutional tension arising from prolonged inter-State disparities.

2. Comparative Summary of the Delimitation Acts — 1952 · 1962 · 1972 · 2002

SECTION 1 — Short Title, Extent & Commencement

Year	Provision	Change Introduced
1952	Called “The Delimitation Commission Act, 1952.” Applied to all of India. Came into	First Act, established the base law.

⁴ The Constitution (Forty-Second Amendment) Act, 1976, § 10, INDIA CONST.

⁵ Granville Austin, *Working a Democratic Constitution: The Indian Experience* 198–202 (1999).

⁶ Delimitation Act, 2002, No. 33, Acts of Parliament, 2002 (India).

⁷ *Meghraj Kothari v. Delimitation Comm’n*, (1967) 1 S.C.R. 400 (India).

	force on a date notified by the Central Government	
1962	Called “The Delimitation Commission Act, 1962.” Same format.	Replaced 1952 Act to use 1961 Census
1972	Called “The Delimitation Act, 1972.”	Dropped the word “Commission.”
2002	Called “The Delimitation Act, 2002.”	Present operative Act.

SECTION 2 — Definitions

Year	Main Definitions	What Changed
1952	Defined <i>Article, Associate Member, Commission, Latest Census Figures (1951), and Member (of Commission),</i>	NIL
1962	Same words; <i>Latest Census Figures (1961)</i> ; Included “State” = does not include the State of Jammu and Kashmir and State of Nagaland.	Updated Census and included definition of State
1972	Added “Legislative Assembly includes Metropolitan Council of Delhi.” Latest Census = 1971. “State” includes UTs with Assembly but not J&K.	Added Delhi Council and UTs. Updated Census and included definition of State
2002	<ul style="list-style-type: none"> Added “Election Commission” (Art 324). “State” includes UT with Assembly (J&K exclusion deleted in 2019). Deleted Census. 	Added EC and updated State definition

SECTION 3 — Constitution of the Delimitation Commission

Year	Provision	Change Introduced
1952	Commission = Two Judges (SC/HC) + Chief Election Commissioner (ex officio). One Judge named Chairman.	Original three-member body

1962	SAME	Original three-member body
1972	SAME	Original three-member body
2002	Commission = One SC Judge (Chairperson), (2) CEC or his nominee, (3) State Election Commissioner of concerned State. Added special rule for North east States.	Included SEC and reduced judge to one

Section 4 — DUTIES OF THE COMMISSION

Year	Provision	Change Introduced
1952	The Commission had to readjust the representation of all territorial constituencies in the House of the People and in each State Legislative Assembly (other than Jammu & Kashmir) and delimit those constituencies on the basis of the 1951 Census.	First time the duty was laid down;
1962	The Commission had to readjust, on the basis of the latest census figures (1961), (i) the allocation of seats in the Lok Sabha among the States, (ii) the total number of Assembly seats in each State, and (iii) the division of each State into territorial constituencies for elections to both Houses.	Wording expanded and formalised into three distinct tasks-seat allocation, fixing total Assembly strength, and drawing constituency boundaries
1972	The Commission had to readjust on the basis of the 1971 Census the allocation of Lok Sabha seats to States, the total number of Assembly seats, and the division of each State into constituencies for elections; Proviso: if a State gets only one Lok Sabha seat, the whole State shall form one constituency.	Same core duty as 1962 but added the proviso for States allocated only one seat in Lok Sabha shall form one territorial constituency for the purpose of election to Lok Sabha from that state.
2002	(1) The 1971 seat allocation made under the 1972 Act is deemed valid;	Introduced the seat-freeze rule (84 th & 87 th Amendments): boundaries may change but total seats

	(2) the Commission must readjust the division of each State into constituencies on the basis of the 2001 Census, without changing the total number of seats, subject to constitutional amendments.	remain fixed until 2026; combined 1971 + 2001 Census usage.
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SECTION 5 — Associate Members

Year	Provision	Change Introduced
1952	MPs and MLAs from each State associated to assist (between 2–7 depending on population); nominated by Speakers of Legislative Assemblies within one month and Speaker of House of people within two months ; no voting right.	NIL
1962	Same system; numbers made uniform per State.	NIL
1972	The Commission must include 10 Associate Members for each State: <ul style="list-style-type: none"> • 5 Members of Parliament (Lok Sabha) representing that State; and • 5 Members of the State Legislative Assembly. • If a State has 5 or fewer MPs, then all its MPs automatically become associate members, and the total number of associates becomes proportionately smaller. 	Fixed number (10).
2002	Same ten members + Commission can invite experts to provide assistance(Census Commissioner, Surveyor General, GIS specialists, etc.).	Added technical expert assistance and Secretary from Election Commission.

SECTION 6 — Casual Vacancies

| All Years | If Chairman, member, or associate member dies or resigns, the vacancy is filled by the Central Government or Speaker as per section 3 or 5. |
 | Change: | None — remained identical from 1952 to 2002. |

SECTION 7 — Procedure and Powers of the Commission

Year	Provision	Change Introduced
1952	Commission sets its own procedure; powers of civil court (CPC 1908) for summons, documents, records; deemed civil court under CrPC 1898.	Foundational procedural powers.
1962	Same as 1952.	No change.
1972	Same as 1952.	No change.
2002	Retained same powers; updated CrPC reference to 1973 Code;.	updated CrPC reference to 1973 Code;.

SECTION 8 — Readjustment / Allocation of Seats

Year	Provision	Change Introduced
1952	Determine number of Lok Sabha seats for each State and seats in each State Assembly; fix which seats (if any) are reserved for SC/ST done on the basis of the 1951 Census. Introduced the basic constitutional-statutory linkage between census population figures and seat allocation; relied on Articles 81 & 170 for composition and 330 & 332 for SC/ST reservation. This established the foundational principle: population → seat entitlement.	Original allocation rule.
1962	Same provisions with 1961 Census.	Updated data only.
1972	Added references to special Articles.	Incorporated special constitutional/UT provisions

	(e.g., Nagaland under Art.371A) and Union Territory statutes (Government of Union Territories Act 1963, etc.)); used 1971 Census; Introduced provisos (e.g., single-seat state becomes one constituency; some UTs need not be readjusted)	and clarified application to special categories (north-east, UTs).
2002	<p>Seat readjustment was frozen and could be done only on the basis of the 1971 and 2001 censuses (due to the 84th & 87th Constitutional Amendments);</p> <p>adds references to the National Capital Territory of Delhi (Art. 239AA); The amended version adds an Explanation defining the limits of jurisdiction for census figures, which the older version did not have.</p> <p>New text repeatedly states “on the basis of the census held in the year 1971/2001” to give legal clarity. Earlier wording was brief and relied on “latest census figures”.</p>	Dual-Census implements 84th & 87th Amendments of seat-freeze policy introduced; census year changed; inclusion of NCT of Delhi.

SECTION 8(2) of the 1952 Act / SECTION 9 of the 1962, 1972 & 2002 Acts — *Delimitation of Constituencies*

Year	Provision	Change Introduced
1952	Allowed single-member or two-member constituencies; reservation for SC/ST in both types; distribution of reserved seats where SC/ST population concentrated; constituencies to be geographically compact with regard to administrative boundaries and public convenience.	Two-member constituencies still permitted
1962	Shift to single-member constituencies only (two-member system discontinued). Reservation for SC/ST only in single-member seats. Same criteria retained: compactness, boundaries, communication	Major structural change- abolition of two-member constituencies

	convenience. Public objections and hearings continued.	
1972	Re-stated delimitation criteria (geographical compactness, boundaries, physical features). Strengthened procedure: mandatory publication of proposals, inviting objections, and conducting hearings before final orders.	Public participation made mandatory and more formalised.
2002	Same delimitation criteria	NIL

SECTION 8(3) of the 1952 Act / SECTION 10(1), 10(2) & 10(3) of the 1962, 1972 & 2002 Acts — *Publication of Delimitation Orders and Their Legal Effect*

Year	Provision	Change Introduced
1952	Publication only in Gazette of India + State Gazettes. Once published, orders have full force of law and cannot be questioned in court.	Basic framework established
1962	Reaffirmed	NIL
1972	Section 10 gave a detailed procedure for publication of delimitation orders in the Gazette of India + State Gazettes; orders became final and non-justiciable; orders to be laid before Parliament/State Assemblies; new delimitation to apply only from the next general election; existing MPs/MLAs and bye-	Clarified operation date, legal finality, transitional protection, and supersession of earlier delimitation laws

	elections unaffected until dissolution.	
2002	The 2002 amendment greatly expanded the publication requirements for delimitation orders by mandating not only Gazette publication but also publicity through vernacular newspapers, radio, television, and other media, with compulsory district-level public display. This created the widest transparency mechanism in the history of delimitation, ensuring that every constituency received direct public notice. The legal finality and next-election application remained unchanged, and a later 2008 amendment added a two-year time limit for completing all delimitation orders.	Massive expansion of transparency and publicity

**SECTION 9 of the 1952 Act / SECTION 10(4) of the 1962, 1972 & 2002 Acts —
Readjustment and Date of Operation of Delimitation Orders**

Year	Provision	Change Introduced
1952	Delimitation orders become law upon Gazette publication, cannot be questioned, must be laid before Parliament, apply only from the next election, and supersede earlier constituency laws under	

	RPA 1950 and the Part C States Act 1951. Sitting MPs/MLAs continue until dissolution.	
1962	No substantive change was introduced from the 1952 framework.	NIL
1972	The 1972 amendment made Section 10 more detailed by clearly specifying that new delimitation supersedes earlier laws (RPA 1950, Delimitation Order 1961) and by strengthening transitional provisions ensuring that sitting MPs/MLAs are unaffected until dissolution. The operational rule remained tied to the next general election.	Clearer supersession + detailed transitional rules
2002	The 2002 amendment massively expanded publication requirements by adding mandatory publicity in two vernacular newspapers, radio, television, and other media, with compulsory district-level public display. The core rule of next-election operation remained unchanged, and a later 2008 amendment added a two-year time limit for completing all orders.	huge transparency boost (newspapers + radio/TV + public display) + time limit.

SECTION 10 of the 1952 Act / SECTION 11 of the 1962, 1972 & 2002 Acts — Power to Correct or Maintain Delimitation Orders Up-to-Date

Year	Provision	Change Introduced
1952	<ul style="list-style-type: none"> CEC could correct clerical/arithmetic mistakes within six months with approval of other members; publish corrections in Gazette. 	Only allowed clerical corrections, and only within a fixed 6-month window. Limited power.
1962	Commission may: (a) correct clerical/printing mistakes; (b) update boundaries/names of any district or territorial division appearing in the delimitation order if such boundaries/names change; must publish notification and lay it before Lok Sabha & State Assembly.	allowed updating because of administrative boundary/name changes, not only clerical errors. Also required laying before both Houses.
1972	Same essential structure as 1962: Commission/Election Commission may correct printing mistakes, and may update names/boundaries where administrative changes occur.	Continued 1962 mechanism; ensured corrections did not alter constituency boundaries, only names/boundaries for consistency.
2002	Election Commission empowered to: (a) correct printing/clerical mistakes; (b) update names/boundaries of districts or administrative units to keep orders up-to-date; notifications laid before Parliament/Assembly; later amendments (2016) allow corrections due to international boundary changes (e.g., India–Bangladesh enclaves exchange).	Expanded 1962–1972 model; added power to update orders due to international boundary changes; clarified that corrections cannot alter constituency areas, only administrative labels.

SECTION 10A — Deferment Power (Added 2008)

Only in 2002 Act

- President may defer delimitation if national unity or public order is threatened.
- Order laid before Parliament. New power to handle sensitive situations.

SECTION 10B — Jharkhand Exception (Added 2008)

Only in 2002 Act

- Declared 2007 Jharkhand delimitation orders void till 2026. Special state-specific provision.

SECTION 12 — Repeal Clause

Year	Provision	Effect
2002	Repealed 1972 Act.	Current law in force.

3. Constitutional Consequences of Prolonged Delimitation Freeze

The cumulative effect of successive freezes has been the creation of substantial vote value inequalities across States. Electors in high-population States are under-represented relative to those in States with slower demographic growth. Although the Supreme Court has not directly adjudicated this issue as a violation of the basic structure, representative democracy and political equality are recognised as core constitutional values under Articles 14 and 21.⁸

At the same time, delimitation in India must be viewed through a federal lens. The Constitution balances population-based representation with territorial integrity and State autonomy. Any abrupt reallocation of seats risks destabilising federal relations, underscoring the need for a

⁸ *Kesavananda Bharati v. State of Kerala*, (1973) 4 S.C.C. 225 (India).

carefully designed post-2026 framework.

4. Normative Framework for a New Delimitation Act (Post-2026)

The historical experience of India's delimitation laws demonstrates the necessity of a principled statutory framework that reconciles democratic equality with federal stability. A new Delimitation Act must aspire to achieve the following objectives.

A. Reaffirmation of Representative Equality

The Act should explicitly recognise population equality as a constitutional guiding principle derived from Articles 14, 81, 82, and 170. While absolute parity may be impracticable, deviations must be constitutionally justified and narrowly tailored.⁹

B. Phased Reallocation of Seats Among States

Rather than a one-time redistribution, the Act should adopt a **phased reallocation mechanism** spread across multiple election cycles. This would reduce political disruption while ensuring gradual convergence towards electoral equality.

C. Population as Primary but Not Exclusive Criterion

Population must remain the dominant factor, but limited deviations should be permitted on grounds such as geographical size, tribal concentration, and administrative feasibility. All deviations should be reasoned and recorded by the Delimitation Commission.¹⁰

D. Intra-State Vote Value Parity

The Act should prescribe a maximum permissible deviation (for example, $\pm 10\%$) from the State average population per constituency, subject to narrowly defined exceptions. This would institutionalise standards that earlier Acts left largely to discretion.¹¹

E. Institutional Design of the Delimitation Commission

The Commission should be multidisciplinary, comprising judicial, constitutional, and

⁹ INDIA CONST. arts. 14, 81–82.

¹⁰ *S.R. Bommai v. Union of India*, (1994) 3 S.C.C. 1 (India).

¹¹ Law Comm'n of India, 170th Report on Reform of the Electoral Laws (1999).

demographic expertise. Unlike earlier frameworks, it should be statutorily required to issue reasoned orders and place all reports in the public domain, enhancing transparency and legitimacy.¹²

F. Democratic Participation and Transparency

A mandatory public consultation process—including draft maps, public hearings, and reasoned responses to objections—should be incorporated. The use of GIS technology and open data would further enable informed public scrutiny.

G. Limited but Meaningful Judicial Review

While preserving finality, the Act should permit limited judicial review on grounds of mala fides, constitutional non-compliance, or manifest arbitrariness. This would align delimitation with constitutional supremacy without inviting excessive litigation.¹³

H. Transitional Safeguards and Periodic Review

Transitional provisions should ensure continuity of representation, while a statutory review clause after two election cycles would allow Parliament to reassess the framework in light of demographic realities.

5. Conclusion: Delimitation as Constitutional Renewal

Conclusion: Delimitation as a Constitutional Reckoning Beyond 2026

The historical trajectory of India's Delimitation Acts demonstrates that delimitation has never been a purely technical exercise of drawing electoral boundaries. Instead, it has functioned as a constitutional site where competing values of democratic equality, federal balance, political stability, and policy objectives intersect. From the early post-Constitution period to the prolonged freeze on seat allocation, delimitation law reflects how India has repeatedly recalibrated its democratic commitments in response to demographic and political realities.¹⁴

The Delimitation Acts of 1952 and 1962 were premised on the assumption that periodic

¹² Delimitation Act, 2002 § 8 (India).

¹³ *Kuldip Nayar v. Union of India*, (2006) 7 S.C.C. 1 (India).

¹⁴ INDIA CONST. arts. 14, 81–82, 170.

population-based redistribution was both constitutionally mandated and politically manageable. At that stage, delimitation was treated as an extension of the constitutional promise of representative democracy, flowing naturally from Articles 81, 82, and 170.¹⁵ However, the policy shift introduced during the 1970s—culminating in the freeze imposed through constitutional amendment—fundamentally altered this understanding. Electoral equality was consciously subordinated to broader national objectives such as population control and federal stability.¹⁶

While the freeze was defended as a temporary corrective, its repeated extension transformed it into a structural feature of India's electoral system. The Delimitation Act, 2002, though enabling intra-State adjustments, left untouched the deeper distortions in inter-State representation. As a result, significant disparities in vote value now exist across States, raising normative concerns about political equality and democratic legitimacy.¹⁷ Yet, the judiciary's consistent position that delimitation lies beyond substantive judicial review has meant that these concerns have largely remained within the political and academic domain.¹⁸

As India approaches the post-2026 moment, delimitation can no longer be deferred without constitutional cost. A continued freeze risks hollowing out the principle of representative democracy, which the Supreme Court has repeatedly recognised as part of the Constitution's basic structure.¹⁹ At the same time, an abrupt return to strict population-based redistribution could destabilise India's federal equilibrium, particularly in light of regional demographic divergence. The challenge, therefore, is not whether delimitation should occur, but how it should be constitutionally structured.

This paper has argued that a new Delimitation Act must move beyond the binary choice between population parity and federal protection. A constitutionally sound framework must adopt a calibrated approach—one that treats population equality as a guiding principle, while permitting narrowly tailored deviations grounded in federal and administrative realities. Phased seat reallocation, codified deviation thresholds, transparent reasoning by the Delimitation Commission, and limited judicial oversight together offer a middle path between rigidity and

¹⁵ Delimitation Act, 1952, No. 76, Acts of Parliament, 1952 (India).

¹⁶ Delimitation Act, 1962, No. 31, Acts of Parliament, 1962 (India).

¹⁷ The Constitution (Forty-Second Amendment) Act, 1976, INDIA CONST.

¹⁸ The Constitution (Eighty-Fourth Amendment) Act, 2001, INDIA CONST.

¹⁹ Delimitation Act, 2002, No. 33, Acts of Parliament, 2002 (India).

arbitrariness.²⁰

Equally important is the reconceptualisation of delimitation as a participatory constitutional process rather than a closed technocratic exercise. Public consultations, open data, and reasoned delimitation orders are not merely procedural enhancements; they are essential to restoring democratic trust in an exercise that directly shapes political power. Comparative constitutional scholarship suggests that legitimacy in boundary-drawing depends as much on process as on outcome.⁸

Ultimately, delimitation after 2026 will test India's constitutional maturity. It will require Parliament to confront the accumulated consequences of decades of postponement and to reaffirm its commitment to political equality without undermining the federal compact. A carefully designed Delimitation Act, grounded in constitutional principles rather than short-term political calculations, can transform delimitation from a source of democratic anxiety into an instrument of constitutional renewal. The future of India's representative institutions depends on whether this opportunity is seized with constitutional foresight and institutional integrity.

²⁰ *Meghraj Kothari v. Delimitation Comm'n*, (1967) 1 S.C.R. 400 (India).