

Models of Delimitation in Federal Democracies and Lesson for India



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Abstract

The delimitation of constituencies is a practice closely linked with democratic representation. Fairness, transparency, and accountability in the delimitation of constituencies are important for the stability of a democracy. The paper analyzes delimitation practices in the federal democracies, particularly the US, Canada, and Australia. In the US, responsibility is placed in the hands of state legislatures, or politically constituted commissions, and thus “gerrymandering” is widely practiced. It raises inequality of competition at elections, a polarized electorate, and a distortion of representation. In Canada, an independent commission carries out the delimitation that includes judicial, technical, and social representatives. Delimitation is based on public consultation, socio-geographical, and technical criteria, meeting with a high degree of fairness. In Australia, the Electoral Commission constitutionally protects and operates the delimitation practice. It is technically sophisticated, examined regularly, and designed to deter the possibility of gerrymandering. In light of these, the paper critically examines the suitability of the above delimitation practices in the Indian context. It proposes a blend of one or more practices as the workable delimitation model in India. It adopts a doctrinal research method and analyses the suitability of the above delimitation practice in India.

Key Words: *Federal Democracy, Decentralization, Delimitation, Electoral Justice, and Democratic Representation.*

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I. Introduction

In a federal democracy, the delimitation of constituencies is far more than an administrative exercise of redrawing boundaries. It is the practical embodiment of the core democratic ideal of “one person, one vote, one value.”¹ A democracy requires that all its members have a right to vote and that their votes all weigh equally.² One may interfere with equality if the political representation is so arranged that certain localities have a significant population, while others have a thin one. It results in an undue representation of the sparsely populated constituencies compared with those densely populated, that is, places where the population is seriously disproportionate, which have little representation formulated for their population. The periodic revision of constituencies, known as delimitation, aimed at establishing equality of representation regarding population and area, has been conducted occasionally. The purpose of delimitation is to secure equality of representation by representation to prevent over- and under-representation as a necessity, also for equal electors’ strength, equitable administration, efficacious economic control of the community, and lasting confidence of the community in the soundness of the machinery of democratic action.³

The Indian Constitution imposes this obligation on the legislature itself. It gives power to the Parliament to legislate for delimitation after every decennial census is published.⁴ It also provides for the constituency readjustment

¹Baker v. Carr, 369 U.S. 186 (1962).

²D.E. Smith, *The Principle of Electoral Equality* 42 (Oxford University Press, 1997).

³Pankaj Kumar Patel and T.V. Sekher, “Parliamentary Delimitation: A Study on India’s Demographic Struggle for Political Representation, 59 *J. Asian & Afr. Stud.* 1, 2–3 (2024).

⁴The Constitution of India, 1950, Art. 82 reads as: “Readjustment after each census— 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: Provided also that until the relevant figures for the first census taken after the year 2026 have been published, it shall not be necessary to readjust, (i) the allocation of seats in the House of the People to the States as readjusted on the basis of the 1971 census; and (ii) the division of each State into territorial constituencies as may be readjusted on the basis of the 2001 census, under this article.”



with respect to provincial legislative assemblies.⁵ This constitutional arrangement guarantees equality of representation in both fields of representation, that is, legislative and administrative. Nonetheless, in actual practice, this process has perpetually met with interruptions. The Constitution (42nd Amendment) Act, 1976, provided for freezing the number of seats in the Lok Sabha based on the Census of 1971, till the year 2001, so that these far-sighted states, which have been able to control the population growth, should not have their representation endangered, in order to maintain national unity as well as stability of policies.⁶ Further, the Constitution (84th Amendment), Act 2001, extended the moratorium until 2026, perpetuating the misalignment between population and representation.⁷ The states with larger population growth would obtain undue political influence if increasing representation is granted to them

⁵*Id.*, Art. 170 reads as: “Composition of the Legislative Assemblies- (1) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State. (2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State. Explanation- In this clause, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published: Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census. (3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State 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 Legislative Assembly until the dissolution of the then existing Assembly: 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 Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment: Provided also that until the relevant figures for the first census taken after the year 2026 have been published, it shall not be necessary to readjust- (i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis of the 1971 census; and (ii) the division of such State into territorial constituencies as may be readjusted on the basis of 2001 census under this clause.”

⁶Amarbahadur Yadav, *Delimitation: A Path to Equitable Representation?*, 60(14) *Econ. & Pol. Wkly.* 4 (2025).

⁷Retna Kumar, *Demographic Inequalities and Implications for Political Representation in India*, 2009, <https://ipc2009.popconf.org/papers/90401> (Last visited Aug. 13, 2025).



despite a larger population, owing to a higher increase in population. This inequality, induced by demographic trends, urbanization, and population migration, would militate against the equality of the electorate and the political equality of representation.⁸ Furthermore, the high-growth population states could not participate in national policy formulation. In any case, the national interests of states with low population growth would overshadow those of high-growth states.⁹

In a constitutional sense, however, delimitation is a protective instrument to secure democratic justice and equality of voting value. Long delays of this nature corrupt the equality of representation, destroy the basis of legitimacy of democratic institutions, and reduce public confidence.¹⁰ Following 2026, the delimitation presents a unique opportunity for correcting these imbalances, if the process is conducted transparently, scientifically, and without manipulation. Alternatively, another postponement or dilatory exercise would squander a unique moment in the evolution of India's democracy.¹¹ Experiences of federal democracies, including the US, Canada, and Australia, show that if delimitation is implemented independently and scientifically, it engenders trust in democratic institutions. On the contrary, postponements or partisan exercises often open the windows for distortions like gerrymandering. Resumption, for India, is not only a constitutional imperative to restore delimitation as a credible, accountable, and equitable process, but a vital necessity for the long-term health of its federal democracy.¹² The following section examines the theoretical or constitutional perspective of delimitation in India.

⁸Aditi, Vikrant Singh and Aman Ashesh, Redrawing the Electoral Boundaries: Debunking the Doxas of Delimitation, 1(1) Samanvaya, 2020, pp.1-24, <https://www.pmf.org.in/research-series/samanvaya-research-series-vol-1/> (Last visited Aug. 13, 2025).

⁹*Ibid.*

¹⁰Ritwika Sharma, Delimitation and Giving Greater Voice to Urban India, ORF Expert Speak—Urban Futures, Sept. 18, 2024, <https://www.orfonline.org/english/expert-speak/delimitation-and-giving-greater-voice-to-urban-india> (Last visited Aug. 13, 2025).

¹¹Paras Kumar Patel and T.V. Sekher, Parliamentary Delimitation: A Study on India's Demographic Struggle for Political Representation, 59 J. Asian & Afr. Stud., 2024, <https://doi.org/10.1177/00219096241295634> (Last visited Aug. 13, 2025).

¹²Delimitation and Deepening Federalism, 60(21) Econ. & Pol. Wkly., May 24, 2025, pp.8-9.



II. Constitutional Provision on Delimitation in India

Delimitation is the constitutionally mandated process by which the boundaries of the country or state's parliamentary and legislative assembly constituencies are determined or changed. It is not merely a technical exercise in cartography but is a tangible manifestation of the democratic-social contract in operation, ensuring equal and effective representation for each citizen.¹³ The delimitation process is primarily based on the universally accepted democratic principle of "one person, one vote, one value."¹⁴ The population of each constituency must be as nearly alike as possible, if the evils of over- and under-representation, of the sparsely populated and densely populated areas, respectively, are to be avoided. Representational equality is essential not just for free and fair elections and equitable electoral competition but also for determining the inclination of legislatures, defining the direction of policy-making, and the quality of governance.¹⁵

This practice finds explicit authority under Indian Constitution. Article 82 empowers Parliament to make provisions for delimitation by law after each census to be taken no less than once in ten years¹⁶ and Article 170 makes similar provision for the delimitation of state legislative assembly constituencies.¹⁷ These provisions were incorporated in the Constitution with the object to provide for the representation to be in accordance with the changes which takes place in demography and consequently it is necessary to maintain the principle of equality of representation. In India the provisions for delimitation are governed by two statutes, namely, the Representation of the People Act, 1950 which lays down the basic principles before the delimitation is made and for the structure or the composition of the constituencies and the law;¹⁸ and the Delimitation Act, 2002, which lays down the constitution, composition, powers, and procedure of the Delimitation Commission.¹⁹ Commission shall consist of a Chairperson, being a retired Judge of the

¹³Lisa Handley, Challenging the Norms and Standards of Election Administration: Boundary Delimitation, in Challenging the Norms and Standards of Election Administration, IFES, 2007, at 63.

¹⁴One Person, One Vote, One Value, <https://www.pmfias.com/one-person-one-vote-one-value/> (Last visited Aug. 14, 2025).

¹⁵*Ibid.*

¹⁶The Constitution of India, 1950, Art. 82.

¹⁷*Id.*, Art. 170(3).

¹⁸The Representation of the People Act, 1950, S. 4.

¹⁹The Delimitation Act, 2002, Ss. 3, 4, 5, 7, and 9.



Supreme Court, the Chief Election Commissioner or an Election Commissioner nominated by him and the State Election Commissioner of respective State.²⁰ The orders made by the Commission shall be final and shall not be liable to be questioned in view of the prohibition placed by Section 10(2) of the Act.²¹ However, in *Kishorchandra Chhanganlal Rathore v. Union of India*²², the Supreme Court clarified that judicial review is possible against manifestly arbitrary orders which are against the constitutional provisions.²³

Noticeably, delimitation has a larger significance than just redrawing the boundaries of electorates, as it ensures parity in the power of the electorates in the legislatures, the electoral policies of the political parties and the governance priorities.²⁴ For instance, as a result of the under-representation of overpopulated towns, no satisfactory attention is paid by the legislature to their problems which result in a lowering of the quality of democracy and vociferous demand by the populations of such territories for separate statehood.²⁵ So also, in view of the power of the Delimitation Commission to lay down the number of reserved seats to be allotted to the Scheduled Castes (SC) and Scheduled Tribes (ST), the concessions to be made to the historically backward group of communities can effectively take place in the participation of the communities in the process of legislation, which constitutes the basic element in the process of social justice and inclusive democracy.²⁶ The Indian model seeks to achieve both numerical equality and recognize the special problems of geography, and necessity of maintaining cultural homogeneity. The following part discusses the delimitation practices in the selected federal democracies.

²⁰*Id.*, S. 3.

²¹*Id.*, S. 10.

²²Civil Appeal No.7930 of 2024.

²³To Review or Not to Review: Delimitation Dilemma in the Context of Kishorchandra Changanlal Rathod v. Union of India, Law Sch. Policy Rev., 2025, <https://lawschoolpolicyreview.com/2025/02/25/to-review-or-not-to-review-delimitation-dilemma-in-the-context-of-kishorchandra-changanlal-rathod-v-union-of-india/> (Last visited Aug. 14, 2025).

²⁴Narayan, Jayaprakash, Delimitation and Contempt for Politics, EK Center for Constitutional Studies (Foundation for Democratic Reforms), Mar. 15, 2003, <https://ekcenter.fdrindia.org/articles/delimitation-and-contempt-politics> (Last visited Aug. 14, 2025).

²⁵*Ibid.*

²⁶Bhawana Kesar, Boundaries of Power: The Role of Delimitation in Shaping Democratic Elections, 5 Int'l J. Pol. Sci. & Gov't, 2025 at 124, <https://doi.org/10.22271/2790-0673.2025.v5.i1b.171>.



III. Model of Delimitation in Major Federal Democracies

It is noticed that different models with a different historical, constitutional and political backdrop are adopted for delimitation in the United States of America, Canada, and Australia. Paper examines these models in brief.

A. US Model: Decentralized Structure and the Challenge of Gerrymandering

In the United States, the process of delimitation is rooted in a constitutionally decentralized system. Article I, Section 2 of the U.S. Constitution, in conjunction with Title 2 of the U.S. Code mandates that seats in the House of Representatives be reapportioned among the states following each decennial census.²⁷ Once the apportionment is complete at the federal level, the process of redistricting congressional and state legislative districts is subject to the exclusive jurisdiction of the state concerned.²⁸ This characteristic of American federalism, vesting redistricting authority primarily in state legislatures, has historically given rise to a pervasive democratic challenge called “gerrymandering”. Gerrymandering is a process where the ruling political party deliberately manipulates boundary lines of electoral districts, in order to entrench its political advantages, while diluting the political influence of its opponents.²⁹ These practices impair electoral collegiality, distort the relationship between votes cast and seats allocated in the legislature, and further impair the representative nature of electoral results, making them more predictable and thus subject to more uniform approaches, irrespective of voters’ preferences.³⁰

The constitutional issues raised by gerrymanders have been subject to judicial decisions. In *Baker v. Carr*³¹, the U.S. Supreme Court ruled that there are justiciable questions arising from unequal populations in the various districts, and declared the principle of “one person, one vote”, as an element of a constitutional policy.³² This ruling marked an important turning point in

²⁷U.S. Const. Art. I, Constitution Annotated, Congress.gov, Library of Congress, <https://constitution.congress.gov/constitution/article-1/> (Last visited Aug. 14, 2025).

²⁸U.S.C. – The Congress, <https://www.govinfo.gov/content/pkg/USCODE-2011-title2/html/USCODE-2011-title2.html> (Last visited Aug. 14, 2025).

²⁹Samuel Issacharoff, *Gerrymandering and Political Cartels* (Social Science Research Network, Rochester, N.Y., 2001), [https://papers.ssrn.com/sol3/papers.cfm?abstract_id=\[insert_id\]](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=[insert_id]).

³⁰*Ibid.*

³¹*Baker v. Carr*, 369 U.S. 186 (1962).

³²*Ibid.*



American electoral law by bringing the subject of redistricting within the purview of judicial review. Subsequent decisions have altered the situation. In *Rucho v. Common Cause*³³, the Court in a narrow decision by 5:4, held that claims of partisan gerrymandering involve “political questions” which are not subject to the process of intervention on the part of the federal judiciary.³⁴ While recognizing the deleterious effects of extreme gerrymandering upon democratic process, court ruled that they were matters within the political and legislative ambit of the states, thus limiting to a considerable extent the judicial remedies available in federal courts.³⁵

In spite of this limit imposed by the judiciary, a number of states have adopted institutional reforms which will limit the influence of partisanship on the redistricting subject. California and Arizona have adopted Independent Redistricting Commissions, Michigan has set up a citizen-based redistricting board through a 2018 change to its constitution.³⁶ These devices are intended to protect the process from direct political control, to improve transparency and to increase receptiveness to citizen participation. Though reforms like these have diminished gerrymandering in certain localities, the practice is deeply entrenched in many areas of the United States. The main strength of this method is founded in its federal nature, which allows for the creation of district lines made to fit local demographic and geographical conditions and needs. The weakness here is that the very nature of this decentralized method gives rise to an increased possibility of partisan manipulation whenever one party becomes dominant enough not only to control the state legislature, but also to hold the governorship. In these situations, the redistricting becomes means of political entrenchment rather than a safeguard of political equity.³⁷

A comparative study reveals that the American system stands in contrast to the systems obtaining in different countries such as Canada and Australia, where delimitations are made by non-partisan independent commissions which limit the possibilities of gerrymandering.³⁸ This contrast lent emphasis to the broader lesson that the institutional form of the redistricting agencies at least somewhat determines the degree of fairness, of transparency and of democratic

³³*Rucho v. Common Cause*, 588 US (2019).

³⁴*Ibid.*

³⁵*Ibid.*

³⁶Cal. Const. art. XXI; Ariz. Const. art. IV, pt. 2, § 1; Mich. Const. art. IV, § 6.

³⁷Bruce E. Cain, *Redistricting Commissions: A Better Political Buffer?*, 121 *Yale L.J.*, 2012, at 1808.

³⁸The Commonwealth Electoral Act 1918 (Cth) (Austl.), Pt. IV; the Electoral Boundaries Readjustment Act, 1985, c. E-3 (Can.).



quality of the political boundary delimitations. Thus, the U.S. experience illustrates the double-edged nature of decentralized delimitation. While it serves as a “federal laboratory” enabling states to innovate and adopt reforms, it also allows entrenched partisan interests to perpetuate structural electoral biases. For countries like India, it offers a cautionary insight, without independent, impartial, and technically competent bodies overseeing delimitation, the constitutional promise of “one person, one vote, one value” risks being undermined in practice.

B. The Canadian Model: Independent Commissions and Public Participation

The Canadian approach to electoral boundary delimitation operates under a constitutionally safeguarded and institutionally autonomous framework, regulated by the Electoral Boundaries Readjustment Act, 1985.³⁹ Its principal objective is to secure “meaningful participation” and “effective representation”, the constitutional standards articulated by the Supreme Court of Canada in *Reference Re Provincial Electoral Boundaries (Sask.)*.⁴⁰ The Court ruled that constituency boundaries should take into account not only the numerical equality of the population, but other concerns, in addition, such as geography, community interest, cultural identity and the historical record. The constitutional base for the representation of the provinces in the federal Parliament is afforded by the Constitution Act, 1867.⁴¹ After each decennial census, there is appointed in each province a Commission whose constitution is arranged under the provisions of the Electoral Boundaries Readjustment Act, 1985 which is an independent body.⁴² This Commission is comprised of three members: a judge as Chairman, appointed by the Chief Justice of the province, and two members, appointed by the Speaker of the House of Commons.⁴³ These public Corporations are independent bodies which conduct their procedures without any direct political control or interference, since the object is to maintain, where possible, operational impartiality and publicity.

In the Canadian model, there exists a legal public participation mechanism. It is obligatory upon these Commissions to publish their first report and then to hold public hearings in various corners of the province, and by inviting

³⁹The Electoral Boundaries Readjustment Act, 1985, c. E-3 (Can.), <https://laws-lois.justice.gc.ca/eng/acts/e-3/index.html> (Last visited Aug. 18, 2025).

⁴⁰*Reference re Prov. Electoral Boundaries (Sask.)*, [1991] 2 S.C.R. 158 (Can.).

⁴¹The Constitution Act, 1867, S. 51.

⁴²The Electoral Boundaries Readjustment Act, 1985, c. E-3, S. 3.

⁴³*Id.*, S. 3(1).



citizens and other interested organizations and experts to supply them with material.⁴⁴ The results of these inquiries are discussed before a final report is printed, and that final report is submitted to the House of Commons. This report, while it may be further debated in Parliament, cannot be altered or rejected in Parliament by the vote of those elected representatives. This “bottom-up” engagement transforms delimitation from a purely technical exercise into a participatory democratic process.

Canada follows the principle of effective representation. In its landmark decision in 1991, the Supreme Court clarified that while “relative population equality” remains a critical benchmark, it is not an absolute imperative.⁴⁵ Justice McLachlin emphasized that deviations of up to 15-25% may be permissible where justified by factors such as geographic remoteness, minority representation, and community identity. This jurisprudential standard contrasts with the rigid “one person, one vote” doctrine prevalent in the United States, which prioritizes numerical equality above contextual realities. The Canadian approach thus, enables enhanced representation for sparsely populated northern and rural areas, taking into account their geographic breadth and socio-economic significance.

Institutional insulation from political influence is another feather of Canadian delimitation practice. The design of the Canadian commissions institutionalizes the delimitation process so that the mechanics of this process are insulated from partisan manipulation. While political parties may make representations, commissions are not required to take them up.⁴⁶ Indeed, Parliament has no jurisdiction to alter or overturn the recommendations of the commission, thus ensuring that boundary changes are not subjected to considerations of electoral advantage, a constant failing of systems lacking such institutional safeguards. Although the Canadian model, despite its international reputation, is not without free from critiques. Public hearings exhibit wide discrepancies of participation and are often biased towards urban constituencies, whereas rural areas are under-represented. This situation may deepen the emphasis on the urban point of view in the final decision of the commission. Also, the permissible population differential ceiling of 25%, is based on the principle of effective representation, however it does not provide a judicially articulated standard of measurement by which one can argue what is an acceptable balance between equity and representational efficacy.⁴⁷

⁴⁴*Id.*, Ss. 18-20.

⁴⁵Reference re Prov. Electoral Boundaries (Sask.), [1991] 2 S.C.R. 158, 183 (Can.).

⁴⁶*Supra* n. 42, S. 23.

⁴⁷J.C. Courtney, *Commissioned Ridings: Designing Canada’s Electoral Districts* (Montreal: McGill-Queen’s University Press, 2001), 142.



The lesson from the Canadian model for India is about the independent Commissions which would get constitutional safeguards of independence from political influences, would enhance the transparency and acceptability as far as the delimitation process in India is concerned. The institutionalization of a structured pattern of public participation beyond mere symbolic consultation, will greatly enhance the democratic legitimacy of this process, particularly in a country where adjustment of the boundaries will also mean directly the federal relations and state relations, the representation of the minorities and political balances existing in various parts of the country. The stress which the Canadian model gives to effective representation would become particularly appropriate in the context of India, in view of the multiplicity of the demographic conditions and the geographical complexities existing in the country. This principle will act as a counter to the drafts of a purely numerical proportionality of representation.

C. The Australian Model: Constitutional Safeguards and Technocratic Precision

Australia's constituency delimitation system functions within a centralized, constitutionally protected, and technologically advanced institutional framework. The legal basis for this complex problem is to be largely found embodied in the Commonwealth Electoral Act, 1918.⁴⁸ The provisions regarding set-up of Redistribution Committee for each State provides for the formal establishment of the Redistribution Committee of that state by the Australian Electoral Commission (AEC).⁴⁹ The Committee comprised of Electoral Commissioner, Australian Electoral Officer for the state, Surveyor General of the state, and Auditor General of the state.⁵⁰ The combination of this group, provides for an institutional buffer from political interference. Ultimately delimitation is settled by a two-tier structure of adjudication *i.e.*, first by the Redistribution Committee and subsequently by the Augmented Electoral Commission. The process of delimitation gets constitutional protection by the Australian Constitution. It says that the allotment of seats in the House of Representatives will be defined on the basis of proportional representation, as enacted by the ratio of populations.⁵¹ It is also interesting to note that

⁴⁸ The Commonwealth Electoral Act 1918 (Cth), Div. IV.

⁴⁹ *Id.*, S. 60(1).

⁵⁰ *Id.*, S. 60(2).

⁵¹ The *Australian Constitution*, S. 24.



it runs even a Minimum Representation Guarantee which reads that every “original state” is guaranteed minimum of 5 seats irrespective of population.⁵² The whole purpose of this process is to ensure for against political representation for the smaller states.

The major features of the Australian Electoral Commission include institutional independence; procedural framework; technological integration and scientific methodology; and insulation from political influence. The Australian Electoral Commission is an independent constitutional body and structurally as well as functionally insulated from parliament, executive and political parties.⁵³ The intention is to ensure that the drawing of the electoral boundaries is made fairly, transparently, so as to be based on scientific basis of evidence. Central to the rationale for this system is a desire to eliminate the possibility of partisan interference and to foster public confidence in the process of redistribution.

Redistribution is initiated by the AEC at intervals of not less than seven years or at an earlier time if there is a significant movement, which has taken place in the population.⁵⁴ The process occurs in the stages of statistical data as to population will be supplied by the Australian Bureau of Statistics (ABS) for which the population figures represent the necessary basis upon which will be apportioned the number of members of Parliament to be allotted to each State and Territory. The Redistribution Committee issues their draft maps with accompanying explanatory matter. Any member of the public, political parties or other interested organizations will be able to make, in writing, objections or alternative proposals.⁵⁵ Proper hearings will be held to investigate the submissions made and any evidence that may be adduced. The Augmented Electoral Commission will consider the recommendations of the Redistribution Committee and make its legally binding determination of the final boundaries, which will be published in the Commonwealth Gazette.

Australian redistributions are assisted by the use of modern spatial type technology and research technology, which includes Geographic Information Systems (GIS) and current digital mapping techniques which assist in the

⁵²Representation of Commonwealth Territories in the Senate, Papers on Parliament, No. 64, Ch. 7, https://www.aph.gov.au/About_Parliament/Senate/Publications_and_resources/Papers_and_research/Papers_and_Parliament_and_other_resources/Papers_on_Parliament/64/c07 (Last visited Aug. 15, 2025).

⁵³*Supra* n. 51 S. 6.

⁵⁴The Commonwealth Electoral Act 1918, S. 59.

⁵⁵*Ibid.*, Ss. 68–70.



correct demarcation of the various boundaries.⁵⁶ The demographic modelling tries to foresee what the population changes would be so that redistributions in the future, with their consequent representation inequality, should not take place, and the mapping of community of interests assists in keeping areas which are denominated as seats of Parliament, socially, economically and ethnically integrated. This future orientated, dataless re-search model enables redistributions in the future to be of a less frequent and destructive nature.

The Australian model where welfare proved in efficaciously eliminates the risk of gerrymandering. The Independent AEC members are politically otherwise unaffiliated and, each stage must clearly provide one in which the public can participate. Neither Parliament nor political parties can veto or have any Parliamentary authority over the alteration and review of boundaries which lie entirely within the jurisdiction of AEC. Doubts exist about the entire matter, however the statutory definition of community of interests, for example, is lacking in clarity and vagueness and produces situations from time to time which gives rise to disputes having no regard for possible influence by either party in the operation of the system. In remote States such as Northern Territory or the State of Western Australia, the area is often in size of electorate vast and remote and contact with constituents is not easy. Another problem is created by the large number of the population which is mobile and which may require interim redistributions, again creating great expense and problems of administration.⁵⁷

IV. Comparative Analysis of Above Models and Lesson for India

Delimitation is a process which ensures the quality of the representation and therefore the equality of democracy. The phrase “one person one vote one value”, is accepted by accepted by all.⁵⁸ The institutional and procedural framework in which this is put into effect is left to considerably different ways in which it is achieved whilst there is a consensus of opinion and acceptance. The United States, Canada will have their delimitation models and be governed in a particular temporal social, constitutional and political

⁵⁶Australian Electoral Commission, Federal Electoral Boundary GIS Data for Free Download, AEC, Mar. 4, 2025, https://www.aec.gov.au/electorates/gis/gis_datadownload.htm (Last visited Aug. 15, 2025).

⁵⁷Graeme Orr, *The Law of Politics: Elections, Parties and Money in Australia* (Federation Press, 2010), 134.

⁵⁸Bhawana Kesar, *Boundaries of Power: The Role of Delimitation in Shaping Democratic Elections*, 5 Int'l J. L. Justice & Jurisprudence, 2025, pp.123-34.



context. Australia will likewise still have their sphere of interests influenced by its own constitutional and political background, to the extent that all things developing in the same universal way.⁵⁹ A comparative study of above three models indicates following issues in their delimitation process and its implications in Indian context:

A. Structural Comparison: Centralized versus Decentralized Control

The US model adopts a decentralized approach. The federal constitution mandates only seat reapportionment, leaving boundary determination to individual states. This allows flexibility to address local conditions but carries a significant risk of gerrymandering, whereby ruling parties manipulate boundaries for partisan advantage. In contrast, Canada and Australia employ centrally regulated, independent commissions. The Australian Electoral Commission (AEC) enjoys constitutional protection, while Canada's independent commissions, established for each province, are judicially chaired. Both models minimize political interference and enhance transparency and public engagement. India's Delimitation Commission, constituted under the Delimitation Commission Act, 2002 is theoretically independent but remains susceptible to political influence due to its appointment structure and executive links.

B. Transparency and Public Participation

The US model enables US states with independent commissions (e.g., California, Michigan), public hearings, and interactive online maps meaningful citizen's participation.^x Canada mandates public hearings by law, and citizen submissions can shape final boundaries. Australia similarly publishes proposals at each stage and provides formal objection mechanisms. In India's Delimitation Act, 2002, section 9 posits that there could be some public consultations. However, due to the limitation of both the scope of these hearings and their accessibility, civil society and the general public have little role in any constructive engagement.

C. Norms and Principles: Population Equality versus Effective Representation

The US model emphasizes strict population equality, fully adhering to the 'One Person, One Vote' principle.⁶⁰ In Canada, departures from the quota

⁵⁹India at the Crossroads: The Delimitation Exercise and Its Implications for Democracy, 2025, <https://sabrangindia.in/india-at-the-crossroads-the-delimitation-exercise-and-its-implications-for-democracy/> (Last visited Aug. 15, 2025).

⁶⁰ Jonathan Stark-Sachs Voting for History: One Person, One Vote and the Creation of National Register Historic Districts, 26(1) Roger Williams University Law Review, 2021, https://docs.rwu.edu/rwu_LR/vol26/iss1/8



of 15-25 % are allowed in order to facilitate effective representation. In Australia, numerical equality has a primacy, but irregularity is favored to preserve the interests of communities. In India, the constitutional provisions essentially refer to the population as the only primary consideration, with insufficient facility for accommodating demographic irregularities and geographical diversity. This results into proportional voters and representatives in over populated areas of the country, and proportionately low ratios in under populated.

D. Technical Efficiency and Data-Driven Approaches

Australia integrates advanced Geographic Information Systems (GIS) and demographic modelling extensively. Canada also relies on precision mapping and statistical tools. In the US, technological sophistication varies from state to state. In India, technological adoption remains limited.⁶¹ The process depends primarily on census data and static maps, with little institutional use of GIS, AI-based projections, or community mapping techniques.

E. Comparative Table: Key Features of Delimitation Models

Dimension	United States	Canada	Australia	India
Institutional Control	Predominantly state-controlled; in most states, legislatures oversee the process. A few states have adopted independent or bipartisan commissions.	Independent provincial commissions, appointed with judicial leadership and without direct political control.	Australian Electoral Commission (AEC)- a constitutionally protected, fully independent federal body.	Delimitation Commission, a statutory central body; members appointed by the Union Government, with limited structural independence.
Transparency and Public Engagement	Varies in states- strong public processes in states with independent commissions, minimal transparency where legislatures control boundaries.	High transparency- public hearings mandated by law; public submissions can influence final boundaries.	Very high transparency- proposals published at each stage, with a formal objection process open to citizens and stakeholders.	Limited transparency- public hearings occur but are often formalities; public influence on final boundaries is minimal.
Standard for Drawing Boundaries	Strict population equality "One person, one vote" with very limited deviation allowed.	Effective representation- allows up to 25% population deviation to protect geographic, social, and minority interests.	Population equality is central, but "community of interest" and geographic realities are also factored in.	Primarily population-based, with little flexibility for geographic or community considerations.
Use of Technology	Mixed- advanced GIS and mapping tools in some states; others still use traditional/manual approaches.	High- digital mapping and demographic modelling are standard.	Very high- sophisticated GIS, demographic projection models, and community mapping integrated into the process.	Low to moderate- census data and static maps dominate; minimal use of GIS or predictive modelling.
Risk of Political Interference	High in legislature-controlled states; gerrymandering widely documented.	Minimal- insulated from political actors by law.	Minimal- political actors have no direct power to amend final boundaries.	Moderate- political influence possible through appointments and structural design.

⁶¹India's Delimitation Dilemma: Challenges and Consequences, The India Forum, 2024, <https://www.theindiaforum.in/politics/indias-delimitation-dilemma-challenges-and-consequences> (Last visited Aug. 15, 2025).



F. Recommendations in Indian Context:

- Constitutional Status for an Independent Body: The Delimitation Commission must be granted the constitutional status that is similar to that of the Election Commission of India to ensure that it is fully independent from political influence.⁶²
- Diversify the Membership of the Commission: To ensure that the Delimitation Commission's composition reflects the diversity of India's large and diverse population, there should be a balanced and diverse membership consisting of judicial, technical and social experts. In addition to this, executive should limit the potential of political influence on the commission.⁶³
- Mandatory Public Hearings and Transparency: Similar to Canada and Australia, public hearings must be mandatory and conducted at local level throughout the country so that citizens have ample opportunities to express their opinions and participate in the process. Also, all proposals, objections and other supporting documents should be made available online so that citizens may access them easily.
- Technological Tools and Methods: Advanced technology including geographic information systems (GIS) and artificial intelligence-based population projections and community of interest maps should be used to assist the commission in accurately drawing boundaries of constituencies based on demographic data.⁶⁴
- Effective Representation: While the current method of defining electoral constituencies relies solely on population figures, consideration should be given to geographical, social and cultural characteristics when drawing electoral constituency boundaries so that each region has equitable representation.⁶⁵
- Regular Review Cycles: Regular review cycles should be established for the Delimitation Commission. A regular review cycle of seven

⁶²K.C. Sivaramakrishnan, Constituencies Delimitation: Deep Freeze Again?, 36 Econ. & Pol. Wkly., 2001, pp.4694-96.

⁶³R. Rangarajan, What Are the Issues Around Delimitation? The Hindu, Mar. 5, 2025.

⁶⁴Pankaj Kumar Patel and T.V. Sekher, Parliamentary Delimitation: A Study on India's Demographic Struggle for Political Representation, J. Asian & Afr. Stud., 2024, <https://doi.org/10.1177/00219096241295634>.

⁶⁵Changing Face of Electoral India: Delimitation 2008, I Nirvachan Sadan, Delimitation Commission of India, 2008.



to ten years would allow the Commission to reflect changes in demography while minimizing disruptions to the electoral system.

V. Conclusion

The comparative study shows that institutional independence, transparency, technical capability and citizen's participation are absolutely essential for a complete and credible delimitation process. The US model has an element of flexibility but also of vulnerability to interference by political authorities. The Canadian model has succeeded in establishing effective representation by virtue of the balanced judiciousness of the principles of judicial dedication and of public participation. The Australian model has decidedly introduced a greater degree of technical sophistication with constitutional safeguards. For India the best way will be a mixed model by taking over greater shares of the Canadian model from the point of view of public participation and effective representation, with certain technical advances and advantages of the Australian model relating to technology and constitutional structure found in the US model. Full and active participation of local communities is also necessary. Proper use of advanced systems of mapping along with investigational devices for gathering of data would be useful. In case, these innovations are introduced before the 2026 delimitation, it will restore the principle of democratic equality and further develop a deeper faith in the democratic institutions.