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Post-2026 Delimitation and Tribal Political Representation: Reconciling Electoral Equality with Constitutional Inclusion

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ABSTRACT

Delimitation seeks to ensure equitable political representation through the periodic readjustment of electoral constituencies. With the constitutional freeze ending after the first Census following 2026, delimitation will significantly affect electoral representation and federal balance. While delimitation aims to achieve representational equality, it also raises concerns regarding the political representation of Scheduled Tribes (STs), particularly in Scheduled Areas where demographic realities intersect with constitutional safeguards. Existing scholarship has examined the constitutional framework governing delimitation, electoral reforms, and tribal political participation. However, comparatively limited attention has been devoted to evaluating the implications of the forthcoming delimitation exercise for the political representation of STs. This paper addresses this research gap by critically examining whether the existing delimitation framework adequately safeguards equitable political representation for schedule tribes while balancing democratic equality, federalism, and social justice. The objectives of this paper are firstly to evaluate the constitutional, legal, and institutional framework governing the post-2026 delimitation exercise in India and secondly to assess its implications for the equitable and substantive political representation of STs while preserving democratic equality, federal balance, and social justice. Accordingly, the paper examines: To what extent the existing delimitation framework capable of ensuring equitable political representation of STs while preserving the constitutional principles of democratic equality, federal balance, and social justice? The study adopts a qualitative doctrinal methodology supported by a comparative constitutional approach. It argues that post-2026 delimitation must move beyond numerical population equality to safeguard the substantive political representation and meaningful democratic participation of STs.

INTRODUCTION

Political representation is the backbone of constitutional democracy and the most fundamental means for citizens to engage in governance and shape public decisions. Electoral representation in a representative democracy like India extends beyond the mere counting of votes, reflecting the constitutional values of political equality, inclusive governance, and substantive

democracy.¹ Electoral representation is a reflection of the constitutional principle of political equality, inclusive governance and substantive democracy in a representative democracy like India. Delimitation is one of the constitutional mechanisms that is important to preserve these democratic ideals.

The constitutional basis for delimitation is in the Constitution of India, Article 82², 170³ which state that constituencies of the Parliament and Legislative Assem-

¹Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press, New Delhi, 1999).

²The Constitution of India, art. 82.

³The Constitution of India, art. 170.

bly must be readjusted every ten years following every Census by a Delimitation Commission.⁴ The primary objective of delimitation is to advance the principle of 'one person, one vote, one value' by ensuring broadly equal representation, while recognizing that it is not merely a mathematical reorganization of population.⁵ Comparative constitutional experience also shows that the configuration of electoral constituencies may have a profound impact on political representation. Comparative constitutional experience demonstrates that constituency boundaries can significantly shape political representation. It can't be seen as a technical exercise of territorial reconfiguration, delimitation should be viewed as a constitutional tool that affects democratic inclusion, representative justice and the fair distribution of political power.⁶

In view of the upcoming delimitation exercise, delimitation has become relevant in the constitutional framework again. There has been no complete reorganization of parliamentary seats in India according to the changing population pattern since the imposition of a freeze on the 'reallocation of seats in the Parliament by 1976⁷ and extended in 2001⁸ and again in 2003⁹. The purpose of the freeze was to make sure that States that are successfully controlling their populations were not politically disadvantaged, but it has also created a lot of differences in the parliamentary representation between States.¹⁰ Considering this constitutional background, the upcoming delimitation exercise in post-2026 will not only be a requirement of administrative convenience but also a transformative constitutional process that has profound consequences for the representative democracy of the Indian state. The political representation of STs. The 'Fifth Schedule'¹¹ and 'Sixth Schedule'¹² of the Indian Constitution', additionally Article 330¹³ and 332¹⁴, give STs a unique position and designating a constituency as such is extremely important in enabling meaningful political participation.

⁴The Delimitation Act, 2002 (Act No. 33 of 2002).

⁵Delimitation Commission of India, *Changing Face of Electoral India: Delimitation 2008, Vol. I* (Delimitation Commission of India, 2008).

⁶Bernard Grofman (ed.), *Political Gerrymandering and the Courts* (Agathon Press, 1990).

⁷The Constitution (Forty-Second Amendment) Act, 1976.

⁸The Constitution (Eighty-Fourth Amendment) Act, 2001.

⁹The Constitution (Eighty-Seventh Amendment) Act, 2003.

¹⁰National Commission to Review the Working of the Constitution, *Report of the National Commission to Review the Working of the Constitution* (Government of India, 2002).

¹¹The Constitution of India, Fifth Schedule.

¹²The Constitution of India, Sixth Schedule.

¹³The Constitution of India, art. 330.

¹⁴The Constitution of India, art. 332.

Political representation takes on greater importance for the STs. Electoral constituency boundaries have a significant impact on the ability of tribal communities to elect representatives for the effective representation of tribal interests in the framework of the constitution of India.¹⁵ Electoral constituency boundaries have a significant impact on the ability of tribal communities to elect representatives that will respond to their socio-economic issues, and to effectively engage in legislative decision making.¹⁶ The paper tries to critically check if the present delimitation framework is able to ensure a democratic equality, federal balance, social justice and fair political representation for the STs. It suggests that after 2026 delimitation should be based on more than numbers and also include the constitutional mandate of substantive representation to enhance the political voice of the STs.

Literature Review

Books

Granville Austin, '*Working a Democratic Constitution: The Indian Experience*'¹⁷

Austin's analysis of the operation of the Indian Constitution is grounded on the interplay of democratic institutions, federalism, representation and social justice. His analysis is especially relevant to the present study in so far as it shows how the claims of political equality and social justice have to be balanced in a diverse federation like India. The work, however, goes beyond the current delimitation debate which took place post 2026 and does not focus on the effects of the delimitation on representation of STs.

Virginius Xaxa, *State, 'Society and Tribes: Issues in Post-Colonial India'*¹⁸

Xaxa questions the issue of the relationship between the tribal communities, the Indian State and processes of political and socio-economic marginalization. His research underscores the importance of political engagement, constitutional protections and tribal peoples' unique socio-political status. These insights are valuable for understanding whether electoral restructuring can influence political agency of STs.

Rajeev Bhargava (ed.), '*Politics and Ethics of the Indian Constitution*'¹⁹

¹⁵Virginius Xaxa, *State, Society and Tribes: Issues in Post-Colonial India* (Pearson Education India, New Delhi, 2008).

¹⁶Rajeev Bhargava ed., *Politics and Ethics of the Indian Constitution* (Oxford University Press, New Delhi, 2008).

¹⁷*Supra* note 1.

¹⁸*Supra* note 15.

¹⁹*Supra* note 16.

This edited volume explores the normative basis of the Indian Constitution, its connection with the concepts of 'Democracy', 'Equality', 'Justice', 'Pluralism' and 'Constitutional Morality'. Its focus on the ethical aspects of constitutional governance is relevant to an assessment of delimitation beyond the limited standard of numerical equality. The work sets a normative framework to look at the extent to which electoral structures represent the needs of historically marginalized communities.

Bernard Manin, *'The Principles of Representative Government'*²⁰

Manin explores the history of representative government and discusses the connections between elections, political representation, accountability, and democratic legitimacy. His theoretical view is helpful for the understanding of representation beyond merely the numerical distribution of electoral seats and for the evaluation of the conditions that make for effective democratic participation.

Article

Kishan Narayan and Anagha Pradeep, '*The Frozen Constituency: Delayed Delimitation and Denied Representation of SCs and STs*'²¹

Narayan and Pradeep put into direct focus the connection between the extended delimitation freeze and the political representation of SCs and STs. To the present study, their analysis is of particular importance in highlighting the representational implications of delayed delimitation and outlining the implications for constitutionally protected communities. This study, however, is concerned with the constitutional consequences of the exercise of post-2026 delimitation, specifically the conflict between electoral equality, federal balance and substantive ST representation.

Jagannath Ambagudia, *Scheduled Tribes, 'Reserved Constituencies and Political Reservation in India'*²²

Ambagudia explores the political marginalization of STs in history, how the reserved constituencies are functioning, and how political reservation has affected the political empowerment of STs. The results of the study reveal that reservation has facilitated political inclusion and has yielded mixed results for substantive

representation. It is also relevant to the current study in that it sets the backdrop for the significance of reserved constituencies in the representation of STs.

The study adopts a qualitative doctrinal methodology with a comparative constitutional and critical analytical approach, that will analyze constitutional provisions, legislation, judicial decisions, policy documents and relevant scholarly works. Comparatively looks at national and international approaches of delimitation and political representation and evaluates their implications for ST representation. The paper builds in the constitutional structure of delimitation and theoretical aspects of political representation, then offers comparative observations, a critical examination of post-2026 delimitation and constitutional issues and finally draws general conclusions and policy suggestions for the enhancement of ST representation.

DELIMITATION IN INDIA

Constitutional Framework

Delimitation is a basic constitutional process which ensures that the representative nature of the Indian democratic system is maintained in the interests of the people, by ensuring that the electoral constituencies are re-formulated at regular intervals to reflect changes in the population. Delimitation is based on the principle of political equality, which affirms that the voice of each voting citizen must have the same value in determining electoral representation, as far as practicable. Delimitation, as a constitutional process, serves two purposes in a Federal Democracy where there is a vast territorial, socio-cultural and demographic diversity; it ensures electoral equality and ensures the representative character of the Parliament and State Legislatures.²³

The constitutional basis of delimitation is found in the main in 'Article 82'²⁴ and 'Article 170'²⁵ of the constitution of India. 'Article 82'²⁶ gives Parliament the power to make a Delimitation Act after every decennial Census for readjustment of seats in the Lok Sabha and 'Article 170'²⁷ does the same with respect to the readjustment of territorial constituencies for State Legislative Assemblies'. These provisions are designed to ensure that the representation in the elections should change according to the demographic changes of the population and the principle of equality of representation. The constitutional set-up is also further fortified

²⁰Bernard Manin, *The Principles of Representative Government* (Cambridge University Press, Cambridge, 1997).

²¹Kishan Narayan & Anagha Pradeep, "The Frozen Constituency: Delayed Delimitation and Denied Representation of SCs and STs," 61 *Economic & Political Weekly* (2026).

²²Jagannath Ambagudia, "Scheduled Tribes, Reserved Constituencies and Political Reservation in India," 5 *Journal of Social Inclusion Studies* (2019).

²³ *Supra* note 1.

²⁴The Constitution of India, art. 82

²⁵The Constitution of India, art. 170.

²⁶*Id.* art. 82.

²⁷*Id.* art. 170.

with Article 327²⁸ and 329²⁹ which provides the Parliament with the power to enact laws on electoral matters and also bars judicial interference in delimitation process after orders of the Delimitation Commission attain finality.³⁰

To give effect to these constitutional provisions, there have been four Delimitation Acts passed by Parliament in 1952³¹, 1962³², 1972³³ and 2002³⁴, and after the Censuses of 1951, 1961, 1971 and 2001, respectively, four Delimitation Commissions have been set up. They are published in the Official Gazette, their orders have a statutory character and they are generally not subject to judicial review thus strengthening the institutional autonomy of the delimitation process.³⁵

The objective of successive delimitation exercises has been to balance two seemingly conflicting constitutional principles: electoral equality and effective representation. Electoral equality requires that each constituency have, more or less, equal population sizes, but effective representation requires a geographic contiguity, administrative convenience, communication patterns, physical characteristics, and social and historical marginalization. In this context, the Delimitation Act, 2002³⁶ enables the Commission to compromise on the equal population principle as necessary to maintain these constitutional principles.

‘The Forty-second Amendment Act’³⁷, overrode the interstate allocation of seats in the Parliament to prevent the political disadvantage of States which were able to implement population stabilization measures.³⁸ ‘The Eighty-fourth Amendment Act’³⁹, further extended the period of freeze till the first Census after 2026 and allowed for internal reconfiguration of the constituencies and the ‘Eighty-seventh Amendment Act’⁴⁰ replaced the Census 2001 data with Census 2003 data for reconfiguration. The delimitation exercise conducted by the Delimitation Commission in 2002-2008, therefore, only sought to rearrange the boundaries of the existing constituencies without changing the exist-

ing parliamentary representation of those States.

The victories of these constitutional changes left significant differences in the number of people represented by each Member of Parliament, despite the protection of the political interests of States that had been effectively implementing population control. The face of many constituencies has changed significantly over the past half-century due to rapid urbanization, migration and differential population growth. This means that in modern times many of the parliamentary constituencies have population Orders of the Delimitation Commission sizes much larger than the national average, while others still elect their representatives from smaller populations.⁴¹ The demographic shifts have important constitutional implications in terms of the ongoing vitality of the democratic doctrine of equal representation.⁴²

These constitutional changes are crucial in the context of the post-2026 delimitation exercise. The delimitation exercise after 2026 also throws up significant constitutional issues on political representation of the STs. It is therefore not surprising that Reservation of seats under Article 330⁴³ and Article 332⁴⁴ of the Constitution is also a structural guarantee of substantive political participation for the STs. Reservations under Articles 330⁴⁵ and 332⁴⁶, which ensure substantive political participation of STs, are therefore, not surprising as a structural guarantee. However, such delimitation that fails to consider social-cultural distinctiveness and the demographic concentration and territorial contiguity of tribes can diminish the representative value of these constitutional protections, even in the presence of reserved land.⁴⁷

Therefore, the constitutional framework governing delimitation must be understood not merely as a mechanism for achieving numerical equality but as an instrument for realising the broader constitutional values of representative democracy, federalism, political equality, and social justice. The possibility of the upcoming delimitation exercise is a good opportunity to review the current constitutional structure and assess its ability to maintain the balance between demographic

²⁸The Constitution of India, art. 327.

²⁹The Constitution of India, art. 329.

³⁰Delimitation Commission of India, *Orders of the Delimitation Commission* (Government of India, 2008).

³¹The Delimitation Act, 1952 (Act No. 61 of 1952).

³²The Delimitation Act, 1962 (Act No. 6 of 1962).

³³The Delimitation Act, 1972 (Act No. 76 of 1972).

³⁴*Supra* note 4.

³⁵Election Commission of India, *Manual on Electoral Rolls* (Election Commission of India, 2023).

³⁶*Supra* note 4.

³⁷*Supra* note 7.

³⁸*Supra* note 6.

³⁹*Supra* note 8.

⁴⁰*Supra* note 9.

⁴¹*Supra* note 30.

⁴²*Supra* note 1.

⁴³*Supra* note 13.

⁴⁴*Supra* note 14.

⁴⁵*Supra* note 13.

⁴⁶*Supra* note 14.

⁴⁷High Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities, *Report of the High Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities in India* (Ministry of Tribal Affairs, Government of India, 2014).

equality and the constitutional mandate of meaningful political representation of the historically marginalized community, including the STs.⁴⁸

Theoretical Foundations of Political Representation

Political representation is one of the basic elements of the democracy and it is a channel through which the collective will of the people is brought to the legislatures and executive branch. Therefore, democratic governance relies on institutions that allow elected officials to make decisions for citizens and hold them accountable to these citizens. Representation, however, is not only an electoral system but a constitutionally ingrained mechanism by which diverse social interests, political desires and public concerns are manifested in democratic systems.⁴⁹

Contemporary representation more than ever is about numbers but also about ensuring the effective participation of historically disenfranchised communities. Political representation has thus become synonymous with constitutional principles of equality, social justice, pluralism and democratic inclusion.⁵⁰ Representing has been transformed from roles as self-serving trustees to more responsive, inclusive and substantive representations. These views offer a helpful lens through which to evaluate the role of electoral districts in the representation of social groups.

Among the earliest and most influential expressions of representative government is Edmund Burke's idea of 'representative government' as a mode of trust, rather than of strict delegation. Edmund Burke introduced the notion of representation as a trust relationship, which he saw as a "Trustworthy Plurality" of representatives, independent thinkers acting in the public interest and not merely as delegates whose votes were strictly regulated by their constituents.⁵¹ But the trustee approach may not sufficiently reflect the interests of historically marginalized groups where the representative institutions have not been socially equal.

A more systematic and structured framework was advanced by 'Hanna Fenichel Pitkin, whose seminal work *The Concept of Representation*' remains the most authoritative theoretical exposition on political representation. Pitkin explained that representation is not a simple concept, but rather has multiple aspects: formalistic, symbolic, descriptive and substantive.⁵²

Pitkin defines political representation in four ways: formalistic representation, the one concerned with authorization and accountability; symbolic representation, the one that reflects the communal identity and aspirations of the represented; descriptive representation, the one that has to do with the social resemblance of the representative and the represented; substantive representation, the one that deals with "the effective promotion of the interests of the represented." These dimensions collectively and profoundly show the need to go beyond electoral authorization to look at identity, inclusion, responsiveness and political outcomes.⁵³

Pitkin's concept of descriptive and substantive representation has gained a special importance in constitutional democracies where there is a high level of social polarization. Descriptive representation improves the representation of historically marginalized groups in political institutions, whereas substantive representation measures whether constitutional protections lead to real participation, responsiveness of the legislature and policy impact. In recent years, democracy's legitimacy has been increasingly understood as the need for the proper balance between these two aspects, not the reliance on one to the detriment of the other.

A second major development that brought a benefit to representative government was John Stuart Mill's idea of political participation as a vital tool for democratic control and civic education. John Stuart Mill also considered political participation an integral part of democratic government and as another catalyst for civic engagement, stressing the need to safeguard minority rights from the tyranny of the majority.⁵⁴ His method underlines the need for institutional structures that allow for the effective inclusion of different and historically excluded groups in representative government.

Modern democratic theory acknowledges that political representation works in society shaped by structural inequalities, which means that formal equality is not enough for substantive representation to take place. Representation will then enable them to be part of public decision-making processes, and serve to include historically marginalized communities. This lens reveals electoral institutions that can either consolidate or retreat from democratic inclusion as being constitutional measures, such as constituency design and delimitation. Their design consequently provides a critical framework for assessing whether electoral processes advance

⁴⁸ *Supra* note 22 at 44-58.

⁴⁹ *Supra* note 10.

⁵⁰ *Supra* note 1.

⁵¹ Edmund Burke, "Speech to the Electors of Bristol" (1774), in *Select Works of Edmund Burke* (Liberty Fund ed.).

⁵² Hanna Fenichel Pitkin, *The Concept of Representation* (Univer-

sity of California Press, Berkeley, 1967).

⁵³ *Ibid.*

⁵⁴ John Stuart Mill, *Considerations on Representative Government* (Parker, Son and Bourn, London, 1861).

substantive equality, participation, and social justice or reproduce existing structures of political inequality.

Political Representation in Constitutional Democracy and Its Relevance to Delimitation

Modern constitutional democracy recognizes political representation not simply as numerical or procedural equality, but as an attempt to add the historically marginalized groups. This vision is reflected in the Indian Constitution, which guarantees universal adult suffrage alongside the preservation of reservation for the STs that is provided in Articles 330⁵⁵ and 332⁵⁶, and the constitutional framework governing STs in the 'Fifth Schedule'⁵⁷ and Sixth Schedules⁵⁸. Delimitation is especially important as it directly influences the ability of social groups to obtain effective political representation. While the main aim of constituency design is to ensure equality in numbers across constituencies, there are also geographical, administrative and territorial aspects that can have an impact on the representational interests of various communities.⁵⁹ The delimitation of constituencies is thus central to determining whether electoral institutions ensure mere numerical equality or advance substantive political inclusion.

These considerations are particularly important for STs, whose political representation is closely associated with geographical concentration, Scheduled Areas and distinctive socio-cultural contexts. Constitutional reservation seeks not merely to secure numerical presence in legislative institutions but to facilitate effective participation in democratic decision-making.⁶⁰ Accordingly, constituency realignments that fragment concentrated tribal populations or dilute their electoral influence may weaken the substantive purpose of political reservation even where formal reservation remains intact.

The constitutional legitimacy of delimitation is therefore subject to an assessment in terms of both electoral equality and substantive representation, as is indicated by the theoretical development in this chapter. Constituent boundary redraws must not just be done on a numerical basis, but should also reflect the meaningful political voice of historically marginalized communities. In this regard, it is necessary to consider whether the delimitation process in India took into considera-

tion the need for demographic parity with the constitutional guarantees of representative democracy, political equality and social justice as applied to STs.⁶¹

COMPARATIVE PERSPECTIVES ON DELIMITATION AND REPRESENTATION

Comparative constitutional analysis can provide useful insights into the design and operation of electoral institutions by comparing how the various types of democratic systems manage to balance the competing goals of electoral equality, political representation and democratic legitimacy. Their unique models ranging from the United States, which shows the dangers of redistricting under political control, to the United Kingdom which offers an example of independent and consultative boundary review, to South Africa, which illustrates the concept of inclusive representation through the use of proportional representation are explored. These models demonstrate how institutional design shapes political representation and provide a useful comparative basis to assess India's delimitation framework adequately balances electoral equality and inclusive representation.

United States (US) Redistricting, Gerrymandering and Minority Representation

Congressional and state legislative districts are redrawn every ten years post decennial census in the United States. In contrast to India, the boundaries of the constituencies are in the hands of the state legislatures, which are prone to partisan manipulation. The term 'gerrymandering' refers to describe the practice of political parties or their agents in redrawing electoral districts for partisan advantage.⁶² The practice commonly known as gerrymandering enables political actors to redraw electoral boundaries in ways that maximize partisan advantage while simultaneously influencing the minorities political representation.⁶³

The American experience proves that equal rights in the ballot box cannot be determined by a numerical formula. The consequences of electoral boundary design on the effectiveness of historical disadvantaged groups' political representation are significant. It has, therefore, been recognized by judicial decisions that the delimitation of constituencies must not be designed to weaken the strength of minorities or to break up ge-

⁵⁵ *Supra* note 13.

⁵⁶ *Supra* note 14.

⁵⁷ *Supra* note 11.

⁵⁸ *Supra* note 12.

⁵⁹ *Supra* note 4.

⁶⁰ M.P. Jain, *Indian Constitutional Law* (LexisNexis, Gurugram, 9th edn., 2023).

⁶¹ *Supra* note 1.

⁶² *Rucho v. Common Cause*, 588 U.S. 684, 700-02 (2019).

⁶³ *Voting Rights Act of 1965*, 52 U.S.C. §§ 10301-10702.

ographically localized minorities.⁶⁴ The American experience underscores Rucho

the need for transparency, institutional independence, and neutral and objective criteria for defining boundaries to avoid dilution of representation for vulnerable communities.

United Kingdom (UK) Independent Boundary Commissions and Electoral Neutrality

The United Kingdom follows a markedly different approach by entrusting constituency reviews to independent 'Boundary Commissions' established separately for 'England, Scotland, Wales, and Northern Ireland'. These commissions are non-political and periodically map the boundaries of their constituencies according to the statutory criteria of equal numbers of voters, boundaries of the local government, geographical considerations and community identity.⁶⁵

One of the highlights of the British model is that it does not rely on negotiations with political parties but on institutions instead. Public consultation provides a means for local communities and civil society groups to be active in the boundary review process, in order to enhance transparency and democratic legitimacy. Delimitation in India is also a matter of the Commission but there are comparatively less opportunities of meaningful public participation. The UK has more in place in terms of structured public participation and consultation, while it is good that India has institutional independence.

South Africa: Inclusive Representation and Constitutional Transformation

South Africa adopts different models by employing proportional representation is the electoral system rather than territorial constituencies for national elections. Proportional representation does not only depend on geographically bound constituencies: it aims at applying the vote to the legislative body and at avoiding that the voices of minorities are not heard.⁶⁶

Constitutionalism in India is grounded on the principle of representation based on the constituencies and does not consider proportional representation for Parliamentary elections, but the South African experience

is a lesson to learn that the principle of democratic legitimacy is not only based on equal numbers but also on the effective representation of historically marginalized communities. This focus on normativity and inclusive representation offers useful insights in assessing the extent to which delimitation is making it possible to safeguard the political participation of vulnerable groups and the STs.

CRITICAL ANALYSIS OF THE POST-2026 DELIMITATION: CONSTITUTIONAL CHALLENGES AND EMERGING ISSUES

Critical Analysis

The post-2026 delimitation exercise is not only a re-drawing of electoral constituencies, but also a constitutional exercise on the equation of electoral, federal, social and substantive political representation. Articles 82⁶⁷ and 170⁶⁸ provide the constitutional basis for periodic readjustment of constituencies, while the 42nd⁶⁹, 84th⁷⁰ and 87th⁷¹ Constitutional Amendments restricted the redistribution of parliamentary seats between States. The intent of these measures was to avoid that States that achieved the necessary control of their populations would be politically disadvantaged, but there are also differences between population and representation as a result of the extended freeze.⁷² The post-2026 exercise therefore poses a constitutional quandary as recognizing that population-based readjustment can enhance the principle of electoral equality, it also can also impact the current allocation of political power across the federal structure.⁷³

The need for readjustment has been further reinforced by demographic changes since the last comprehensive delimitation such as urbanization, migration, industrialization and development-induced displacement.⁷⁴ However, demographic equality as a sole criterion of constitutional representation is not sufficient, especially when population changes are also a result of displacement and socio-economic vulnerability. For STs, the implications are especially high given the relationship of representation with population size as well as territorial concentration and the constitutional reservations.

⁶⁴Richard H. Pildes & Richard G. Niemi, "Expressive Harms, 'Bizarre Districts,' and Voting Rights: Evaluating Election-District Appearances After *Shaw v. Reno*," 92 *Michigan Law Review* 483 (1993).

⁶⁵Boundary Commissions Act, 1992 (UK).

⁶⁶*Constitution of the Republic of South Africa*, 1996; Andrew Reynolds, *Electoral Systems and Democratization in Southern Africa* (Oxford University Press, Oxford, 1999).

⁶⁷*Supra* note 2.

⁶⁸*Supra* note 3.

⁶⁹*Supra* note 7.

⁷⁰*Supra* note 8.

⁷¹*Supra* note 9.

⁷²*Prabhu Dayal v. Union of India*, (2002) 3 SCC 515, 521-22.

⁷³*Supra* note 2 at 187-89.

⁷⁴*Supra* note 47 at 40-56.

Table 1

Jurisdiction	Institutional Model	Principal Concern/Strength	Relevant Lesson for India
United States	State-led redistricting with judicial oversight	Risks of partisan and racial gerrymandering; vote dilution	Institutional independence and objective safeguards are necessary to prevent dilution of vulnerable communities' electoral influence
United Kingdom	Independent Boundary Commissions	Electoral equality combined with geographical and community considerations; public consultation	Greater transparency, community consultation and consideration of local identity can strengthen legitimacy
South Africa	Proportional representation	Inclusive representation of historically excluded communities	Democratic legitimacy requires substantive inclusion, although the model is not directly transferable to India's constituency-based system
India	Independent Delimitation Commission and reserved constituencies	Balancing population equality, federalism and reserved representation	Post-2026 delimitation should combine institutional independence with transparency, consultation and safeguards for substantive ST representation

Comparative constitutional experience provides useful standards for evaluating these concerns. The United States demonstrates the risks associated with politically controlled redistricting and the importance of institutional independence; the United Kingdom illustrates the value of independent, transparent and consultative boundary review⁷⁵; and South Africa demonstrates how electoral arrangements may advance broader political inclusion⁷⁶. These experiences suggest that electoral boundary design must balance demographic equality with institutional impartiality, transparency and inclusive representation. The following comparative framework highlights the institutional approaches adopted in selected jurisdictions and the principles that may inform the Indian approach to electoral boundary delimitation.

The comparative analysis thus provides three relevant principles for India: institutional independence, transparent and consultative boundary review and substantive political inclusion. While direct transposition is not possible, such models serve as helpful points of comparison as to the potential of the post 2026 delimitation process to ensure the representation of historically marginalized communities. These principles can be used to enhance ST representation when applied to post-2026 delimitation, alongside demographic equality, by ensuring participation and protection from political marginalization.

Key Challenges

Dilution of Tribal Political Representation

A primary concern arising from post-2026 delimitation is that it might dilute the tribal political representation. Even if a population-based delimitation does provide for numerical equality, it need not comply with substantive representation of the tribes. This can meet the criteria of electoral equality but not necessarily the criteria of effective political involvement of tribal communities.

Tribal marginalization has been described in historical, demographic, and territorial terms, with the idea that it can be comprehended only in these ways, and not just through the prism of the number of people. Virginus Xaxa and other scholars argue that tribal marginalization must be understood in historical, territorial, and demographic terms, and not only in demographic terms.⁷⁷ Electoral restructuring that dilutes the electoral voice of geographically concentrated tribes may therefore impact their capacity to elect representatives who can represent tribal interests. Therefore, it is not possible to consider numbers to be a sufficient measure of constitutional justice.

Fragmentation of Scheduled Areas and Tribal Territorial Cohesion

The second constitutional issue is the risk of fragmentation of Scheduled Area due to changes in the boundaries. The Fifth Schedule acknowledges tribal regions have a special socio-cultural and administrative character and aims to safeguard their autonomy under

⁷⁵ *Boundary Commissions Act 1992*, c. 33, §§ 1-3 (U.K.).

⁷⁶ *Constitution of the Republic of South Africa, 1996*, § 46(1)(d).

⁷⁷ *Supra* note 15.

special constitutional arrangements.⁷⁸ The present delimitation framework, however, does not specifically demand that the boundaries of the constituencies coincide with those of the Scheduled Areas and/or the traditional tribal settlements.

This can lead to the splitting of tribal majority areas or to the assimilation of tribal areas into larger non-tribal populations. This can lead to either splitting of areas of the majority tribes or assimilation of areas of the majority tribes into larger non-tribal populations. This does not only lead to a decrease in collective political mobilization but also the power of elected representatives to effectively advocate for the issues which are specific to the Scheduled Areas. In this way, the constitutional guarantees, formally speaking, still stand but their practical effect may be significantly weakened.⁷⁹

Demographic Change and the Emerging Representation Deficit

The importance of the post-2026 delimitation should also be analyzed with reference to demographic changes that took place in the past half century. Tribal areas have seen changes in their demographics through the process of urbanization, industrialization, internal migration and development-induced displacement. The factors which continue to result in socio-economic vulnerability of the STs are identified as displacement, alienation of land and developmental interventions in the Xaxa Committee Report.⁸⁰

Delimiting the area by only current population numbers (and not taking account of these structural changes) risks eroding current political influence within communities already impacted by displacement. Demographic change can be the consequence of migration, development and displacement processes and may thus not always be considered as politically neutral process.

Formal Reservation versus Substantive Political Representation

Another significant concern lies in the distinction between formal and substantive political representation. The difference between descriptive and substantive representation when evaluating the effectiveness of ST reservation. The effectiveness of tribal reservation is not to be judged by the number of reserved constituencies. Even if there is formal reservation, a delimitation which changes the tribe's demographic or geographic

make-up might compromise the representative connection between the tribe and its elected representative. So, a test of the constitutional sufficiency of the post-2026 delimitation process needs to go beyond numerical equality to a consideration of whether the process enhances or diminishes meaningful tribal engagement in democratic governance.

Emerging Constitutional Gaps

The foregoing discussion shows that there are constitutional constraints in the current delimitation system. First, the framework is based on equality of population and does not explicitly mention substantive political representation as a constitutional requirement. Secondly, it fails to take into consideration territorial cohesion in Scheduled Areas and tribal majority areas. Thirdly, the consequences of displacement and migration for tribal political participation are ignored because of these changes in the population. Lastly, while the delimitation exercise involves public consultation, it does not establish any specific institutional structure to effectively involve tribal communities in decisions of direct interest to them in determining their electoral representation. The restrictions indicate a framework that is mostly based on electoral arithmetic rather than representative justice.⁸¹

The post-2026 delimitation is thus a constitutional opportunity as well as a representational risk. Readjustment based on population can reverse inequalities, but a constitutional balance should not be defined solely in terms of numbers. Delimitation is also a force that must be considered to protect territorial cohesion, meaningful participation and substantive political voice for STs. The core constitutional issue is then balancing electoral equality and substantive representation for the STs with social justice and inclusive democracy.

SUGGESTIVE POLICY MEASURES AND CONCLUSION

Suggestive Policy Measures

The preceding analysis identified constitutional and institutional gaps in the existing delimitation framework concerning the effective political representation of STs. The following measures seek to address these gaps by complementing electoral equality with substantive representation, territorial sensitivity, meaningful participation, and institutional transparency. They are intended to strengthen the existing framework while preserving the constitutional objective of equitable representation.

⁷⁸ *Supra* note 11.

⁷⁹ Nandini Sundar, *Subalterns and Sovereigns: An Anthropological History of Bastar, 1854–2006* (Oxford University Press, New Delhi, 2nd edn., 2007).

⁸⁰ *Supra* note 47 at 40–56.

⁸¹ *Supra* note 21 at 42–47.

Incorporating Substantive Representation as a Guiding Principle of Delimitation

The existing delimitation framework primarily relies upon population equality and to a lesser extent on the principles of substantive political representation.⁸² Substantive representation should thus be taken into account in future delimitation exercises, together with electoral equality, which are important constitutional aspects. The Delimitation Commission should not only consider the distribution of population but also the possibility of providing an effective representation of the STs in the legislative decision making.

Protecting the Territorial Integrity of Scheduled Areas

The boundaries of constituencies should as far as practicable, be in accordance with the boundaries of existing Scheduled Areas and areas dominated by tribal population in those areas, particularly if the areas have special constitutional status under the Fifth Schedule of the Constitution.⁸³ To ensure that the cohesion of the community is not lost and that collective political participation is enhanced, unnecessary fragmentation of tribal settlements needs to be avoided, and the effectiveness of constitutionally reserved constituencies needs to be improved. Although absolute territorial uniformity is not always possible, the characteristics of the Scheduled Areas should be expressed by a consideration in the process of delimitation of the constituencies.

Adopting a Context-Sensitive Approach to Demographic Change

Population change should not be assessed exclusively through numerical growth. Demographic change should be evaluated in relation to the context of the demographic change, not as a numerical phenomenon and should be taken into consideration by the Delimitation Commission in the context of demographic transformations caused by development induced displacement etc. This contextual assessment would also minimize the risk of structural disadvantages further marginalizing communities already marginalized in the political sphere through delimitation.⁸⁴

Strengthening Participatory Consultation with Tribal Communities

While the Delimitation Act, 2002 offers avenues for public hearing and objection, further efforts are needed to engage tribal communities in the process through

more inclusive consultation processes.⁸⁵ Increased participation of Gram Sabha, Tribal Advisory Councils, elected members from the Scheduled Areas and local tribal organizations would help to increase transparency and democratic accountability. The effective participation would also help the Commission to be more attuned to local socio-cultural and geographical realities when it finally determines the boundaries for the constituencies.

Developing Objective Constitutional Guidelines for Tribal Representation

The absence of clear constitutional or statutory criteria specifically addressing the representation of STs creates uncertainty in the delimitation process. A clear definition of factors that need to be taken into account for delimitation of constituencies should be laid down by Parliament or the Delimitation Commission, including the concentration of tribal population, geographical contiguity, the existence of a Scheduled Area. These guidelines would enhance uniformity, minimize subjectivity and boost the public trust in the process.

Enhancing Transparency and Institutional Accountability

Delimitation is only legitimate if it is not perceived as biased. The Commission should also provide detailed justifications for major boundary changes impacting tribal constituencies and make draft proposals more widely available in local (readily understood) language. Provide details of major boundary alterations and draft proposals are made available in local languages.

The post-2026 delimitation exercise presents an important opportunity to strengthen India's representative democracy. The proposed reforms aim neither to replace electoral equality with substantive representation, nor to prioritize it over electoral equality, but to augment electoral equality with substantive representation, territorial sensitivity, meaningful participation and transparency. This would make it possible that the delimitation in 2026 would take into consideration the representation of the groups and the constitutional safeguard of the historically marginalized groups such as the STs.

CONCLUSION

The post-2026 delimitation represents a significant constitutional opportunity to reconcile electoral equality with substantive political representation. This study demonstrates that although the existing constitutional

⁸² *Supra* note 4.

⁸³ *Supra* note 11.

⁸⁴ *Supra* note 79.

⁸⁵ *Supra* note 4.

framework seeks to achieve equality of representation through demographic readjustment and provides formal safeguards for STs under Articles 330 and 332 and the Fifth Schedule, the effectiveness of these safeguards depends substantially on the territorial and demographic configuration of constituencies. The study therefore finds that population-based equality alone is insufficient to ensure equitable and meaningful political representation of STs.

The analysis further establishes that delimitation has implications beyond the redistribution of electoral constituencies. Changes in constituency boundaries may affect the territorial cohesion of tribal communities, the demographic composition of reserved constituencies, and the capacity of STs to participate meaningfully in representative institutions. The comparative analysis demonstrates that institutional independence, transparent and consultative boundary review, and substantive political inclusion can provide useful principles for strengthening the Indian delimitation framework. These principles, however, must be adapted to India's constitutional structure and federal context rather than mechanically transplanted from other jurisdictions.

Accordingly, the constitutional legitimacy of the post-2026 delimitation should be assessed through a broader conception of representative equality that reconciles population equality with substantive representation, territorial sensitivity, meaningful participation, and social justice. The study's recommendations including recognition of substantive representation, protection of Scheduled Areas and tribal territorial cohesion, contextual assessment of demographic change, enhanced tribal participation, and greater transparency and institutional accountability, seek to bridge the identified constitutional and institutional gaps.

Ultimately, delimitation should not be understood merely as the redrawing of electoral boundaries or the redistribution of political power among States. Its constitutional significance lies in whether the process strengthens representative democracy while ensuring that historically marginalized communities retain an effective political voice. A constitutionally balanced post-2026 delimitation can therefore advance not only electoral equality but also the broader constitutional commitment to equality, social justice, inclusion, and meaningful democratic participation of Scheduled Tribes.