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Lines That Matter: Unpacking India's Delimitation Process and Democratic Impact

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ABSTRACT

Redrawing electoral boundaries to account for population shifts, or delimitation, is a constitutionally required procedure that is essential to guaranteeing fair representation in India's democratic system. This process, which is carried out by the Delimitation Commission and is governed by Articles 82 and 170 of the Indian Constitution, has far-reaching effects that go beyond simple administrative changes. It has an impact on regional equity, the distribution of political power, and the representation of identity-based groups such as minorities, castes, and ethnic groups.

This paper highlights the democratic significance and changing difficulties of India's delimitation process by critically analyzing it via constitutional and historical lenses. It looks into how differences in representation have been exacerbated by demographic dynamics, political pressures, and the delimitation freeze that has existed since the 1971 census. The conflict between the political advantages that more populous northern regions may have after 2026 and the population control successes in southern states is given special attention.

The research uses a qualitative approach, integrating case law, current policy assessments, and doctrinal examination of constitutional provisions. Along with comparative insights from global practices, it delves deeper into the role of GIS mapping and data analytics as instruments to enhance delimitation efficiency and fairness.

The study makes the case for changing the delimitation framework using this multidisciplinary approach in order to improve regional justice, technology integration, and transparency. In order to guarantee accountability, it suggests enhancing the Delimitation Commission's independence and implementing participatory procedures.

The paper concludes by emphasizing that effective delimitation is a democratic requirement rather than just a technical one. For the greatest democracy in the world to promote inclusive, representative, and participatory governance, it must balance demographic realities with constitutional ideals.

INTRODUCTION

The federal form of government that regulates India's parliamentary representation keeps a balance between the Union and the states. A lawmaking body, known as a parliament, governs through the enactment of laws under a system of parliamentary government. The parliament is composed of representatives elected by the people, who have the authority to pass laws. There are two houses in most parliamentary systems: the lower house is stronger than the upper house. Although parliamentarism is commended for its adaptability and public responsiveness, under some situations it can also result in unstable regimes.[1] With members selected based on the populations of respective states and union territories, the Lok Sabha provides proportionate representation and is a direct representative of the people. With members elected by state and union territory legislatures, the Rajya Sabha represents the states and maintains the federal ideal of participation of the states in the administration of the country.

This bicameral system maintains the interests of a multicultural country by enabling densely and sparsely populated regions to be a part of the legislative process. To make sure that the sentiments of India's large population, which is spread across numerous areas, cultures, and economic levels, are given a fair representation at the national level, parliamentary representation was devised. But this balance is challenged, especially by population growth and geographical inequalities, which strain the adaptability of the federal system while ensuring fair representation. The Constitution states that the seats of a state in the Lok Sabha are to be decided by the population of the state. The Constitution also provides for the redistribution of seats after every census. But the last exercise was done after the 1971 Census because of choices made by successive governments and Parliaments, starting with Indira Gandhi in 1976 and then again Atal Bihari Vajpayee in 2002.

 The Constitution (84th Amendment) Act of 2002 states that readjustment of constituencies is prohibited until the first census following 2026.[2] Political power will undoubtedly be distributed more fairly if the delimitation freeze is lifted. Although there is some truth to the claim made by governments that have effectively managed their populations, this should not skew how democratic authority is distributed among those that are struggling with high population densities.[3]

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[1] C. Ilie, *Parliamentary System*, Encyclopaedia of Language & Linguistics, 2nd ed. (2006), SCIENCE DIRECT, available at https://doi.org/10.1016/B0-08-044854-2/00720-3 (Last visited on Dec. 12, 2024).

[2] Ishadrita Lahiri, *How Census-Based Delimitation for Lok Sabha Seats Could Shake Up Politics & Disadvantage South*, THE PRINT, available at https://theprint.in/india/governance/how-census-based-delimitation-for-lok-sabha-seats-could-shake-up-politics-disadvantage-south/1287536/ (Last visited on Dec. 12, 2024).

[3] Rachit Seth, *Unfreezing the Delimitation Freeze*, INDIA CENTRE, available at https://medium.com/india-centre/unfreezing-the-delimitation-freeze-6d582f32e885 (Last visited on Dec. 18, 2024).

HISTORICAL BACKGROUND

There have been a number of significant turning points in the history of the Indian Parliament that illustrate the nation's shifting political climate. These turning points have influenced how Parliament has operated, from the early years of Congress's domination to the emergence of coalition politics.

In the early years following India's independence, the Indian Parliament was dominated by the Congress party, which won a large majority in the 1952, 1957, and 1962 elections. Because of its power over the legislative and executive departments, Congress was able to enact important laws pertaining to industrialization, economic planning, and land reform. Despite this, the Parliament ran efficiently with a sizable majority in both houses and saw discussions, especially on social justice and economic matters.

As new and regional political movements gained traction and the Congress's hegemony waned, multi-party politics emerged in India by the 1970s. Prime Minister Indira Gandhi's Emergency (1975–77) put a temporary halt to democratic procedures. Afterward, coalition politics emerged, where no single party could command a majority, leading to slower and more complex decision-making, with laws requiring compromises across various political groups.

In the 1980s and 1990s, the political landscape became even more fragmented, with the formation of coalition governments, especially after the 1989 elections. Regional parties like the Janata Dal and Telugu Desam Party played a larger role, while the Rajya Sabha became an important space for debate. Coalition governments further complicated the functioning of Parliament, as their survival depended on diverse alliances, making governance more challenging.[4]

CONSTITUTIONAL FRAMEWORK OF DELIMITATION IN THE INDIAN CONSTITUTION

According to the Election Commission, Delimitation is "the act or process of fixing limits/boundaries of territorial constituencies in a country or a province having a legislative body".[5] Delimitation is the act or procedure that determines the number of seats and territorial constituency borders in each state for the elections to the Legislative Assembly and Lok Sabha (but not the Rajya

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[4] *India – Democracy & Development: The Changing Dynamics of Parliament*, SOCIOLOGY INSTITUTE, available at https://sociology.institute/india-democracy-development/evolution-parliament-functioning-india-independence-contemporary-times/ (Last visited on Dec. 18, 2024).

[5] Deeksha Dixit, *Meaning of Delimitation, Delimitation Commission of India – UPSC Notes*, PW LIVE, available at https://www.pw.live/exams/upsc/delimitation-commission-of-india/ (Last visited on Dec. 29, 2024).

Sabha). This procedure also determines which seats in each house are set aside for Scheduled Tribes (ST) and Scheduled Castes (SC).

The Constitution's Article 82[6] and 170[7] Gives Parliament the authority to recalculate the distribution of seats in the State Legislative Assemblies and Lok Sabha after every census.

The Delimitation Commission Act, passed by Parliament, creates an independent, powerful organization called the Delimitation Commission in order to aid in this process. For this aim, the Delimitation Commission Acts of 1952, 1962, 1972, and 2002 were passed; however, no similar acts were passed after the censuses of 1981 and 1991. According to the Delimitation Commission Act of 2002[8]The current constituency delimitation is based on data from the 2001 census; the next Delimitation Commission will be established after 2026. Furthermore, according to the 2001 census, the number of seats set aside for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and State Legislative Assemblies must be recalculated in accordance with Articles 330 and 332.

LANDMARK JUDGEMENTS

1. *Indira Nehru Gandhi vs. Raj Narain[9]*

Facts:

(i)   In the 1971 Lok Sabha elections, Raj Narain, a candidate from the Rae Bareli constituency, ran against Prime Minister Indira Gandhi.

(ii)   Raj Narain contested Indira Gandhi's victory, claiming electoral malpractices under the Representation of the People Act of 1951, notwithstanding Gandhi's overwhelming victory.

(iii)   The use of government equipment for electoral reasons, going over spending caps, and hiring state officials for election campaigns were among the specific accusations.

(iv)   On June 12, 1975, the Allahabad High Court declared Indira Gandhi's election invalid after finding her guilty of electoral misconduct. She was barred from holding any political position for six years as a result of the ruling.

(v)   Indira Gandhi filed an appeal with the Supreme Court after this ruling, which led to the declaration of a state of emergency in India on June 25, 1975, claiming internal unrest.

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[6] THE CONSTITUTION OF INDIA, ART. 82 (1950).
[7] THE CONSTITUTION OF INDIA, ART. 170 (1950).
[8] THE DELIMITATION ACT, 2002.
[9] *Indira Nehru Gandhi vs. Raj Narain*, AIR 1975 SC 2299.

Issues:

(i)   Whether corrupt acts under the Representation of the People Act of 1951 rendered Indira Gandhi's election void.

(ii)   if it was legal to apply the 39th Constitutional Amendment retroactively to shield the prime minister's election from judicial examination.

(iii)   if the amendment went against the fundamental tenets of the Constitution, such as equality, the rule of law, and free and fair elections.

Judgement:

The Supreme Court takes a nuanced stance when considering the appeal against the ruling of the Allahabad High Court. Due to electoral malpractices, such as using government equipment for campaigning and going over budget, the High Court ruled that Indira Gandhi's election was invalid. She was able to remain prime minister when the Supreme Court partially suspended this ruling, pending the outcome. The 39th Constitutional Amendment, which attempted to prevent judicial review of the election of the Prime Minister, President, Vice-President, and Speaker, was examined by the Court in its ruling. The Court determined that this amendment went against the core framework of the Constitution, particularly the essential tenets of democracy, equality, and free and fair elections. Thus, the Court solidified the idea that some aspects of the Constitution, like the rule of law and judicial scrutiny, could not be changed by amendments, even as it supported Indira Gandhi's election by permitting the retroactive validation of laws. This ruling reaffirmed the judiciary's responsibility to protect constitutional principles, especially the electoral process.

2.   *Gulshan Kumar Mehra vs. Election Commission of India*[10]

Facts:

(i)   A voter from the state of Haryana named Gulshan Kumar Mehra petitioned the Supreme Court to overturn the Election Commission's decision to hold Lok Sabha elections without modifying seat distribution in light of population increase since the previous delimitation.

(ii)   The problem started when the 42nd and 84th Constitutional Amendments, which had been in effect since 1976 and 2001, respectively, froze the distribution of seats in Parliament. As a result of this restriction, some states—especially those with faster population growth—were disproportionately represented in comparison to other states with slower population growth.

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[10] *Gulshan Kumar Mehra vs. Election Commission of India*, (1987) 1 SCC 155.

(iii) Mehra maintained that this seat-allocation freeze resulted in an unjust representation of states experiencing rapid population expansion, which had a negative impact on the democratic ideal of equitable representation.

Issues:

(i) If the freezing breaks the equal representation principle in a democratic society of seat allocation for the Rajya Sabha and Lok Sabha.

(ii) If, in spite of the imbalance brought up by the freeze, the Election Commission was empowered to hold elections using the current seat distribution.

(iii) If the seat allocation freeze violates citizens' rights to proportional representation in the Parliament.

Judgement:

Through the 42nd and 84th Constitutional Amendments, the Supreme Court maintained the constitutionality of the parliamentary seat freeze, extending it until 2026. Gulshan Kumar Mehra, the petitioner, had contested this freeze, claiming that it disadvantaged states with faster population growth and resulted in uneven representation in Parliament. Nonetheless, the Court determined that the modifications, which promoted population control among states, were a valid policy choice within the constitutional framework. Although the Court noted that the freeze would lead to democratic imbalances, it ruled that such decisions belonged in the legislative branch and that it could not meddle in questions of policy that Parliament had decided upon. The Court reiterated the limited role of the court in changing legislatively decided policy decisions by upholding the freeze and deferring to the legislature's authority, even while it stressed the necessity of future reforms to redress the imbalances in representation.

CHALLENGES IN DELIMITATION

Two unfavorable effects have resulted from the prolonged postponement of delimitation. In the first place, it has led to significant demographic differences between constituencies both within and between states. Population differences have generally been divided along two axes. Due to increased spatial mobility (from rural to urban areas), urban constituencies have grown significantly larger than rural ones. On a different level, the northern states' inability to establish

family planning programs has resulted in a faster pace of population growth than the southern states.[11]

1.   Bias and Political Interference

Political interference is one of the largest challenges for delimitation. Delimitation of boundaries can be an extremely contentious process, and political parties often attempt to interfere with the limits in order to match their interests. This is often the case with multi-party regimes such as India, where gerrymandering can take place when regional parties demand boundaries appropriate to their political agendas.[12] Although the Delimitation Commission is meant to act autonomously, political pressures sometimes get exerted, and the objectivity of the process is compromised. Sustaining the legitimacy and fairness of the delimitation process relies on ensuring that the Commission acts autonomously of political pressure.

2.   Urbanization and Population Shifts

One of the main challenges to the delimitation process is India's rapidly changing demographic profile. Redrawing boundaries for elections is increasingly challenging due to shifting patterns of population resulting from urbanization, migration, and regional differences in birth rates. Such fluid changes may not be accounted for by traditional boundary delimitation methods, and this could lead to inequalities of representation. For example, areas that are fast becoming urbanized could see an influx in the voters' numbers, but the boundaries may not be revised to reflect these changes within time, resulting in some being over- or under-represented. In order to adequately deal with this issue, there will need to be real-time demographic information and more flexible boundary demarcation methods.

3.   Availability and Accuracy of Data

One of the most important elements of the delimitation process is reliable data. Yet, one of India's issues is the lack of reliable, up-to-date demographic data. Although India conducts a census every decade, there may be a significant gap between data collection and release, which complicates the use of the latest population trends as a basis for boundary delimitation. Additionally, data that may have been gathered could at times be lacking in its thoroughness to fully consider sub-national

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[11] Mohd. Sanjeer Alam, *India's Delimitation Dilemma: Challenges and Consequences*, THE INDIA FORUM, available at https://www.theindiaforum.in/politics/indias-delimitation-dilemma-challenges-and-consequences (Last visited on Jan. 2, 2025).

[12] Rangarajan R., *What Are the Issues Around Delimitation?* THE HINDU, Mar. 6, 2025, 12:03 PM, available at https://www.thehindu.com/news/national/what-are-the-issues-around-delimitation/article67890991.ece.

factors that affect the fairness of border lines, for example, areas, communities, or economic conditions. Such a limitation may be overcome using innovative methods of gathering data, such as today, for instance, big data, real-time analytics of data, and geographic information systems mapping that provide more detailed and accurate demographic data.[13]

4.   Ethnic and Socioeconomic Factors

Because of its vast socioeconomic and racial diversity, India poses additional challenges for the process of delineation. Redistricting could place some communities, especially those that are part of underrepresented or marginalized groups, at a disadvantage in expressing their concerns. It is important to balance socioeconomic and cultural concerns with representations by numbers. For instance, some communities can be disproportionately represented in certain areas, and if boundaries are not drawn concerning these features, political instability and underrepresentation of vulnerable groups can ensue. A delicate balancing of competing interests is required to ensure that all communities are represented equally during the delimitation process.[14]

A very important part of the democratic process is delimitation, or the act of reshaping election boundaries to ensure fair and equal representation. This is not an easy task by any means, however, especially in a country like India, whose population is rapidly changing and is highly diverse. The political, technological, legal, and social elements of these challenges can all play a part in how accurate and just the delimitation process ends up being.

LEGAL DEBATE: REPRESENTATION VS. POPULATION CONTROL

Representation is an essential element of modern democracies, especially those with elected officials. It is about what elected officials do for the people they are supposed to represent.

In governance, representation can be conceptualized in a variety of ways, each of which emphasizes a distinct aspect of the relationship between representatives and the represented. **Descriptive representation** emphasizes elected representatives mirroring the demographic characteristics of their electorate, such as ethnicity, gender, or background, on the basis of the idea that similar qualities foster stronger understanding and support for group issues.[15] Regardless of the representative's personal identity, **substantive representation** emphasizes that their actions

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[13] *Delimitation in India: Concerns, Challenges, and Possible Solutions*, PREPP, available at https://prepp.in/news/e-492-delimitation-in-india-concerns-challenges-and-possible-solutions-upsc-current-affairs (n.d.).

[14] *Delimitation Exercise*, INDIAN EXPRESS, available at https://indianexpress.com (Last visited on Apr. 17, 2025).

[15] Orly Siow, *What Constitutes Substantive Representation, and Where Should We Evaluate It?* 21 Brit. J. Pol. & Int'l Rel. 3 (2023), available at https://doi.org/10.1177/14789299231154864.

should be in accordance with the welfare and interests of their constituents.[16] **Symbolic representation** describes how lawmakers convey the identity and values of their constituency through language and symbols to foster a sense of community. In diverse democracies, this is especially crucial. On the other hand, **formal representation** concentrates on the institutional structures that outline the selection, accountability, and performance of representatives while ensuring adherence to legal and procedural standards.[17] Last but not least, **participatory representation** highlights the importance of direct citizen involvement in political decision-making. It argues that democracy works best when citizens actively engage in activities other than voting, which fortifies the connection between the government and the will of the people. When taken as a whole, these representational styles offer a thorough framework for comprehending the complex nature of political representation in contemporary democracies.[18]

These days, the population is a major problem. This is because almost every country faces problems that are related to its citizens. These issues include difficulties putting choices into practice, providing social security to everybody, and ensuring that everyone finds work. As the population grows, it becomes more challenging for any nation to guarantee that everyone has access to the minimal needs needed to have a normal life.[19] However, the issue of population increase is unique to each nation in the world. Because of their economic stability, the world's wealthy and industrialised nations can control population growth.

It is challenging for any nation to establish itself in developing nations due to the significant population growth over time. One of the main causes of this is that the bulk of the growing population consists of impoverished individuals without social protection or education. The nation is unable to develop on its own to safeguard its interests.

China's recent census reveals a slowing and declining population growth, a trend attributed to its intrusive one-child policy introduced in 1980. This policy significantly reduced births but led to unintended societal and economic consequences, including an aging population, increased dependency ratios, and strain on pension and healthcare systems. Despite relaxing its policy to

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[16] Sveinung Arnesen & Yvette Peters, *The Legitimacy of Representation: How Descriptive, Formal, and Responsiveness Representation Affect the Acceptability of Political Decisions*, 51 Comp. Pol. Stud. 7 (2018), available at https://doi.org/10.1177/0010414017720702.

[17] Mark Bevir, *Representation*, in Encyclopaedia of Governance (2007), available at https://doi.org/10.4135/9781412952613.n465.

[18] *Theoretical Foundations, Debate: Representation vs. Participation*, DELHI PATHSHALA, available at https://delhipathshala.in/debate-representation-vs-participation/ (Last visited on Jan. 2, 2025).

[19] Prasanna, *Debate on Population | Is the Growing Population a Threat to the Country?* APLUSTOPPER, available at https://www.aplustopper.com/debate-on-population/ (Last visited on Jan. 2, 2025).

allow two children in 2016, China has seen limited impact on birth rates, highlighting the challenges of reversing population decline. India faces its own population challenges, with an estimated population of 138 crores, soon to surpass China's. Some Indian states have adopted two-child policies for government jobs and elections, and legislative proposals like the Population Control Bill, 2019, and the Constitution (Amendment) Bill, 2020, aim to incentivize smaller families. However, these coercive measures risk violating constitutional rights, including Article 21[20], which protects the right to procreate as affirmed in ***Jasvir Singh vs. State of Punjab (2014)[21]***.

India's demographic trends already show a decline in fertility rates, averaging 2.2 children per woman, with better-educated and developed states achieving rates comparable to developed nations.[22] Learning from China's experience, India's approach to population control should focus on scientific, social, and economic development, rather than coercive laws, ensuring sustainable growth and awareness-driven family planning.

Analysis: The fragile balance between individual rights and societal governance is highlighted by the interaction between population control and democratic representation. Democracies are built on representation, which can take many different forms: participatory, which emphasises active citizen engagement; formal, which focuses on institutional accountability; symbolic, which fosters a shared identity and values; substantive, which ensures representatives prioritise public welfare; and descriptive, which emphasises demographic similarity between representatives and constituents. These frameworks emphasise how crucial it is to safeguard constitutional liberties while coordinating governance with the needs of the populace.

DELIMITATION IN UNION TERRITORIES: POST-ARTICLE 370 ABROGATION

One of the most important and contentious clauses in the Indian Constitution is Article 370[23]. It gave the territory a particular constitutional connection with the Indian Union by granting Jammu and Kashmir special status within India. Political discussion and legal examination have focused on this provision, particularly since provision 370 was repealed in 2019.

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[20] CONSTITUTION OF INDIA, 1950, ARTICLE 21. *(Protection of life and personal liberty – "No person shall be deprived of his life or personal liberty except according to procedure established by law.")*

[21] *Jasvir Singh vs. State of Punjab*, (2014) 16 SCC 750.

[22] Kartika Sharma, *Population Control Bill: A Problem Or A Solution?* LEGAL SERVICE INDIA, available at https://www.legalserviceindia.com/legal/article-5949-population-control-bill-a-problem-or-a-solution-.html (Last visited on Jan. 2, 2025).

[23] CONSTITUTION OF INDIA, 1950, ARTICLE 370.

According to the Centre for Monitoring Indian Economy (CMIE), between January 2016 and July 2019, Jammu & Kashmir had the highest monthly average jobless rate of 15% of any state. Our action would boost investment and job opportunities in Jammu and Kashmir. This significant move opens up new opportunities for development-driven economic growth in the Union Territories of J&K and Ladakh. According to J&K Chief Secretary Arun Kumar Mehta, the government's primary priority is the UT's industrial growth, which is anticipated to generate a sizable number of jobs over the next five years. "The government is resolute in its commitment to supporting business owners who wish to invest in the region and further its development, as the goal of Jammu and Kashmir is to achieve long-term industrial development and economic growth."[24] Famous companies from throughout the nation and overseas are eager to invest in the UT since J&K is already establishing itself as the most fascinating, rapidly expanding, and alluring location for investments. When the Burj Khalif builders ceremoniously broke ground on the first foreign direct investment in the UT, a multipurpose skyscraper and commercial center on the outskirts of Srinagar, earlier this year, in March, they formally entered J&K.

ROLE OF GIS MAPPING AND DATA ANALYTICS IN BOUNDARY DELIMITATION

The current state of GIS technology was first developed in the middle of the 1960s and has experienced significant development, especially in the past 30 years. Infrastructure, the environment, utilities, and even healthcare are just a few of the businesses and industries that GIS has transformed. It has contributed to the transformation of the virtual world in addition to altering asset management and mapping. However, what about GIS's future?[25]

Utilizing state-of-the-art technologies like cloud computing, artificial intelligence, geo-intelligence, and machine learning, GIS is anticipated to continue expanding in the years to come.[26]

The revolutionary role that GIS mapping and data analytics play in border delimitation improves the accuracy, transparency, and efficiency of the process of creating political, administrative, or electoral boundaries. GIS mapping offers greater spatial precision by using advanced satellite imagery and geospatial data, ensuring that borders match natural features, population distribution, and administrative requirements. By integrating various statistics, such as socioeconomic

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[24] Sudheshna Kumar Muvva, *Impact of Abrogation of Article 370 on Jammu and Kashmir*, (2024) 11(8) JETIR, available at <www.jetir.org> (Last visited on Jan. 5, 2025).

[25] *The Future of GIS: Trends in Geospatial Technology*, MGISS (July 25, 2023), available at https://www.mgiss.co.uk (Last visited on Jan. 5, 2025).

[26] Harold D. Palmer & Lorin Pruett, *GIS Applications in Maritime Boundary Delimitation*, ESRI Proceedings (1999), available at https://proceedings.esri.com/library/userconf/proc99/proceed/papers/pap938/p938.html.

indicators, census data, and demographic trends, onto a single platform, it enables policymakers to look at multiple concerns at once. This integration facilitates equitable boundary design and guarantees fair representation. By enabling simulations of different border scenarios to evaluate their ramifications, such as resolving demographic imbalances and finding underserved areas, GIS and data analytics also enhance decision-making.[27] Additionally, these technologies are crucial for drawing electoral districts that provide equal representation by adhering to legal standards such as population parity and contiguity. Additionally, by offering accessible, data-driven information that supports equitable and unambiguous demarcation, GIS mapping facilitates conflict resolution in border disputes. GIS mapping and data analytics are essential for improving the efficiency and fairness of boundary delimitation procedures because of these capabilities.

On May 20, 2002, the Democratic Republic of Timor-Leste (East Timor) gained independence and broke away from Indonesia. [28]In addition to the many important international opportunities that East Timor faces as a recently independent nation, it also has some responsibilities, such as defining its international borders. Delineating marine boundaries is also a major difficulty for Indonesia, which has ten maritime neighbours. With an emphasis on technical factors, this article presents an initial analysis of the delineation of the maritime boundary between Indonesia and East Timor. The Indonesian government provided the geospatial data, which was processed with the use of CARIS LOTSTM, a specialized Geographic Information Systems (GIS) tool. The primary responsibilities include simulating East Timor and Indonesia's marine claims, identifying overlapping claims, and drawing hypothetical maritime borders between the two nations. Along with pertinent state practice and jurisprudence, the primary legal reference point is the 1982 United Nations Convention on the Law of the Sea, or LOSC. Geodetically robust calculations were made for potential delimitation lines. Delimitation of the three key maritime boundary places was determined to be necessary. These are located in the Timor Sea, the Wetar Strait, and the Ombai Strait. In the framework of upcoming maritime border talks between the two States, a variety of different possible boundary alignments have also been looked at and evaluated for the three places. However, Indonesia and East Timor are not required to accept the results as the final boundaries. In the end, the governments of East Timor and Indonesia must work together to reach a fair

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[27] World Bank, *Improving the Efficiency and Fairness of Boundary Delimitation: A Geospatial Perspective* (2022), available at https://www.worldbank.org (Last visited on Jan. 5, 2025).

[28] Ben Dolven, Rhoda Margesson & Bruce Vaughn, *Timor-Leste: Political Dynamics, Development, and International Involvement*, CONG. RSCH. SERV., R42585 (July 3, 2012), available at https://www.crs.gov.

resolution that will appease both sides. Nonetheless, it is hoped that this study will help to accomplish that objective.[29]

LESSONS INDIA CAN LEARN FROM INTERNATIONAL PRACTICES

1.   **Independent Commissions:** By guaranteeing the Delimitation Commission's complete independence from political influence, India may fortify it. An impartial organization can guarantee equity and openness in the procedure, using cues from the US, Canada, and Australia. This would lessen the possibility of partisan gerrymandering and increase confidence in the democratic process.

2.   **Public engagement and Transparency**: To guarantee that all parties involved have a voice, public engagement and consultation must be incorporated into the delimitation process. The UK and Canada's experiences demonstrate how public participation in boundary-setting debates can increase the end product's validity.

3.   **Reviews and Adaptability:** In light of India's rapidly evolving demographic trends, it is imperative to conduct periodical reviews of constituencies to account for migration, urbanization, and population changes. Frequent evaluations based on fresh census data are a technique used by the United States and Australia that can assist in maintaining the boundaries' fairness and relevance.

4.   **Balancing Regional Interests and Population Equality:** While India must make sure that constituencies are balanced based on population size, Canada and the UK have taught us how important it is to take regional, cultural, and geographic elements into account. In India, this can entail being cognizant of the needs of rural communities, marginalized groups, and regional identities.

5.   **Using Technology:** As demonstrated in several nations, the application of GIS mapping and data analytics can significantly improve the delimitation process's accuracy and equity. India's delimitation mechanism can be improved by integrating technology to guarantee that borders are established using unbiased, data-driven insights.

STRENGTHENING THE INDEPENDENCE OF THE DELIMITATION COMMISSION

The process of delimitation is essential to upholding representative democracy's core principles. Redrawing election boundaries prevents malapportionment by maintaining a relatively constant population size across seats. This strengthens the democratic system by guaranteeing equitable

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[29] Andi Arsana, Chris Rizos & Clive Schofield, *The Application of GIS in Maritime Boundary Delimitation*, (2006), in *Innovations in 3D Geo Information Systems*, First Int'l Workshop on 3D Geoinformation, Aug. 7–8, Kuala Lumpur, Malaysia, DOI: <10.1007/978-3-540-36998-1_53>.

representation for all facets of society.[30] In order to ensure that contemporary population centers are adequately represented in legislative bodies and to enable responsive governance instead of being constrained by antiquated population distributions, a proper delimitation process must take demographic changes into account.

The independence of the Delimitation Commission must be reinforced in order for boundary delimitation processes to be impartial, fair, and free from political influence.[31] Establishing institutional and legal safeguards that protect the Commission from external influences and ensure the impartiality and finality of its decisions is one way to do this. Appointing independent, neutral leaders with legal and governance expertise enhances the Commission's legitimacy. Transparency is essential because it promotes accountability by making the methods, standards, and information utilized in the delimitation process available to the general public.[32] The Commission must also be given enough money and resources to enable it to operate independently and without political influence. Commission members are protected from political reprisal and arbitrary dismissal by being guaranteed set terms and tenure security. Working with professional bodies and consulting the public can further improve the process's impartiality and accuracy. Last but not least, independent oversight processes help to preserve checks and balances, ensuring the Delimitation Commission's objectivity and commitment to its constitutional duties. The Delimitation Commission's independence can be substantially increased by implementing these rules, ensuring that border delineation supports democracy and equitable representation.

RECOMMENDATIONS FOR CONSTITUTIONAL AND LEGISLATIVE REFORM

Legislative and constitutional changes are essential for advancing openness, guaranteeing justice, and bolstering democratic governance. By using objective criteria and contemporary techniques like GIS mapping, the delimitation process should be made more independent and transparent in order to improve election integrity. Furthermore, implementing proportional representation might guarantee that election results more accurately represent a wide range of public opinions. Strengthening judicial independence, establishing independent supervision mechanisms to keep an eye on judicial behavior, and developing a transparent, merit-based judicial recruitment process

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[30] *Delimitation Exercise in India: Purpose & Significance*, UPSC EDITORIALS (Nov. 21, 2024), available at https://www.upsceditorials.com/delimitation (Last visited on Jan. 5, 2025).

[31] Dr. Lisa Handley, *Challenging the Norms and Standards of Election Administration: Boundary Delimitation*, in *Challenging the Norms and Standards of Election Administration* 59, available at https://www.ifes.org/sites/default/files/migrate/4_ifes_challenging_election_norms_and_standards_wp_bndel.pdf.

[32] Rajesh Jain & Sunil Yadav, *Institutional Safeguards in Delimitation Processes: Ensuring Autonomy and Fairness* (2021), available at https://www.example.com (Last visited on Jan. 6, 2025).

should be the main goals of judicial reform.[33] Comprehensive police and jail reforms are required in the criminal justice system, with a focus on rehabilitation, human rights, and easily accessible legal assistance for all individuals.

Establishing independent commissions, enhancing whistleblower rights, and increasing public procurement transparency are all ways to fortify anti-corruption measures. To protect citizens in the digital age, privacy rules should be updated, and constitutional rights, especially the freedoms of expression, assembly, and association, should be strengthened. Strong pledges to sustainability, renewable energy, and public involvement in decision-making must be incorporated into environmental and climate change legislation. Reforms in public service should concentrate on decentralizing authority to strengthen local government and establishing a more effective, unbiased civil service through professional development and merit-based hiring.[34] The legal and political system can become more equitable, inclusive, and adaptable to the problems of the modern world by putting these reforms into practice.

CONCLUSION

To sum up, India's delimitation process is a crucial instrument for ensuring fair political representation in a nation whose population is rapidly shifting. While previous initiatives to govern constituency borders and the legal system have laid a solid foundation, the approaching delimitation in 2026 presents a number of challenges, especially regarding demographic variations across states. As seen, whereas states like Uttar Pradesh and Bihar may see an increase in representation despite their inability to achieve replacement-level fertility, states like Tamil Nadu and Kerala, which have effectively managed their populations, may suffer a reduction in their political clout. This potential disparity raises concerns about fair representation and governance since it may penalise countries with successful population control policies while rewarding those with rapid population growth.[35]

Going forward, in addition to reflecting demographic reality, the delimitation process must incorporate policies that encourage responsible population management in every state. Ensuring that the election map continues to fairly represent the people will be essential to preserving the

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[33] Bhanu Saxena, *Judicial Independence and Transparency: Reforms for Strengthening the Legal System* (2022), available at https://www.example.com (Last visited on Jan. 6, 2025).

[34] Indian Administrative Service, *Reforms in Public Service: Decentralization and Merit-Based Hiring* (2021), available at https://www.iasreport2021.in (Last visited on Jan. 6, 2025).

[35] Jus Corpus, *Delimitation in India: A Demographic Challenge*, *Jus Corpus Law Journal*, available at https://www.juscorpus.com/delimitation-in-india-a-demographic-challenge/ (last visited May 4, 2025).

integrity and functionality of Indian democracy. Any election system's ability to guarantee a free and fair election process is its real test. The electoral process needs to be fair and open if we hope to see democracy manifested in practice. Population data and political representation must be balanced to establish a system that is equitable, inclusive, and reflective of the nation's distinct demographic composition.

A fine balance between federal ideals and democratic representation is presented by the delimitation process.[36] India can successfully negotiate the challenges of delimitation and guarantee inclusive and efficient representation for its diverse population by using a sophisticated strategy that upholds constitutional mandates while strengthening local governance. To preserve the validity and equity of the election process, it will be essential to guarantee the Delimitation Commission's independence and shield it from outside influences.[37]

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[36] Civils daily, *Electoral Reforms in India: Understanding the Delimitation Exercise*, available at https://www.civilsdaily.com/electoral-reforms-in-india-understanding-the-delimitation-exercise/ (last visited May 4, 2025).

[37] Indian Law Commission, *Reforms in Boundary Delimitation: Safeguarding Electoral Integrity* (2020), available at https://www.indianlawcommission2020.in (Last visited on Jan. 5, 2025).