
MORE SEATS, MORE DEMOCRACY? RETHINKING THE 850 MEMBER LOK SABHA

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ABSTRACT

The Constitution (131st Amendment) Bill, 2026 proposes expanding the Lok Sabha from 543 to 850 seats, reigniting debates over federal balance and equitable representation in India. While much of the public discourse has focused on the political fallout of this expansion, this paper examines its constitutional validity and federalism implications through the lens of Articles 81, 82, and the doctrine of cooperative federalism. Adopting a doctrinal and comparative approach, it analyzes the constitutional history of the 1976 and 2001 delimitation freezes alongside reapportionment models in other federations. India's move to expand the Lok Sabha to 850 seats is long overdue representation has been frozen for nearly fifty years, and something had to give. But basing the new seat count on the 2011 Census, without any real safeguards for federal balance, risks punishing states like Tamil Nadu and Kerala for controlling their population while rewarding states that didn't exactly the imbalance the 1976 and 2001 freezes were meant to avoid. It concludes by proposing procedural safeguards, such as a transitional formula weighted for population stabilization, to reconcile the need for updated representation with the federal principle of equitable state participation.

INTRODUCTION

For nearly fifty years, India's Parliament has represented a country frozen in time. The Lok Sabha's seat count still reflects population data from 1971, even though the country's population has more than doubled since the last delimitation exercise itself dates back to 2002, with its orders finalized only in 2008, and no fresh redrawing of Lok Sabha constituencies has happened since.¹ In April 2026, the government attempted to change that. It introduced the Constitution (131st Amendment) Bill, 2026, alongside a companion Delimitation Bill, proposing to expand the Lok Sabha from 543 to as many as 850 seats and to base the new seat count on the 2011 Census rather than waiting for the still-pending 2027 Census.² The move would also have removed the constitutional requirement that ties delimitation automatically to the “latest published census,” effectively giving Parliament discretion over both the timing and the data used.

The bill did not pass – it fell short of the two-thirds majority required in the Lok Sabha.³ But its failure has not settled the underlying question; it has only postponed it. India will eventually have to expand its Parliament and redraw its constituencies, and the method chosen to do so remains an open and urgent constitutional question.

This paper argues that while the 850-seat expansion is a constitutionally overdue correction, using the 2011 Census as its basis – without any accompanying federal safeguards — risks reviving exactly the north-south imbalance those earlier amendments sought to avoid. It further argues that this is not an argument against expansion itself, but against expansion without design: India can address its representational deficit without dismantling the federal bargain that has held the country together.

The paper proceeds in four parts. Part II traces the constitutional and legislative history of the delimitation freeze under Articles 81 and 82. Part III examines the federal balance concerns raised by anchoring reallocation to the 2011 Census, including its interaction with the pending women's reservation law. Part IV draws on comparative reapportionment models from other

¹S.O. 382(E), Notification dated Feb. 19, 2008, Ministry of Law and Justice, Gov't of India; PRS Legislative Research, The Delimitation Bill, 2026, <https://prsindia.org/billtrack/the-delimitation-bill-2026> (last visited July 30, 2026).

²The Constitution (One Hundred and Thirty-First Amendment) Bill, 2026, Bill No. 106 of 2026 (India); The Delimitation Bill, 2026, Bill No. 108 of 2026 (India).

³Delimitation Bill, 2026, Wikipedia, https://en.wikipedia.org/wiki/Delimitation_Bill,_2026 (last visited July 30, 2026).

federations to identify viable safeguards. Part V concludes with specific procedural recommendations for reconciling updated representation with federal equity.

RESEARCH QUESTIONS

1. Does anchoring the next delimitation to the 2011 Census, rather than a more current or transitionally-weighted count, revive the very north-south imbalance that the 42nd and 84th Constitutional Amendments sought to prevent?⁴
2. How does the proposed increase in Lok Sabha strength from 550 to 850 seats affect the institutional balance between the two Houses of Parliament, particularly Rajya Sabha's role in joint sittings and presidential elections?

BACKGROUND

India's Constitution was built on a simple democratic principle: every citizen's vote should carry roughly equal weight. Articles 81 and 82 give effect to this by requiring that Lok Sabha seats be allocated to states in proportion to their population, that constituencies within each state have roughly equal populations, and that this entire exercise be redone after every census.⁵ For the first three decades of independent India, this is more or less how things worked — delimitation exercises followed the 1951, 1961, and 1971 censuses in turn, each one adjusting seat numbers to match population changes.⁶

Things changed in 1976. This is when the government made a change to the number of seats in the Lok Sabha and State Assembly. They decided to keep the number of seats for each state based on how many people lived there in 1971.⁷ This was supposed to be temporary until the next census after the year 2000. The reason for this was pretty simple. The government wanted to encourage states to help control the population so they would not lose seats.⁸ In 2001 the government made another change. They decided to keep the number of seats even longer until after the census, in 2026.⁹ So India decided that it was more important to encourage states to control the population than make sure everyone has an equal say. The Lok Sabha and State

⁴The Constitution (Forty-second Amendment) Act, 1976; The Constitution (Eighty-fourth Amendment) Act, 2001.

⁵INDIA CONST. arts. 81, 82.

⁶PRS Legislative Research, *supra* note 1.

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

⁸Statement of Objects and Reasons to the Constitution (84th Amendment) Act, 2001.

⁹The Constitution (Eighty-fourth Amendment) Act, 2001.

Assembly seats have been frozen like this for fifty years and the Lok Sabha seats and State Assembly seats are still a result of this decision.

A second thread entered the picture in 2023. The 106th Constitutional Amendment introduced one-third reservation for women in the Lok Sabha and State Assemblies, but tied its commencement to the first census after the Act's passage meaning delimitation itself had to happen first.¹⁰ With the reference date for the ongoing census set at March 1, 2027, and the next Lok Sabha election due in 2029, it became apparent that a delimitation exercise based on the 2027 census could not realistically be completed in time pushing the promise of women's reservation well past 2029.¹¹

The government made a move in April 2026. This is what was happening around that time. On April 16, 2026 the government introduced three bills in the Lok Sabha. These bills were the Constitution (131st Amendment) Bill, the Delimitation Bill and the Union Territories Laws (Amendment) Bill.¹² Together, these Bills proposed some changes. They wanted to make sure that the number of seats in the Lok Sabha is divided based on the population. They also wanted to increase the number of seats in the Lok Sabha from 550 to 850. The Bills said that the 2011 census should be used to make these changes. This is important because the 2011 census is the most recent one that has been published. The government did not want to wait for the 2027 data to make these changes.¹³ The Bills also gave Parliament the power to decide when to make these changes. Parliament would also get to choose which census to use. This is significant because it changes the rules that are in place now, which say that the latest census has to be used. The Bills would change how Articles 81 and 82 of the Constitution operate.¹⁴

The numbers involved are significant. Were delimitation to happen on this basis with the current seat total unchanged, Tamil Nadu's seats would fall from 39 to 32, and Kerala's from 20 to 15, while Uttar Pradesh would rise from 80 to 89, Bihar from 40 to 46, and Rajasthan from 25 to 30.¹⁵ This is the fault line the paper returns to throughout: the very freeze designed in 1976 to protect states that controlled population growth is what the 2026 bills propose to lift,

¹⁰The Constitution (One Hundred and Sixth Amendment) Act, 2023.

¹¹PRS Legislative Research, *supra* note 1.

¹²The Constitution (131st Amendment) Bill, 2026; The Delimitation Bill, 2026; The Union Territories Laws (Amendment) Bill, 2026.

¹³PRS Legislative Research, *supra* note 1.

¹⁴INDIA CONST. arts. 81, 82.

¹⁵PRS Legislative Research, *supra* note 1 (Annexure, Table 1: Projected number of seats based on the 2011 Census).

using data nearly fifteen years old.

The attempt did not succeed the Constitution Amendment Bill fell short of the special majority required for passage on April 17, 2026. But the underlying pressures that produced it an aging seat count, a pending women's reservation promise, and an approaching constitutional deadline in 2026 have not gone away. This paper takes up the question the bills left unresolved.

BEYOND SEATS: INSTITUTIONAL AND DOCTRINAL CONCERNS

A. The Shifting Balance Between Lok Sabha and Rajya Sabha

Discussions of the 850-seat proposal tend to focus almost entirely on how seats are redistributed among states. But the expansion also quietly reshapes the balance of power between India's two Houses of Parliament a consequence that has received far less attention than it deserves.

Article 80 limits the Rajya Sabha to 250 members. The 131st Amendment Bill did not change this number even though it proposed nearly doubling the Lok Sabha's maximum number of members.¹⁶ If the Lok Sabha increases by 50%, going from 543 to around 815 seats, the ratio between the two Houses will change from about 2.2:1 to 3.3:1.¹⁷ This is not a small change. An unequal ratio reduces the Rajya Sabha's influence in the election of the President and Vice-President. It also makes the Lok Sabha stronger in a joint sitting under Article 108 in theory, a government that has over half the seats in the Lok Sabha could override even a two-thirds majority in the Rajya Sabha.¹⁸ Since the Rajya Sabha was created to give states a voice regardless of their population size, this shift increases the concern about federalism that was already raised by the reallocation of seats. It is not only that some states lose seats in the Lok Sabha, but that the house designed to protect state interests independent of population also loses influence.

The ripple effects extend further still. Article 75 caps the Council of Ministers at 15% of Lok Sabha strength a limit introduced through the 91st Amendment in 2003 specifically to stop governments from assembling oversized cabinets.¹⁹ If the Lok Sabha grows to 815 seats, that

¹⁶INDIA CONST. art. 80; The Constitution (131st Amendment) Bill, 2026.

¹⁷PRS Legislative Research, *supra* note 1.

¹⁸INDIA CONST. art. 108; PRS Legislative Research, *supra* note 1.

¹⁹INDIA CONST. art. 75; The Constitution (Ninety-first Amendment) Act, 2003.

ceiling rises from 81 to 122 ministers nearly a 50% jump raising a question the Bill's drafters left unaddressed: should expanding the legislature automatically expand the executive in proportion, or does that simply recreate the very problem the 91st Amendment was meant to solve?²⁰ A larger House does not necessarily need a larger cabinet to function well; if anything, this is an area where the Bill's silence deserves scrutiny.

B. No Constitutional Certainty on Timing or Census Choice

The more fundamental problem, however, is not about numbers at all it is about who gets to decide, and how easily that can change. Under the Constitution as it currently stands, Articles 81 and 82 require that delimitation happen after every census and be based on the latest available census data leaving no room for discretion.²¹ The 131st Amendment Bill would have replaced this with a system where Parliament decides, through ordinary legislation, both when delimitation happens and which census is used.²²

This looks like a technical, procedural change. It is not. Because such a law would only require a simple majority to pass and because the very same amendment weakens Rajya Sabha's relative influence a government commanding a simple Lok Sabha majority could, in practice, control the timing and data basis of an exercise that fundamentally reshapes the electoral map in its own favour.²³ A rule that was once a fixed constitutional guarantee use the latest census, do it after every count would become a policy lever, adjustable by whichever government happens to hold power at the time.

This is the crux of the constitutional objection. Delimitation is meant to be a neutral, mechanical exercise: population changes, boundaries adjust accordingly. The moment its timing and data source become discretionary choices made by ordinary legislative majority, delimitation stops being neutral. It becomes an instrument any future government could use deferring an inconvenient census, or selecting a favourable one to entrench its own electoral advantage. Whatever one thinks of the specific 2011-versus-2027 census debate, this structural vulnerability would outlast the current controversy and apply to every government that follows.

²⁰PRS Legislative Research, *supra* note 1.

²¹INDIA CONST. arts. 81, 82.

²²The Constitution (131st Amendment) Bill, 2026.

²³PRS Legislative Research, *supra* note 1.

COMPARATIVE PERSPECTIVES AND POSSIBLE SAFEGUARDS

A. Lessons from the United States

India is not the first federation to wrestle with the tension between proportional representation and political stability. The U.S. Constitution requires that House seats be reapportioned among states after every ten-year census, and this has happened after every census from 1790 to 2010, without exception.²⁴ Two features of the American system are instructive here.

First, the mechanics of reapportionment currently the method of equal proportions are fixed by a standing federal statute, not decided afresh by Congress after each census.²⁵ This matters: the formula is settled law, and only the underlying population data changes each cycle. There is no equivalent to Parliament being asked, cycle after cycle, to choose which census year to use the American system removes that discretion entirely by pre-committing to “the most recent census, always.” India's 2026 bills do the opposite: they hand Parliament ordinary-majority discretion over both timing and census choice precisely the kind of decision the U.S. system has spent two centuries keeping out of legislative hands.²⁶

The system in the United States does something further. It balances the rules for representing people in the House with the Senate, where every state has an equal say no matter how many people live there. This is a way to protect smaller states, or states that are not growing as fast, so they do not lose their voice in the federal government.

The Rajya Sabha in India was supposed to play something like this role, but the 2026 proposal does not change the size of the Rajya Sabha instead it makes the Lok Sabha much bigger. This actually makes the problem worse rather than better, at a time when the Rajya Sabha is needed the most to counterbalance the Lok Sabha.

B. Proposed Safeguards

Drawing on this comparison, this paper proposes three safeguards that would let India address its representational deficit without reopening the north-south fault line the 1976 and 2001

²⁴Cong. Rsch. Serv., R45951, Apportionment and Redistricting Process for the U.S. House of Representatives (2026), <https://www.congress.gov/crs-product/R45951>.

²⁵Cong. Rsch. Serv., R41357, The U.S. House of Representatives Apportionment Formula in Theory and Practice (2010), <https://www.everycrsreport.com/reports/R41357.html>.

²⁶PRS Legislative Research, *supra* note 1.

freezes were built to close:

We need to fix the delimitation formula in the Constitution. It should not be changed by ordinary law. Parliament should not be able to decide when and how delimitation happens by a simple majority vote. The rules for delimitation should be clearly stated in the Constitution, and should be changeable only by following the amendment process which requires the special majority stated in Article 368.²⁷ This way we can keep the certainty that Articles 81 and 82 provide.

We should use a formula that takes into account population change more gradually. Instead of suddenly switching to a new system based on a single census count, we should use a phased approach for example, using a combination of the 1971 and 2011 population numbers, or the future 2027 numbers, over one or two delimitation cycles. This will help reduce the number of seats that southern and eastern states will lose while still making the system more fair and proportional.

Strengthen, not merely preserve, Rajya Sabha's counterbalancing role. If Lok Sabha strength increases substantially, a proportionate reconsideration of Rajya Sabha's Article 80 cap

or additional procedural protections for state interests in joint sittings would maintain the federal balance the bicameral structure was designed to protect.²⁸

None of these safeguards require abandoning the case for expansion. They simply insist that how India expands its Parliament matters as much as whether it does.

Conclusion

For nearly five decades, India has traded strict proportional representation for a promise: states that controlled their population growth would not be punished for it at the ballot box. That trade-off held through the 1976 and 2001 freezes, but it also left India with some of the most unevenly sized constituencies among major democracies. The case for finally expanding the Lok Sabha and restoring parity between population and political voice is not, on its own, controversial.

²⁷INDIA CONST. art. 368.

²⁸INDIA CONST. art. 80.

What this paper has argued is that how India does this matters as much as whether it does. Basing delimitation on 2011 data, and handing Parliament ordinary-majority control over its timing and method, risks reviving the very north-south imbalance the 1976 freeze was built to prevent while also weakening Rajya Sabha's counterweight role just as Lok Sabha's dominance grows.

The bills did not pass in April 2026. This has only put off the problem for now it has not solved it. Looking at what other countries like the United States have done, we can see that they have a fixed formula for deciding how many representatives each state gets. This shows that changes can be made without hurting the trust between the government and the states.

This paper has suggested three ways to fix the problem: making a clear constitutional rule for how delimitation boundaries are decided, using a system where the number of representatives is increased gradually rather than all at once, and making the Rajya Sabha stronger at the same time as the Lok Sabha grows. Nobody is against increasing the number of representatives — India just needs to make sure that it does not hurt the balance of power between the states and the federal government when it makes these changes.