
THE DEFEAT OF THE DELIMITATION BILL, 2026: CONSTITUTIONAL DIMENSIONS OF PARLIAMENTARY SEAT EXPANSION

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ABSTRACT

On 17 April 2026, the Constitution (131st Amendment) Bill, 2026 — the constitutional centrepiece of a three-bill package that also included the Delimitation Bill, 2026 and the Union Territories Laws (Amendment) Bill, 2026 — was defeated in the Lok Sabha during a specially convened parliamentary session.¹ The Bill proposed to expand Lok Sabha seats from 543 to 850,² enable delimitation based on the 2011 Census,³ and operationalise women's reservation under the *Nari Shakti Vandan Adhiniyam* 2023.⁴ Securing only 298 votes against a required supermajority of 352 out of 528 members present and voting,⁵ the defeat marked the first time a constitutional amendment tabled by the Modi government failed in Parliament. This paper examines the constitutional dimensions of the Delimitation Bill's defeat through five research questions rooted in constitutional law, federal theory, and democratic representation. It argues that the defeat reveals a structural constitutional crisis — one in which the twin imperatives of demographic representation and federal equity have become irreconcilable within the current constitutional architecture, demanding a comprehensive constitutional solution rather than piecemeal legislative intervention.

¹Constitution (One Hundred and Thirty-First Amendment) Bill 2026 (India), introduced Lok Sabha 16 April 2026, defeated 17 April 2026 [hereinafter *131st Amendment Bill*].

²*131st Amendment Bill* (above n 12) (proposing maximum Lok Sabha membership of 850: up to 815 from states and up to 35 from union territories).

³Delimitation Bill 2026 (above n 13) (providing that the latest published census as on the date of constitution of the Delimitation Commission — the 2011 Census — shall be used for delimitation).

⁴Constitution (One Hundred and Sixth Amendment) Act 2023 (India) [*Nari Shakti Vandan Adhiniyam*].

⁵In a First, Modi Govt's Delimitation-Lok Sabha Expansion Plan Fails in Parliament' *The Wire* (17 April 2026) <<https://m.thewire.in/article/politics/major-setback-modi-govts-constitution-amendment-bill-delimitation-fails-in-lok-sabha>> accessed 19 April 2026 (recording 298 votes in favour, 230 against, of 528 members present and voting; threshold 352).

I. Introduction

The Delimitation Bill, 2026 was introduced as part of a three-bill legislative package tabled by the Union Government on 16 April 2026, during a special session of Parliament.⁶ Together, the three bills proposed to expand the maximum strength of the Lok Sabha from 550 to 850 seats; enable delimitation of constituencies based on the 2011 Census rather than waiting for the still-pending 2027 Census; and trigger operationalisation of women's reservation under the Constitution (One Hundred and Sixth Amendment) Act 2023.

The constitutional amendment bill required a two-thirds majority of members present and voting under article 368(2) of the Constitution.⁷ Of 528 members present and voting in the Lok Sabha on 17 April 2026, 298 voted in favour and 230 against. The threshold was 352. The Bill fell short by 54 votes. When the amendment fell, both the Delimitation Bill⁸ and the Union Territories Laws (Amendment) Bill became infructuous — each depended constitutionally on the amendment's passage.

The defeat crystallised a decades-long constitutional tension: the democratic principle of population-proportionate representation — enshrined in article 81⁹ — favouring northern states with higher population growth, versus the federal compact that has protected southern states from losing parliamentary seats since the seat freeze of 1976.¹⁰ This paper argues that the defeat reveals a structural constitutional crisis demanding a comprehensive constitutional solution.

II. Research Questions

This paper is structured around five research questions:

RQ1: What is the constitutional framework governing parliamentary delimitation under articles 81, 82, and 170, and how does the historical seat freeze interact with the constitutional principle of population-proportionate representation?

RQ2: How does the proposed expansion of Lok Sabha seats from 543 to 850 interact with

⁶PRS Legislative Research, *The Delimitation Bill, 2026* (April 2026) <<https://prsindia.org/billtrack/the-delimitation-bill-2026>> accessed 19 April 2026.

⁷*ibid* art 368(2).

⁸Delimitation Bill 2026 (India), introduced Lok Sabha 16 April 2026, rendered infructuous 17 April 2026.

⁹Constitution of India 1950, art 81.

¹⁰Constitution (Forty-Second Amendment) Act 1976 (India) (freezing Lok Sabha seat allocation to the 1971 Census basis).

the federal constitutional compact under articles 1 and 14 and the Seventh Schedule?

RQ3: What are the constitutional dimensions of the Bill's defeat under article 368 — specifically, does the supermajority requirement combined with the Tenth Schedule create a structural barrier to federal reconfiguration?

RQ4: How does the linkage between the Delimitation Bill and women's reservation under article 330A create a constitutional knot — where two independent rights claims become mutually hostage?

RQ5: What constitutional pathways remain available following the defeat to achieve both equitable delimitation and women's reservation?

III. Background: The Three-Bill Package

A. The Legislative Package

The three bills introduced on 16 April 2026 were structured as an interlocking package, each dependent on the others for operational coherence. The Constitution (131st Amendment) Bill, 2026 was the constitutional foundation. It proposed to: (i) revert to the principle of population-proportionate seat allocation, unfreezing the distribution locked to the 1971 Census since the Forty-Second Amendment; (ii) increase the maximum number of Lok Sabha members to 850, with up to 815 from states and up to 35 from union territories; (iii) authorise Parliament to determine by law which census to use for delimitation; and (iv) amend article 330A to link women's reservation to the new delimitation framework based on the 2011 Census.¹¹

The Delimitation Bill, 2026 operationalised the constitutional amendment by providing that the 2011 Census — the latest published census as on the date of the constitution of the Delimitation Commission — would be used for the next delimitation exercise. The Delimitation Commission would comprise a retired Supreme Court judge as chairperson, the Chief Election Commissioner, and the State Election Commissioners.¹² This choice of census was significant because the 2027 Census, referenced in the 106th Amendment's women's reservation conditionality, would not be available in time to permit delimitation before the 2029

¹¹ibid art 330A (inserted by the Constitution (One Hundred and Sixth Amendment) Act 2023).

¹²Delimitation Commission Act 2002 (India), s 3 (prescribing composition of the Commission: a retired Supreme Court judge as Chairperson, the Chief Election Commissioner, and the State Election Commissioners).

General Elections.¹³

B. The Defeat and Its Consequences

When the 131st Amendment Bill failed, the Delimitation Bill became infructuous. The seat freeze at 543 members remains in place; delimitation based on updated population data cannot be conducted; and women's reservation under the 106th Amendment remains inoperative. One partial silver lining: the Union Government issued a notification on 16 April 2026 — before the vote — formally bringing the *Nari Shakti Vandan Adhiniyam* into force,¹⁴ potentially strengthening any future judicial challenge to continued non-implementation of women's reservation.

C. The Political Fault Lines

Home Minister Amit Shah declared that 'the women of the country will not forgive' the opposition for voting against the Bill,¹⁵ while the opposition — led significantly by the DMK and the INDIA alliance — reframed the package as using women's reservation as 'cover' for a politically motivated delimitation exercise designed to benefit northern states.¹⁶ Tamil Nadu Chief Minister M.K. Stalin anchored the opposition around a demand for a 25-year extension of the existing seat freeze.¹⁷ Both framings were simultaneously accurate — and that simultaneity is the constitutional problem this paper addresses.

IV. Constitutional Analysis

A. RQ1: The Constitutional Framework of Delimitation

1. The Original Constitutional Design

¹³PRS Legislative Research (above n 15) (noting the reference date for the ongoing census is 1 March 2027 and that 'it is unlikely that a delimitation exercise based on the 2027 census will be completed before the 2029 elections').

¹⁴Delimitation Bill 2026: Lok Sabha Seat Increase 543 to 850' *Voter List* (April 2026) <<https://voterlist.co.in/lok-sabha-seat-increase-543-to-850-women-reservation-bill/>> accessed 19 April 2026 (noting that the Union Government notification of 16 April 2026 formally brought the *Nari Shakti Vandan Adhiniyam* into force).

¹⁵*The Wire* (above n 20) (quoting Home Minister Amit Shah: 'the women of the country will not forgive' the opposition for voting against the Bill).

¹⁶*The Week* (above n 21) (reporting opposition characterisation of the package as using women's empowerment as a 'guise' for a politically motivated delimitation exercise).

¹⁷BJP Govt Warned Against Delimitation Exercise Favoring Northern Indian States' *i News International* (24 March 2025) (reporting Joint Action Committee resolution at Chennai demanding a 25-year extension of the seat freeze).

Article 81 of the Constitution provides that seats in the Lok Sabha shall be allocated to states in such manner that the ratio between that number and the population of the state is, so far as practicable, the same for all states.¹⁸ Article 82 requires that upon the completion of each census, the allocation of seats and the division of each state into territorial constituencies shall be readjusted on the basis of that census.¹⁹ Article 170 mirrors these provisions for state legislative assemblies.²⁰ The Delimitation Commission — constituted under the Delimitation Commission Act 2002 and chaired by a retired Supreme Court judge — was the standing institutional mechanism for this periodic recalibration.

2. The 1976 Freeze and Its Constitutional Implications

The Constitution (Forty-Second Amendment) Act 1976, enacted during the Emergency, froze the allocation of Lok Sabha seats to states on the basis of the 1971 Census. The stated rationale was to ensure that states that had successfully implemented population stabilisation programmes would not be penalised by losing parliamentary seats. The Constitution (Eighty-Fourth Amendment) Act 2001 extended this freeze until the publication of the first census after 2026.²¹ The last Delimitation Commission, constituted in 2002, finalised its orders in 2008 — redrawing constituency boundaries within states but not altering the number of seats each state received.

For over fifty years, the principle of population-proportionate representation — enshrined in article 81 — has been suspended in the inter-state seat allocation dimension. The ratio of Lok Sabha seats to population now varies dramatically between states, creating a tension with the article 14 guarantee of equal protection:²² voters in under-represented northern states are denied electoral weight equivalent to that of voters in over-represented southern states.

3. The 2026 Bill's Constitutional Design

The 131st Amendment Bill proposed to unfreeze seat allocation by reverting to the original article 81 principle of population proportionality, while simultaneously expanding the

¹⁸ibid art 81.

¹⁹ibid art 82.

²⁰ibid art 170.

²¹Constitution (Eighty-Fourth Amendment) Act 2001 (India) (extending the seat freeze until publication of the first census after 2026).

²²Constitution of India 1950, art 14.

total number of seats from 543 to 850. By adding approximately 307 new seats, the Bill aimed to ensure that no state would lose existing seats in the delimitation exercise — a 'no loser' architecture intended to transform delimitation from a zero-sum into a positive-sum exercise, as analysed by PRS Legislative Research.²³

B. RQ2: Federal Constitutional Dimensions

India's Constitution establishes a federal structure in which states are constituent units with guaranteed legislative and representational rights. The Supreme Court in *State of West Bengal v Union of India* interpreted article 1 as implying a degree of federal equity between constituent units. The relationship between population and parliamentary representation sits at the intersection of the democratic principle of equal representation per voter, and the federal principle of equal dignity and influence for constituent units.

The opposition's insistence on a further 25-year extension of the 1971-based freeze reflects a legitimate federal interest — but one that, if sustained constitutionally, would permanently violate the equal representation principle for voters in under-represented states. Maintaining the freeze preserves a constitutional anomaly: a temporary accommodation, designed to incentivise population stabilisation, has become a permanent feature of Indian democracy, with no acceptable constitutional mechanism to end it.

C. RQ3: Article 368, the Supermajority, and the Anti-Defection Trap

Article 368(2) required a two-thirds supermajority of 352 out of 528 members present and voting. In the context of the Delimitation Bill, the requirement operated to protect a federal minority — states with legitimate interests in the status quo — from a constitutional change affecting their representational position. Unlike contexts where the supermajority requirement has arguably blocked the implementation of an existing constitutional right, here it performed its classic counter-majoritarian function, as envisaged by the Supreme Court in *Kesavananda Bharati v State of Kerala*.²⁴

The Tenth Schedule's prohibition on voting against party whips²⁵ consolidated southern state parties' opposition and prevented individual members from crossing over to support the

²³PRS Legislative Research (above n 15).

²⁴*Kesavananda Bharati* (above n 23).

²⁵*ibid* Tenth Schedule.

Bill. In *Kihoto Hollohan v Zachillhu*, the Supreme Court upheld the Tenth Schedule while acknowledging it must be read consistently with parliamentary democracy.²⁶ The anti-defection law, in this context, transformed a regional party's position into a near-inviolable constitutional veto — what this paper terms the 'federal capture problem' in constitutional amendment design.

D. RQ4: The Constitutional Knot — Delimitation and Women's Reservation

The most significant constitutional design choice in the three-bill package was the linkage of delimitation with the operationalisation of women's reservation under article 330A.²⁷ By fusing these two constitutional imperatives, the government created a package in which: supporting the Bill meant accepting both seat expansion and women's reservation; opposing the Bill meant blocking both; and there was no path to accept one while rejecting the other.

The proportionality doctrine from *KS Puttaswamy v Union of India* — requiring that any restriction on a fundamental right be proportionate to the objective pursued²⁸ — may be applied analytically: making women's reservation operationalisation conditional on the resolution of the delimitation question is arguably disproportionate, since a less restrictive means existed in the form of a standalone women's reservation amendment. The fusion of two independent rights into a single constitutional amendment allowed each to be held hostage to the other.

E. RQ5: Constitutional Pathways After Defeat

1. Delinked Reintroduction

The most straightforward legislative pathway is reintroduction of separate constitutional amendments — one for seat expansion and delimitation, another for women's reservation operationalisation. Austin's analysis of constitutional adaptation in India²⁹ supports the view that durable constitutional change requires broad deliberative consensus rather than

²⁶*Kihoto Hollohan* (above n 25) [90] (upholding the Tenth Schedule while noting it must be read consistently with parliamentary democracy).

²⁷Constitution of India 1950, art 330A (inserted by the Constitution (One Hundred and Sixth Amendment) Act 2023) (conditioning operationalisation of women's reservation on delimitation based on the first post-commencement census).

²⁸*KS Puttaswamy* (above n 26) [310].

²⁹G Austin (above n 28) 643-651.

politically timed special-session packages.

2. Judicial Challenge to the Seat Freeze

A public interest litigation directly challenging the freeze as violative of articles 81, 82, and 14 could compel judicial review of the constitutional validity of an indefinitely maintained freeze that was always designed as a temporary accommodation. The basic structure doctrine established in *Kesavananda Bharati* to the effect that Parliament cannot amend the Constitution so as to destroy its basic features, including the principle of democracy provides a potential constitutional foundation.

3. Presidential Reference Under Article 143

A presidential reference under article 143 asking whether the indefinite continuation of the 1971-based seat freeze is consistent with articles 81, 82, and 14 could generate an authoritative judicial framework for the constitutional resolution of the delimitation question without requiring a new constitutional amendment.

4. Census-First Approach for Women's Reservation

Prioritising completion of the 2027 Census on schedule would trigger the women's reservation conditionality under the existing 106th Amendment without requiring a further constitutional amendment. If the 2027 Census is completed and its figures published, Parliament could constitute a Delimitation Commission, conduct delimitation, and operationalise women's reservation — at least solving one half of the constitutional crisis without requiring the supermajority that the 131st Amendment could not achieve.

V. The North-South Federal Fault Line: A Constitutional Diagnosis

The defeat of the Delimitation Bill is a symptom of a constitutional pathology that has been building for decades: the absence of a constitutionally adequate mechanism for managing demographic change within a federal union of constituent states with divergent developmental trajectories.³⁰ The Constitution's democratic principle (article 81) and its implicit federal equity

³⁰M Vaishnav and R Sen, 'The Delimitation Controversy in India' (Carnegie Endowment for International Peace, 27 April 2025) <<https://isas.podbean.com/e/episode-287-the-delimitation-controversy-in-india/>> accessed 19 April 2026.

norm are irreconcilable without a positive-sum solution such as seat expansion. The 2026 Bills proposed precisely that solution. The opposition's defeat of it preserves a fifty-year freeze that violates the democratic principle while appearing to protect federal equity.

Constitutional scholars including Khosla³¹ and Jayal³² have emphasised that constitutional stability in federal democracies requires institutional mechanisms for managing inter-regional tensions within a rights-respecting framework. The Law Commission has previously recommended comprehensive electoral reforms,³³ but piecemeal recommendations have not addressed the structural federal-democratic tension at the heart of the delimitation controversy.

VI. Policy Recommendations

Drawing upon the foregoing constitutional analysis, this paper advances six recommendations:

First, the constitutional amendment for Lok Sabha seat expansion should be reintroduced as a standalone bill, delinked from women's reservation operationalisation.

Second, the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha should jointly convene a National Delimitation Convention involving all recognised political parties and state governments to build consensus on a delimitation framework acceptable to both northern and southern states.

Third, any delimitation and seat expansion legislation should incorporate a constitutionally entrenched guarantee that no state will receive fewer Lok Sabha seats after delimitation than it currently holds.

Fourth, the Union Government should issue a legally binding notification fixing the commencement date of the 2027 Census, ensuring completion on schedule and operationalisation of women's reservation for the 2034 General Elections at the latest.

Fifth, a separate constitutional amendment to operationalise women's reservation on the

³¹M Khosla (above n 29) 45-62.

³²NJ Gopal Jayal (above n 30) 201-218.

³³Law Commission of India (above n 32) 89-104.

basis of existing constituency boundaries — independent of the delimitation exercise — should be introduced, ensuring the right to women's representation is not held hostage to the delimitation question.

Sixth, the President should refer the constitutional validity of the continued seat freeze to the Supreme Court under article 143, generating an authoritative judicial framework for Parliament's constitutional obligations under articles 81 and 82.

VII. Conclusion

The defeat of the Delimitation Bill, 2026 on 17 April reveals that India's fifty-year experiment in freezing parliamentary seat allocation a temporary accommodation that has hardened into a permanent constitutional feature has created a democratic deficit that cannot be resolved without directly confronting the federal anxieties of states that benefited from the freeze. The three-bill package's positive-sum design expanding seats to 850 so that no state loses existing representation was constitutionally ambitious. Its defeat preserves a constitutionally untenable status quo: a democratic system in which the principle of equal electoral weight is systematically violated, a constitutionally mandated women's reservation remains inoperative, and the constitutional obligation to conduct delimitation after each census has been deferred for over half a century.

The constitutional crisis exposed by the Delimitation Bill's defeat cannot be resolved by the next politically timed special session. It requires what Austin described as the essential character of successful constitutional adaptation in India:³⁴ deliberate, inclusive, and constitutionally grounded processes of federal negotiation that build durable cross-party and cross-regional consensus before constitutional amendments are tabled. Only when both the democratic imperative of population-proportionate representation and the legitimate federal interests of population-stabilising states are simultaneously honoured can the structural constitutional tension at the heart of the delimitation controversy be durably resolved.

³⁴G Austin (above n 28) 643.