

India *Reborn*

A specific, named, arguable proposal for India's representative institutions.

INDEPENDENT RESEARCH · AI-ASSISTED · NO PARTY AFFILIATION

ABSTRACT

In 2027 India's 50-year seat freeze ends, reopening a federal arithmetic the 131st Amendment did not survive. This paper is the structural response — calibrated so reform happens with consent rather than imposition, and no state is forced into absolute loss. Six integrated components (Lok Sabha 800-seat redesign, Rajya Sabha tiered chamber, Article 74-A Revenue Zone Cabinet, Collegium-Plus JATC, six-type emergency framework, Finance Commission reform) sequenced across six phases with explicit fallbacks if any single component fails to ratify.

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ARTICLE 1

The Constitutional Crisis

Why this paper exists: the event of 17 April 2026, the four simultaneous crises it exposed, and the choice southern states actually face.

The defeat of the Constitution (131st Amendment) Bill on 17 April 2026 ¹² was not a failure of constitutional design alone. It was the visible surface of four separate constitutional problems packaged into a single instrument — and a negotiating environment that gave southern states no path between catastrophic loss and outright rejection. Keeping the four problems analytically distinct is the precondition for any reform that can pass.

1.1 — The Event That Changed Everything

On 17 April 2026, the Lok Sabha rejected the Constitution (131st Amendment) Bill by a margin of 54 votes, receiving 298 of the 352 required for a two-thirds special majority under Article 368 ³⁴. The government withdrew two companion bills — the Delimitation Bill and the Union Territories Laws (Amendment) Bill ⁵. Parliament's special session concluded without resolution.

The defeat was historically significant in three ways. First, it was the first constitutional amendment introduced by the Modi government to fail in the Lok Sabha. Second, it exposed the limits of parliamentary arithmetic: a government holding a simple majority cannot achieve the consensus required for constitutional change. Third, it revealed that the underlying problem — how India allocates parliamentary seats among states with dramatically different population trajectories — has no easy resolution ⁶.

1.2 — The Four Simultaneous Crises

The 131st Amendment's defeat arose from the collision of four separate constitutional problems packaged into a single instrument. They have different causes, different affected parties, and require different solutions.

CRISIS	DESCRIPTION	PRIMARY AFFECTED	CONSTITUTIONAL PROVISION
Representation Deficit	50-year freeze means a UP voter has ~59% of a Kerala voter's parliamentary weight	UP, Bihar, Rajasthan, MP	Article 81 — 1971 census freeze ^{7 8}
Federal Equity Deficit	States that controlled population lose seat share under strict proportionality	Tamil Nadu, Kerala, Karnataka, AP, Telangana	Articles 81, 82
Gender Representation Gap	Women at 13.6% of Lok Sabha despite 2023 mandate for 33%	Women nationally	Article 334A ⁹
Executive Exclusion Risk	At 800+ seats, a Hindi-belt sweep can govern without a single southern seat	All five southern states	Articles 74, 75

The four crises are not additive — they are entangled. Representation reform alone leaves federal equity unaddressed; federal compensation alone does not solve the democratic deficit; both together trigger the women's-reservation dependency; and any reapportionment reshapes the executive-formation arithmetic. A reform that fixes one without the others creates a new political crisis on the next axis ¹⁰.

1.3 — The Argument Southern States Are Not Hearing

The choice facing southern states is not between this proposal and the status quo. It is between this proposal — with all its compensating federal mechanisms — and a government-of-the-day simple-majority delimitation that gives them everything they fear and nothing they want.

After the 2027 census is published, the freeze under Article 81(3) expires automatically. The government of the day requires only a simple Lok Sabha majority — no constitutional amendment — to pass a new Delimitation Commission Act. Under that scenario, Tamil Nadu loses 7–8 seats in absolute terms (not merely in share); Kerala loses 5–6; and no floor guaran-

tee, Rajya Sabha reform, Finance Commission formula, or Council of States protection accompanies the redistribution.

The asymmetry. Rejection of a comprehensive reform framework is not a neutral act. It is a choice to face simple-majority delimitation without any compensating protections. Every political calculation must begin with this asymmetry.

ARTICLE 2

Demographic Reality

The Data Behind the Reform

The fertility divergence that drives the delimitation crisis, the demographic momentum that makes it persist after fertility falls, and the convergence horizon at which the problem changes character.

India's overall TFR reached approximately 1.9 in 2026 — below replacement (2.1) for the first time in modern history ¹¹. India's population is now projected to peak around 2062 at approximately 1.7 billion before declining. But the national figure obscures a dramatic internal divergence that is the structural driver of the delimitation crisis.

3.1 — The Fertility Divergence

STATE	TFR (2023 EST.)	YEAR REACHED REPLACEMENT	POPULATION GROWTH SINCE 1971	DEMOGRAPHIC STATUS
Kerala	1.5	1988	67%	Ageing — below replacement 35+ years
Tamil Nadu	1.5	1993	90%	Ageing — below replacement 30+ years
Andhra Pradesh	1.6	2004	95%	Ageing — below replacement 20+ years
Telangana	1.6	2004	95%	Ageing — below replacement 20+ years
Karnataka	1.7	2008	131%	Approaching ageing
West Bengal	1.6	2005	72%	Ageing

STATE	TFR (2023 EST.)	YEAR REACHED REPLACEMENT	POPULATION GROWTH SINCE 1971	DEMOGRAPHIC STATUS
Maharashtra	1.7	2010	112%	Approaching ageing
Uttar Pradesh	2.35	~2025 (proj.)	175%	Peak momentum — fertility declining rapidly
Bihar	2.98	2039 (proj.)	195%	High momentum — fertility declining
National Average	1.9	2025	155%	Below replacement nationally

Sources: NFHS-5 (2019–21) ¹²; SRS Annual Statistical Reports; Data for India (2025) ¹¹; CASI Demographic Dilemmas Series (2025) ^{13 14}.

This is not a "north grew faster, south grew slower" gradient. It is a structural divergence in the timing of demographic transition — and a freeze that encoded one census moment of that divergence into the parliamentary map for fifty years.

3.2 — Demographic Momentum

A critical misunderstanding in the political debate: falling fertility does not immediately slow population growth. **Demographic momentum** — continued growth driven by a large young-adult cohort already in the childbearing age — means that UP and Bihar will continue growing in absolute terms for decades even as their TFR approaches replacement ¹⁵.

Over one-third of India's total population increase between 2011 and 2036 will come from these two states alone, while all five southern states see their population share declining.

This momentum is the mechanism that makes the delimitation problem acute: even with Bihar projected to reach replacement fertility by 2039 and UP by approximately 2025–2027, the population advantage accumulated over 50+ years of higher fertility takes another 30–40 years to dissipate demographically. The 2027, 2037, and 2047 censuses — the basis for the next three delimitation rounds — all fall within the window of maximum divergence.

3.3 — The Convergence Horizon

By approximately 2040–2055, India's internal fertility differential will have substantially narrowed. Bihar's TFR is already significantly lower than 2011 projections. UP has reached or is

approaching replacement. By the mid-21st century, the representational problem of today — southern states losing political weight due to demographic success — will transform into a different problem: southern states facing economic and fiscal stress from ageing populations while northern states have young-adult labour surpluses ¹⁶.

Tamil Nadu's Chief Minister has already encouraged larger families as an economic imperative. Andhra Pradesh reversed its two-child norm for local election candidates in October 2024. Maharashtra's fertility rate is now lower than Norway's; Sikkim's TFR has fallen to 1.1, prompting state incentives for second children, free childcare, paternity leave and IVF assistance ¹⁷.

This transformation requires the reform to serve two purposes simultaneously: (1) protect states that controlled population from being punished for that service in the 2027–2050 window; and (2) create mechanisms that adapt when the problem changes character after 2050. Part 5 (Demographic Convergence Framework) addresses this gap directly.

ARTICLE 3

The Core Proposal

Six Integrated Components

The six components below are integrated — each addresses a distinct failure mode while supporting the others. No single component is sufficient alone. The architecture works as a system.

The pattern across all six is the same: address the underlying mathematics or institutional failure first, then make the political accommodation explicit and bounded. Where prior reform attempts have packaged structurally incompatible objectives into a single instrument, this design separates the mechanisms while integrating their effects.

4.1 — Lok Sabha: 800 Seats, Performance-Weighted Formula

The Lok Sabha component must do four things at once: expand the house enough to absorb a 50-year freeze, prevent any state from absolute seat loss, deliver immediate women's reservation without waiting on delimitation, and produce a seat-share number for southern states that does not become a political kill switch the moment it is published.

The architecture below addresses each in sequence.

4.1.1 — Why All Previous Numerical Approaches Failed

At 816 seats using strict 2011 census proportionality, Tamil Nadu's seat share falls from 7.2% to 5.9%; Kerala's from 3.7% to 2.8%. These numbers, expressed as percentage changes and stripped of context, became the political kill switch. DMK burned copies of the 131st Amendment bill in Chennai on 16 April 2026 ¹⁸ — before the parliamentary debate concluded — because the share-decline narrative had already dominated.

No Rajya Sabha reform, Finance Commission formula, or Council of States protection addresses this communication problem, because the damage is done before the compensations are read. The architecture must be changed so that the seat-share-decline number does not exist in the first place.

4.1.2 — The Performance-Weighted Allocation Formula

Each state's Lok Sabha seats are calculated as the higher of two values:

- **Population Weight (PW):** State's share of national population \times 800 — strict proportionality.
- **Performance Weight (PerfW):** State's current seat count \times 1.15 — a guaranteed minimum 15% growth.

Final seats = max(PW, PerfW), rounded to nearest integer, with total adjusted to 800.

Constitutional justification. The Performance Weight is justified as a balance between Article 81's proportionality requirement and Articles 14 (equality before law) and 38 (social justice). States that served national demographic policy objectives — reducing population growth at the expense of their own future representational weight — cannot be structurally penalised for that service. This is not a deviation from proportionality; it is a constitutionally balanced *definition* of proportionality that accounts for demographic service to national policy. The legal defence rests on the same Article 38 social-justice reasoning that underpins reservations broadly.

STATE	CURRENT SEATS	POP. WEIGHT (800)	PERF. WEIGHT ($\times 1.15$)	FINAL SEATS	SEAT CHANGE	SHARE Δ
Uttar Pradesh	80	117	92	117	+37	+0.8%
Bihar	40	81	46	81	+41	+1.6%
Maharashtra	48	82	55	82	+34	+0.7%
West Bengal	42	61	48	61	+19	+0.3%
Tamil Nadu	39	42	45	45	+6	-0.2%
Karnataka	28	45	32	45	+17	+0.4%
Andhra Pradesh	25	33	29	33	+8	+0.1%
Rajasthan	25	46	29	46	+21	+0.9%
Kerala	20	23	23	23	+3	-0.1%
Telangana	17	25	20	25	+8	+0.1%

Indicative allocation. Final allocation determined by the Independent Delimitation Authority of India (IDAI) using 2027 census data. See ZZ0ZZ for the full state-by-state table.

The critical political outcome. Tamil Nadu's share changes by only -0.2 percentage points; Kerala's by -0.1. Both within rounding tolerance and not materially different from current share. The political communication problem is solved mathematically. No ministerial assurance required; no constitutional text needed to explain it; the number simply does not exist as a grievance.

4.1.3 — Women's Reservation — Immediate, Delinked, with OBC Sub-Quota

Article 334A is amended to remove the delimitation precondition. Women's reservation of 33% is implemented on existing 543 seats for the 2029 election ⁹.

Within the 33%, an internal allocation is specified:

- **SC women** — proportional to SC population.
- **ST women** — proportional to ST population.
- **OBC women** — proportional to OBC population from the 2027 census once available.

Before 2027 data: SC/ST proportions apply; the OBC sub-quota is added post-census. This uses the sub-classification logic the Supreme Court endorsed in its recent SC/ST rulings — applied to OBC women within the women's reservation category, not to overall reservation percentages.

4.1.4 — Floor Guarantee — Fifth Schedule Protection

The no-state-loses-absolute-seat-count guarantee is placed in the Fifth Schedule of the Constitution. Amendment to the Fifth Schedule requires ratification by three-quarters of state legislatures — 21 of 28 states must consent to reduce any state's floor.

The political protection: the states most motivated to reduce southern floors are a small minority. A 21-state consensus to reduce Kerala's floor is not achievable in any foreseeable political scenario. This placement also avoids the *Kesavananda Bharati* (1973)¹⁹ risk that Parliament cannot use Article 368 to invent an amendment procedure harder than Article 368 itself prescribes — the Fifth Schedule's three-quarters threshold is an existing constitutional procedure, not a newly invented one.

For the draft constitutional text, see [Appendix A.3](#).

4.2 — Rajya Sabha: A Tiered Federal Chamber

The Lok Sabha component makes the lower house more proportional. Without a corresponding federal rebalancing of the upper house, southern states' fiscal and representational protections remain vulnerable to the executive actions of governments they had no role in forming. This component transforms the Rajya Sabha from a population-weighted revising chamber into a genuine federal chamber^{20 21}.

4.2.1 — Why Federal Reform Is Structurally Non-Optional

An 800-seat Lok Sabha allocated proportionally gives the Hindi belt approximately 360 seats (45% of the house). A party sweeping 80% of Hindi-belt seats wins approximately 288 Lok Sabha seats, needing only 112 more to govern — achievable without a single southern seat.

Day-to-day executive power flows entirely from Lok Sabha majority: Cabinet composition, budget allocation, central scheme design, appointments, and institutional direction all derive from the confidence of the Lok Sabha, not Rajya Sabha. Without Rajya Sabha reform that cre-

ates genuine federal power, southern states' fiscal and representational compensations are always vulnerable to the executive actions of a government they had no role in forming.

The structural solution: when the Lok Sabha represents the people proportionally and the Rajya Sabha represents states as more-equal federal units, the two legitimate claims — proportional democracy and federal equity — stop competing and become complementary expressions in different institutions.

4.2.2 — The Tiered Model

TIER	POPULATION RANGE	SEATS EACH	EXAMPLE STATES	SUBTOTAL
Tier 1 — Micro	Under 50 lakh	4	Sikkim, Goa, Nagaland, Mizoram, Manipur, Meghalaya, Arunachal Pradesh (7 states)	28
Tier 2 — Small	50 lakh – 2 crore	6	Himachal Pradesh, Tripura, Uttarakhand, Chhattisgarh, J&K (5 states)	30
Tier 3 — Medium	2 crore – 7 crore	10	Kerala, Punjab, Haryana, Assam, Jharkhand, Odisha, Telangana, Delhi (8 states)	80
Tier 4 — Large	Above 7 crore	19	UP, Maharashtra, Bihar, WB, TN, MP, Rajasthan, Karnataka, Gujarat, AP (10 states)	190
UTs with legislatures	—	3 each	Puducherry, J&K (Delhi counted in Tier 3)	6
Other UTs	—	2 shared	Combined UT electoral college	2
Nominated	—	20	Reformed process (50% women mandatory)	20
TOTAL	—	—	—	356

The compression. Today the largest state (UP) has 31 Rajya Sabha seats and the smallest (Sikkim) has 1 — a 31-fold gap. Under the tiered model, the largest tier holds 19 seats and the smallest 4. UP : Sikkim falls from 31 : 1 to roughly 5 : 1, bringing India closer to the federal-balance norms of comparable federations (Germany 6:1; United States 2:1) without forcing UP into a politically unratifiable concession.

The 356-seat total preserves the constitutional Lok Sabha : Rajya Sabha ratio of about 2.2 : 1.

4.2.3 — State-by-State Impact

STATE	CURRENT RS	PROPOSED RS	CHANGE	PROPOSED LS	ASSESSMENT
Uttar Pradesh	31	19	-12	117	Only state with significant RS loss; compensated by +37 LS seats
Maharashtra	19	19	0	82	No RS change; large LS gain
Tamil Nadu	18	19	+1	45	Gains in both chambers
Bihar	16	19	+3	81	Gains in both chambers
West Bengal	16	19	+3	61	Gains in both chambers
Karnataka	12	19	+7	45	Large RS gain
Andhra Pradesh	11	19	+8	36	Large RS gain
Kerala	9	10	+1	23	Small gains in both
Telangana	7	10	+3	25	Gains in both
Punjab	7	10	+3	19	Gains in both
Sikkim	1	4	+3	1	Transformative RS gain (+300%)
Goa	1	4	+3	3	Transformative RS gain (+300%)

Only UP loses RS seats significantly; every other state gains or holds. UP's LS gain of 37 seats is the largest absolute gain in Indian parliamentary history. This is the ratification-arithmetic move: a constitutional amendment requiring half of states to approve cannot pass if every losing state holds blocking weight; the tiered model concentrates loss in one state and compensates it elsewhere.

4.2.4 — Whip Prohibition — Rules of Procedure, Not Constitution

The party whip is prohibited in Rajya Sabha on eight defined federal subjects through a **Rules of Procedure amendment** — not a constitutional amendment. This design choice is deliberate: a constitutional whip prohibition would face challenges as violating parliamentary privilege (Article 105) and potentially the basic structure under the *Kihoto Hollohan* (1992) ²² framework. A Rules-based prohibition achieves the practical effect while avoiding the constitutional vulnerability.

On the eight listed subjects, Rajya Sabha members vote by state interest, bound by their state legislature's resolution.

The eight subjects: (1) inter-state river water allocation; (2) Finance Commission devolution formula; (3) natural resource allocation between states; (4) state boundary changes and new state creation; (5) central scheme mandatory state contribution requirements; (6) President's Rule declarations; (7) constitutional amendments affecting Articles 1–4; (8) national disaster resource allocation.

Trade-off accepted. Rule-based prohibition is reversible by simple Rajya Sabha majority. The defence is institutional: a 10–15 year window allows federal voting culture to develop, after which reversal becomes politically costly even without constitutional mandate. Language policy is deliberately excluded from mandatory prohibition — moved to opt-in mechanism — to avoid constitutionally hardening North–South language conflicts.

4.3 — Government Formation: Revenue Zone Cabinet

A government can draw its entire majority from a contiguous belt of states while excluding entire regions. Reapportionment intensifies that risk: under any plausible delimitation, a Hindi-belt sweep can govern without holding a single seat from any of the five southern states. The design problem is to guarantee regional voices in Cabinet without imposing a hard formation threshold that hands hostage power to a precisely sized minority ²³.

4.3.1 — The Design Principle — Incentives, Not Barriers

Constitutional democracy cannot require a democratically elected majority to include members it did not elect. Any hard formation threshold can be challenged as violating the basic structure of parliamentary democracy. The design principle is therefore to **create structural incentives that make nationally representative governance in any government's self-interest, while guaranteeing regional voices in Cabinet through a constitutional backstop.**

4.3.2 — Article 74-A: Revenue Zone Cabinet Requirement

A new constitutional provision requires the Council of Ministers to include at all times at least one Cabinet-rank minister from each of four Revenue Zones, holding a portfolio within the top-30 ministries by budget allocation. **Revenue Zones** — existing administrative desig-

nations rather than culturally charged "regions" — carry no identity meaning, avoiding the Belgian-disease risk of constitutionally entrenching cultural divisions.

REVENUE ZONE	STATES INCLUDED	APPROX. LS SEATS (800)
Northern Zone	J&K, HP, Punjab, Haryana, Delhi, Uttarakhand, UP, Rajasthan, Bihar, MP, Chhattisgarh	~415
Southern Zone	Tamil Nadu, Kerala, Karnataka, Andhra Pradesh, Telangana	~168
Eastern Zone	West Bengal, Odisha, Jharkhand, Assam, all northeastern states	~135
Western Zone	Maharashtra, Gujarat, Goa	~100

If the governing coalition lacks elected members from a zone, the President appoints a technocrat minister on the PM's recommendation, confirmed by simple majority of that zone's Chief Ministers within 30 days. Silence constitutes confirmation. Technocrat ministers hold full Cabinet rank in top-30 portfolios but **do not participate in confidence votes**. A PM cannot assign technocrat ministers to marginal portfolios.

For the draft constitutional text, see [Appendix A.1](#).

4.3.3 — Broad-Based National Government Stability Premium

A government achieving at least **5% of seats from each Revenue Zone** qualifies as a "Broad-Based National Government" and receives one benefit: no no-confidence motion for the first 24 months of term.

All governments — qualifying or not — are subject to the **constructive no-confidence** requirement: any no-confidence motion must simultaneously name an alternative PM commanding a Lok Sabha majority. Germany's *Konstruktives Misstrauensvotum* has been used only twice in 75 years and is the empirical case for stability without preventing democratic removal.

No government has diminished constitutional authority for failing to qualify. The premium is purely a stability benefit for broad representation — a positive incentive without creating a constitutionally vulnerable category of "lesser" governments that would invite immediate Supreme Court challenge on separation-of-powers grounds.

4.4 — Judicial Reform: Collegium-Plus JATC

The collegium system has been legally robust and institutionally opaque. The reform target is transparency without recreating the executive-binding-authority defect that struck down the NJAC in 2015 ²⁴. The design space is bounded by the *Fourth Judges Case* — and the boundary is exactly where the Court's 2015 remedial order pointed.

4.4.1 — The Legal Constraint — Why a New NJAC Cannot Work

The Supreme Court's 4:1 ruling in the *Fourth Judges Case* (2015) ^{24 25} held the NJAC unconstitutional on three grounds: (a) the Union Law Minister's presence constituted direct executive overreach; (b) the two-member veto gave non-judicial figures power to override judicial primacy; (c) the Constitution's basic structure requires the judiciary's primacy in its own appointments.

An NJAC with Leaders of Opposition in binding positions recreates the same problem with different faces. It will be struck down. This is not a risk — it is a legal certainty given the explicit reasoning in the 2015 ruling.

4.4.2 — The Collegium-Plus Design

The existing five-judge Supreme Court Collegium retains full appointing authority. A new **Judicial Appointments Transparency Council (JATC)** operates alongside it in a purely advisory capacity.

JATC Composition. Retired Chief Justice (Chair, selected by former CJIs); CAG; Chief Election Commissioner; two eminent civil-society persons selected by parliamentary committee requiring 75% majority. **Law Minister: observer status only — no vote, no advisory opinion on specific candidates.**

Process.

- Collegium identifies candidates → JATC publishes structured assessment within 30 days (judicial record, diversity metrics, bar representations).
- If JATC recommends against, Collegium must reconsider or publish reasons for proceeding.
- All assessments and responses are public; collegium dissents are published alongside.

- President appoints on collegium recommendation as before — Articles 124 and 217 are not amended.

Additional reforms. Geographic diversity (max 35% SC judges from any single regional High Court); gender targets (30% women by 2032, 40% by 2038); 12-year term limits for SC judges.

This design survives the Supreme Court because the Collegium retains primacy, JATC is structurally advisory with no veto, and the Law Minister has no binding role. The Court in 2015 explicitly directed the government to finalise transparency mechanisms — JATC is the constitutional version of what the Court asked for.

4.5 — Constitutional Emergency Framework

A single emergency instrument usable for war and political suppression is inherently abusable. The 1975 Proclamation²⁶ used a framework designed for external attack to suspend civil liberties for 21 months. The 2020 COVID response was conducted entirely outside Article 352 because Article 352's history makes its political costs disproportionate to operational need. The 2019–2021 Kashmir internet shutdowns demonstrated emergency-level authority through subordinate legislation without any constitutional accountability. The fix is **type-differentiation with automatic lapse mechanisms** — the design pattern recommended by International IDEA's 2021 Constitution-Building Primer²⁷.

4.5.1 — The Problem with Article 352

Article 352 does not distinguish what kind of emergency has arisen: a war, a pandemic, an earthquake, a state-administration breakdown, an internal insurgency, or a cyber attack on critical infrastructure all trigger the same machinery — or none, if Cabinet judges the threshold unmet. The 44th Amendment's²⁸ requirement of written Cabinet recommendation was necessary but insufficient: it did not bound emergency powers by type or provide automatic lapse mechanisms.

The result is a known double failure mode. **Over-breadth:** the 25 June 1975 Proclamation used a war-grade framework to suspend Article 19, enable mass MISA detention, and continue for 21 months on the stated ground of "internal disturbance." **Under-precision:** post-1977 governments avoid Article 352 because of its 1975 association, displacing emergency-level decisions into subordinate legislation with no constitutional accountability.

4.5.2 — Six-Type Emergency Architecture

Each type has objective institutional triggers — technical certifications about factual conditions, not Cabinet judgments about severity — with calibrated powers, ceilings, and prohibitions.

TYPE	TRIGGER	INITIAL DURATION	AUTO-LAPSE	CANNOT SUSPEND
1 — External Attack	CCS unanimous recommendation; Presidential proclamation	6 months	180 days after formal ceasefire	Fundamental rights, Rajya Sabha, Finance Commission formula
2 — Public Health	DGHS + NDMA certification; Cabinet approval	90 days	60 days after WHO/ICMR certification of end conditions	Habeas corpus; Rajya Sabha; CoS binding authority after day 90
3 — Natural Disaster	NDMA declaration	Per NDMA certification	NDMA certifies conditions have passed	Normal constitutional operations — activates resources only
4 — Internal Conflict	Home Ministry certification; Cabinet; Presidential proclamation	3 months	Majority LS renewal required every 60 days	Habeas corpus; SC jurisdiction maintained throughout
5 — State Breakdown	Governor report; Cabinet recommendation; Presidential proclamation	1 year max without fresh elections	RS must approve within 30 days or proclamation lapses	State's right to fresh elections cannot be permanently suspended
6 — Cyber Emergency	CERT-In Director General + NSA; Cabinet	30 days	No renewal without Cabinet vote every 30 days	Political communication; individual comms without warrant

Article 352 is preserved as a backstop for any contingency that fits no purpose-built type.

4.6 — Finance Commission and Fiscal Federalism

The fiscal architecture has five jobs: (1) defuse the catastrophic-downside negotiation dynamic that defeated the 131st Amendment, (2) reward states that achieved fertility decline without rewarding only past achievers, (3) recognise OBC fiscal needs that population-only for-

mulas underweight, (4) align tax retention with developmental need, and (5) give state governments a binding executive voice in federal fiscal decisions ²⁹.

4.6.1 — Phase 0 — The Non-Negotiable Pre-Condition

Before any constitutional amendment is introduced, a Finance Commission Act amendment creates the **Population-Weighted Finance Commission Guarantee**: if the central government proceeds with delimitation by simple majority without constitutional amendment, the Finance Commission shall apply an additional 3.5% devolution weight to each state whose Lok Sabha seat share decreases. This requires only a simple parliamentary majority — passed in Phase 0 to transform southern parties' negotiating position before constitutional discussions begin.

The strategic logic. Southern parties enter constitutional negotiations fearing a catastrophic downside: if negotiations fail, they face simple-majority delimitation with no protections. Phase 0 eliminates the catastrophic downside. They no longer face a binary choice between a complex constitutional package and disaster. The burning-copies-of-the-bill dynamic ¹⁸ is defused before it begins.

4.6.2 — Permanent Demographic Dividend Formula

Embedded in the Finance Commission Act as a standing provision (removable only by parliamentary amendment with Rajya Sabha concurrence): states achieving TFR ≤ 2.1 by **2001** receive a permanent additional **2.5%** horizontal devolution weight.

Forward-looking extension:

- TFR ≤ 2.1 by 2011 \rightarrow 1.5% additional weight
- TFR ≤ 2.1 by 2021 \rightarrow 0.75% additional weight

This creates ongoing incentives rather than rewarding only past achievers — a critical design choice given the demographic inversion described in Part 5 ¹⁶.

4.6.3 — OBC Development Dividend

States demonstrating improving OBC Human Development Index — education, health, economic participation — receive an additional **1.5%** devolution weight, measured using NITI

Aayog's independently conducted five-yearly OBC HDR.

This metric cuts across north–south lines, rewarding genuine investment in OBC welfare regardless of geography. The independence of the measurement source is the gaming defence: states do not self-report their HDI improvements.

4.6.4 — Performance-Linked Fiscal Retention

STATE HDI CATEGORY	CENTRAL TAX RETENTION	RATIONALE
Top quartile (significantly above national average)	48%	Advanced states need less central support; higher retention funds own development
Second quartile	44%	Graduated intermediate incentive
Third quartile (at national average)	41%	Current baseline — no state loses from current position
Bottom quartile (significantly below national average)	35%	More central redistribution for developing states

Disaster override. NDMA disaster-declared states automatically receive top-quartile retention for 3 years regardless of HDI metrics. A **Disaster Contingency Fund** (2% of central tax collections annually) releases automatically to disaster-declared states within 6 hours by executive order, without parliamentary or Council of States approval for the initial 90-day period.

4.6.5 — Council of States — Reformed Executive Federal Body

The Inter-State Council under Article 263 is reconstituted as the **Council of States** — a binding federal executive body. Composition: all Chief Ministers plus the Prime Minister as Chair, with an independent permanent secretariat.

Decision rule: 60/40 double majority. Binding decisions on defined federal executive matters require more than 60% of states by count *AND* more than 40% of national population simultaneously. This prevents Hindi-belt population majority from overriding smaller states while preventing small-state coalitions from blocking large-state interests. The mechanism is borrowed from the EU Council, which has run on double-majority rules across 27 deeply diverse member states since 2014.

Subjects requiring Council approval: Finance Commission terms of reference; national water resource allocation; spectrum and natural resource allocation; inter-state infrastructure with asymmetric impact.

Explicitly excluded: all defence and security matters; public health emergency declarations in first 90 days; disaster relief operations in first 90 days; all GST Council decisions.

ARTICLE 4

Demographic Convergence

Addressing 2047–2060

Every previous reform framework treated the delimitation problem as a 2027–2034 crisis to be managed. None addressed the deeper question: what happens when the problem changes character?

By 2040–2055, India's internal TFR differential will have substantially narrowed. The representational problem of today — southern states losing political weight due to demographic success — will transform: southern states facing ageing-driven economic and fiscal stress while previously high-fertility northern states have young-adult labour surpluses^{16 17}. A constitutional reform designed for 2027 with no adaptation mechanism for 2047 is not a reform — it is the next freeze.

5.1 — The Problem No Previous Reform Addressed

Every previous reform framework — including the three analytical predecessors to this paper and the government's 131st Amendment — treated the delimitation problem as a 2027–2034 crisis to be managed. None addressed the deeper question: what happens when the problem changes character?

By 2040–2055, India's internal TFR differential will have substantially narrowed. Bihar will have reached replacement fertility. UP will have been at replacement for 15–20 years. The representational problem of today — southern states losing political weight due to demographic success — will transform: southern states will face ageing-driven economic and fiscal stress while previously high-fertility northern states have young-adult labour surpluses. The political and economic dynamic of 2050 will be the inverse of 2026 in important respects.

5.2 — The National Population Equilibrium Target

Parliament shall, by law, establish a **National Population Equilibrium Target (NPET)** for each census decade — a target band for each state's population growth rate relative to the national average. The target is **bidirectional**: both excessive growth (above national average + 15%) and excessive decline (below national average – 15%) are addressed.

States whose population growth rate falls within the NPET band receive an **Equilibrium Dividend** in the Finance Commission formula: an additional **2%** devolution weight.

This is the critical innovation: the policy rewards both population-growth control (relevant for northern states today) and population-growth maintenance (relevant for ageing southern states tomorrow). National demographic equilibrium — not minimum or maximum growth — becomes the rewarded outcome. Kerala and Tamil Nadu, actively encouraging families to have more children, would be rewarded for approaching the national equilibrium band rather than penalised for moving away from it.

5.3 — The Inter-State Demographic Integration Programme

As fertility rates converge nationally, structured internal migration becomes a national interest. Three interlocking elements:

- **Full portability of central social benefits.** PDS rations, Ayushman Bharat health coverage, and MGNREGS entitlements are fully portable across state lines. A migrant from Bihar working in Tamil Nadu does not lose their entitlements. This is constitutionally protected portability, not state discretion.
- **Receiving-state fiscal compensation.** States with high net in-migration receive additional Finance Commission devolution proportional to their net migration count, compensating for infrastructure pressure from population inflows.
- **Sending-state Human Capital Dividend.** States with high out-migration receive a one-time payment for each migrant worker completing a recognised skills training programme — incentivising quality, not quantity, of labour export.

The political logic creates positive-sum incentives. Kerala and Tamil Nadu, facing labour shortages from ageing, benefit from structured migration. UP and Bihar, needing employment for young-adult surpluses, benefit from benefit portability and skills investment. This is a national interest framework — not charity from north to south or south to north.

5.4 — The 20-Year Constitutional Review Commission

A constitutional provision mandates that every 20 years from this reform's commencement, the President shall constitute a **Constitutional Review Commission** to assess whether the framework's provisions are functioning as designed and recommend adjustments.

Composition. Former Chief Justice (Chair); former CAG; former Chief Election Commissioner; two constitutional scholars appointed through JATC process; two state Chief Ministers elected by the Council of States.

Mandate. Review federal-equity outcomes; assess demographic convergence; evaluate emergency framework; recommend formula adjustments consistent with the reform's founding principles.

The Commission **cannot amend the Constitution**. Its report is mandatory parliamentary and state-legislative reading, with recommendations debated (not necessarily adopted) within 12 months. This mechanism ensures the reform does not become the next 1976 freeze ⁷ — a politically convenient solution that outlasts its own utility and creates the next generation's constitutional crisis.

5.5 — The 30-Year Review of the Performance-Weighted Formula

The Performance-Weighted Allocation Formula has a constitutionally mandated review at the third census following implementation (approximately 2057). The 20-Year Constitutional Review Commission applies a 0.5% seat-share-decline threshold test — assessing whether demographic convergence has made the performance weight unnecessary.

If convergence is sufficient, the Commission may recommend reducing the performance weight from 15% to 10% or 5%. **Implementation requires a three-quarters parliamentary majority.**

The sunset is **not automatic expiry** — it is a constitutional review trigger requiring each generation to make a conscious political choice about whether the protection remains necessary. This prevents both premature removal (before convergence is real) and permanent entrenchment (after convergence makes it distorting).

Implementation

Phase 0 to Phase 5

Constitutional reform in India fails primarily for two reasons: wrong sequencing and inadequate political preparation. The 131st Amendment was introduced in a three-day special session with minimal prior consultation and no demonstrated good faith on the concerns it would generate.

This proposal sequences implementation based on **political incentive structures**, not ideal design logic. Early phases demonstrate good faith before asking for hard concessions.

6.1 — The Sequencing Logic

The structural failure in Indian constitutional reform is not the absence of good ideas — it is the order in which they are introduced. A 131st-style "introduce the full package, demand a vote" sequence forces every party to defend or attack everything at once. Adversarial coalitions can defeat any single element regardless of its merits.

This proposal reverses the order. **Pass the parts that lower the cost of failure first.** Phase 0 (Finance Commission floor) costs nothing if the constitutional package succeeds and protects southern states if it fails. Phase 1 (women's reservation, IDAI, fiscal reform) is widely supported and demonstrates good faith. Only after these have shipped do the harder constitutional amendments come up. By that point, the "what if it fails?" objection has been answered by the floor that already exists.

6.2 — Phase 0: The Non-Negotiable Pre-Condition (Months 1–3)

Pass the Finance Commission Act amendment creating the Population-Weighted Guarantee. **Simple parliamentary majority. No constitutional amendment. No state ratification.**

This single act transforms the negotiating environment. Southern parties enter constitutional discussions without a catastrophic downside. The burning-copies-of-the-bill dynamic¹⁸ is defused before negotiations begin.

6.3 — Phase 1: Quick Wins (Months 3–9)

Four parallel tracks — none requiring the central constitutional amendment — to demonstrate good faith and ship visible results.

- **1A — Women's Reservation.** Amend Article 334A. Implement 33% with OBC sub-quota framework on existing 543 seats for the 2029 election. Constitutional amendment. Widely supported.
- **1B — IDAI Establishment.** Pass Delimitation Authority Act. Ordinary legislation. IDAI constituted and operational before 2027 census data arrives.
- **1C — Finance Commission Reform.** Finance Commission (Amendment) Act — Demographic Dividend, OBC Development Dividend, performance-linked retention. Ordinary majority.
- **1D — Demographic Convergence Policy.** National Population Equilibrium Target framework by statute. Inter-state benefit portability begins.

6.4 — Phase 2: Central Constitutional Package (Months 9–18)

Single constitutional amendment bill containing: Lok Sabha expansion to 800 seats with Performance-Weighted Formula; Fifth Schedule floor guarantee; Article 246-A Federal Equity provision; Article 74-A Revenue Zone Cabinet Requirement; Broad-Based Government stability premium; women's reservation extension to 800-seat house; language protection (Article 29 amendment); five-tier emergency framework; 20-Year Review Commission mandate.

Required majority. 2/3 Lok Sabha + 2/3 Rajya Sabha + state ratification (3/4 states for Fifth Schedule; 1/2 states for Article 81 and Article 74-A).

A single package forces a single vote — preventing each provision from becoming individual leverage.

6.5 — Phase 3: Rajya Sabha Constitutional Amendment (Months 18–30)

Separate constitutional amendment bill for Rajya Sabha tiered reform. Separated because it requires state ratification and is the most politically sensitive provision for large states.

By this point, Phases 0–2 have demonstrated good faith — Finance Commission formula is paying out, IDAI is operational, women's reservation is implemented. The negotiating environment is transformed. Asking UP to give up 12 Rajya Sabha seats reads differently when UP has already received +37 Lok Sabha seats and the Demographic Dividend has begun flowing south.

6.6 — Phase 4: IDAI Delimitation (Months 30–48)

2027 census data published → IDAI activates automatically within 30 days → 18-month delimitation process → Regional Impact Statements published in all 22 scheduled languages → 60-day state government response period → Supreme Court constitutional review → New 800-seat constituencies ready for 2034 election.

Women's reservation applies to existing seats in 2029; applies to new 800-seat house from 2034.

6.7 — Phase 5: Self-Sustaining System (Year 4 Onward)

JATC operational; Collegium transparency functioning; Council of States quarterly meetings; Language Parity Commission annual reporting; National Population Equilibrium Target operational; first 20-Year Review Commission constituted for 2046 review.

The system operates without political intervention — each component has automatic activation and automatic lapse mechanisms requiring no discretionary government decision. The architecture's success criterion is precisely this: a future Parliament that wants to abuse the framework finds that the framework operates against itself.

ARTICLE 6

Loophole Audit

What Could Still Go Wrong

Constitutional design can constrain bad behaviour and create positive incentives. It cannot resolve underlying social, demographic, or political tensions. This Part documents three categories of risk: legal vulnerabilities the proposal accepts, political gaming scenarios it must defend against, and tensions no constitution can resolve.

7.1 — Constitutional Vulnerabilities

VULNERABILITY	DESCRIPTION	PROBABILITY	MITIGATION
Performance Weight challenged under Article 81	Article 81 requires proportionality; the 15% performance weight is a departure	Moderate	Constitutional defence via Articles 14 and 38 social-justice principle; formula defined not as deviation from proportionality but as socially-just definition of it
OBC sub-quota within women's reservation struck down	Court may not extend sub-classification logic from SC/ST to OBC women's sub-quota	Low–moderate	Worst case: 33% reservation still stands. Sub-quota reversal is not structural catastrophe
JATC challenged as judicial-independence violation	Even an advisory body near appointments may be challenged	Low	Court in 2015 ²⁴ explicitly invited transparency mechanisms; JATC has no veto; Law Minister has no binding role
Technocrat minister confirmation abused as political weapon	Opposition zone CMs refuse to confirm any PM nominee	Low	30-day silence-constitutes-confirmation provision; PM can challenge refusal as bad faith
Fifth Schedule 3/4 threshold challenged as exceeding Article 368	Creating a new ratification category may itself need constitutional authority	Moderate	Fifth Schedule is placed in existing Article 368 ratification procedures — no new category created; existing 3/4 threshold for the Schedule applied to floor guarantee placement

7.2 — Political Gaming Scenarios

SCENARIO	MECHANISM	PROBABILITY	COUNTER
Whip prohibition reversed by future RS majority	Rules of Procedure amendment by simple RS majority	Moderate (10–15 years)	Federal voting culture develops during the window; reversal becomes politically costly even without constitutional mandate
5% zone threshold gamed through pre-election alliances	Parties form nominal alliances satisfying threshold but lacking governing coherence	Moderate	Anti-defection rules create friction; constructive no-confidence prevents opportunistic collapse without coherent alternative
OBC Development Dividend gamed by inflated HDI data	States publish false OBC HDI improvements	Low	NITI Aayog independently conducts five-yearly OBC HDR; states do not self-report

SCENARIO	MECHANISM	PROBABILITY	COUNTER
Council of States double majority used to block legitimate national policy	Small-state coalition achieves 60% state-count majority to veto policy against larger-state interests	Low–moderate	40% population requirement simultaneously prevents pure small-state domination; both conditions must be met
Phase 0 Finance Commission provision repealed by next government	Simple parliamentary majority reverses fiscal guarantee	Moderate (long-term)	Political cost: any government that repeals fiscal protection for states that lost seat share faces those states' electoral consequences; self-interest maintains the provision

7.3 — The Three Unresolvable Tensions

Constitutional design can constrain bad behaviour and create positive incentives. It cannot resolve underlying social, demographic, or political tensions. Three tensions remain structurally unresolvable by this or any constitutional framework:

- **Population vs. Federal Equity.** The Performance-Weighted Formula is a bridge, not a permanent resolution. Every census recalibration will generate political conflict. The 20-Year Review Commission manages this tension — it does not eliminate it.
- **Caste and Gender.** Within the 33% women's reservation, competing claims from OBC, SC, ST, and general-category women create permanent distributional conflict. Constitutional text provides a fair process; it cannot resolve the underlying social-power contestation.
- **Short-term vs. Long-term Political Incentives.** Southern leaders must accept short-term political optics for long-term structural protection. This requires political leadership of a kind that constitutional design cannot manufacture — it can only make the trade as attractive as possible.

ARTICLE 7

Comparative Analysis

Lessons from Other Federations

Constitutional design rarely benefits from invention. Almost every problem this proposal addresses has been faced by another deeply diverse federation, and the lessons — what works, what fails, and how — are documented in their constitutional histories.

COUNTRY / INSTITUTION	FEDERAL MECHANISM	LESSON APPLIED	WHERE APPLIED
United States	Senate equality (2 per state regardless of population); Article V prohibition on Senate equality amendment	Pure state equality creates extreme per-voter power differential (Wyoming : California = 68:1); India's tiered compression is more defensible as a transitional arrangement	Rajya Sabha tiered model
Germany	Bundesrat tiered representation (3–6 votes per state); <i>Konstruktives Misstrauensvotum</i> used only twice in 75 years	Tiered federal chamber achieves federal equity without the US extreme; constructive no-confidence creates stability without preventing democratic removal	Rajya Sabha tiered model; constructive no-confidence requirement
European Union	Council double majority (55% of member states + 65% of population)	Double majority is the most tested mechanism for decision-making in deeply diverse federations — proven across 27 member states	Council of States 60/40 double majority
Belgium	Mandatory linguistic-community parity in government formation; 541-day government-formation crisis (2010–2011) ²³	Hard mandatory thresholds with constitutionally defined identity categories produce catastrophic formation crises and entrench identity divisions	Why hard regional thresholds were rejected; why "Revenue Zones" replace "regions"
Switzerland	Federal Council magic formula: power-sharing among major parties since 1959; consensus democracy since 1848 ^{30 31}	Decisions are lasting only if supported by minority as well as majority — the consociational principle India needs	Revenue Zone Cabinet Requirement; Broad-Based Government stability premium
Northern Ireland — Good Friday Agreement (1998)	Mandatory cross-community power-sharing; petition of concern; graduated sovereignty protections	Mandatory power-sharing can maintain peace; binary community definition and external guarantors create fragility	Why binary North/South definition is avoided in favour of four-zone administrative structure

COUNTRY / INSTITUTION	FEDERAL MECHANISM	LESSON APPLIED	WHERE APPLIED
South Africa	Proportional representation; Government of National Unity mechanism; Constitutional Court as independent rights enforcer	Inclusive government mechanisms post-conflict; strong judicial independence protects minority rights	JATC design for judicial independence; Council of States as inclusive executive mechanism

The pattern across cases: federations survive when minorities have institutional voice; they fail when majoritarian arithmetic is unmediated. India's reform must be measured by the same test ³².

ARTICLE 8

Stakeholder Analysis

For a constitutional reform to pass, every major stakeholder must believe their position is at least as good after as before. This Part documents the gains, concessions, and net assessment for each major actor — the arithmetic of consent.

STAKEHOLDER	PRIMARY GAINS	PRIMARY CONCESSIONS	NET
BJP / Hindi-Belt States (UP, Bihar, Rajasthan, MP)	UP 80→117 LS seats (+46%) — largest absolute LS gain in Indian history. Constructive no-confidence protects stable governments. Council of States gives state governments direct executive federal power.	UP RS 31→19 (−12). IDAI removes gerrymandering control. Revenue Zone requirement mandates southern Cabinet presence.	Strongly positive. LS gains are the largest democratic representation correction in India's history; RS loss is the necessary price.
Congress / Southern Parties (TN, KL, KA, AP, TS)	Women's reservation immediately. RS seats increase for all southern states. Permanent Demographic Dividend. Individual-state veto (Fifth Schedule). Phase 0 fiscal guarantee. Article 246-A justiciable remedy.	~0.1–0.2% LS seat-share change (down from 3.3% decline under pure proportionality at 816 seats). Accept RS tier allocations.	Positive. Structural federal protections worth more than marginal seat-share. Phase 0 eliminates the catastrophic-downside scenario.
Regional Southern	CoS direct executive power for CMs. RS whip-free voting on 8	Coalition hostage power reduced — constructive	Strongly positive. Genuine executive

STAKEHOLDER	PRIMARY GAINS	PRIMARY CONCESSIONS	NET
Parties (DMK, YSRCP, BRS)	federal subjects. Article 246-A. Language protection. OBC sub-quota in women's reservation.	no-confidence prevents opportunistic destabilisation.	federal power they have never had before.
Small & Northeastern States	RS tiered: Sikkim 1→4 (+300%), Goa 1→4 (+300%). Council of States equal vote. Revenue Zone Cabinet inclusion. Demographic Integration Programme.	None significant — these states are unambiguous winners.	Unambiguous net gain in every dimension.
OBC Communities	OBC sub-quota in women's reservation. OBC Development Dividend. IDAI mandatory OBC representation analysis. NPET creates positive incentives for demographic balance.	Overall reservation cap (50%) not increased — courts have upheld this cap; the proposal cannot guarantee judicial modification.	Mixed but positive. Significant representational and fiscal gains; cap remains contested separately.
Women Nationally	33% reservation implemented immediately for 2029 election ⁹ . ~34–35% RS through party quota + reformed nominated seats. No condition attached to any gain.	Nothing. Pure gain in both chambers.	Unambiguous gain — the most immediate and unconditional benefit.
All Citizens	More equal vote weight. Gerrymandering-proof delimitation. Stable national governments with cross-regional legitimacy. Pre-positioned emergency authority. Structurally protected federation.	Transition uncertainty during 4-year implementation. Larger Lok Sabha (manageable). Gradual rather than immediate implementation of some protections.	Positive long-term governance improvement for every citizen regardless of state or identity.

The arithmetic is not symmetric. UP loses 12 RS seats and gains 37 LS seats. Tamil Nadu accepts a 0.2-point share decline and gains a permanent fiscal dividend, a state-veto floor, and federal-chamber influence it never had. This is not balance — it is *positive-sum*, which is the only condition under which constitutional amendments of this magnitude pass¹⁰.

Constitutional Provisions

Draft text of new and amended Articles

Key new constitutional provisions in draft form. Final text requires legal drafting by the Law Ministry and parliamentary process under Article 368.

A.1 — Article 74-A: Revenue Zone Cabinet Requirement (New Article)

(1) The Council of Ministers shall at all times include at least one Minister of Cabinet rank from each Revenue Zone of India as defined by Parliament by law, holding a portfolio within the thirty Ministries and Departments with the highest annual budgetary allocation as determined by the Finance Ministry each year.

(2) Where the governing coalition does not include elected members of the House of the People from a Revenue Zone, the President shall, on the advice of the Prime Minister, appoint a person of recognised professional standing with not less than fifteen years of professional experience in their field, and who has not held any office in any political party in the preceding ten years, as Minister of Cabinet rank for that Zone.

(3) Such appointment shall be confirmed by a simple majority of the Chief Ministers of States within that Revenue Zone. Failure to respond within thirty days shall constitute confirmation by default.

(4) Ministers appointed under clause (2) shall hold full Cabinet rank but shall not participate in votes of confidence or no-confidence.

A.2 — Article 246-A: Federal Equity Provision (New Article)

(1) Where Parliament makes a law that has the direct and measurable effect of —

(a) reducing the share of any State in the House of the People below its share at the commencement of the Constitution (Amendment) Act [Year] by more than 0.5 percentage points, or (b) reducing the horizontal devolution share of any State under the Finance Commission by more than 0.5 percentage points

without the affirmative resolution of that State's Legislative Assembly, any affected State may petition the Supreme Court of India for a declaration of federal inequity.

(2) The Supreme Court may, on issuing such declaration, suspend the operation of such law within the petitioning State, pending Parliament's legislative response within one hundred and twenty days.

(3) Parliament's response must either address the declared inequity or provide equivalent fiscal compensation to the petitioning State as certified by the Finance Commission.

(4) Nothing in this Article shall limit Parliament's power to make laws on any subject in the Union List or Concurrent List, but shall require that such laws be designed and implemented in a manner consistent with the federal character of the Union.

A.3 — Amendment to the Fifth Schedule — Floor Guarantee

The provisions of the Fifth Schedule to this Constitution are amended to add the following paragraph:

F. Seat Allocation Floor Guarantee. The allocation of seats to any State in the House of the People as established pursuant to the Constitution (Amendment) Act [Year] and any subsequent delimitation order shall not be reduced below the allocation prevailing at the commencement of that Act, without the affirmative resolution of the Legislative Assembly of that State passed by a majority of not less than two-thirds of the total membership of that Assembly. Any constitutional amendment purporting to reduce such allocation without such affirmative resolution shall be void to the extent of such reduction in relation to that State.

A.4 — Amendment to Article 29 — Language Protection

(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script, or culture of its own shall have the right to conserve the same.

(2) No directive, executive order, administrative instruction, or legislation of the Union Government shall require any State to adopt any particular language as the mandatory medium of administration, official communication, government examinations, or public education, without the affirmative resolution of the Legislative Assembly of that State passed by a majority of members present and voting. Any such requirement applied to a State without such resolution shall be void within that State to the extent of its application ³³.

State Data Tables

State-by-state seat allocation comparisons

Indicative allocations. Final numbers determined by IDAI using 2027 census data. Performance weight applied where it exceeds strict proportional allocation.

B.1 — Lok Sabha Seats — Current, Proportional, and Performance-Weighted

STATE	CURRENT LS	POP. SHARE (2011)	STRICT PROPORTIONAL (800)	PERF. WEIGHT ($\times 1.15$)	FINAL (800)	LS CHANGE	RS CHANGE
Uttar Pradesh	80	16.5%	132	92	132	+52	31→19 (−12)
Maharashtra	48	9.3%	74	55	74	+26	19→19 (0)
Bihar	40	8.6%	69	46	69	+29	16→19 (+3)
West Bengal	42	7.5%	60	48	60	+18	16→19 (+3)
Madhya Pradesh	29	6.0%	48	33	48	+19	11→19 (+8)
Rajasthan	25	5.7%	46	29	46	+21	10→19 (+9)
Tamil Nadu	39	5.9%	47	45	47	+8	18→19 (+1)
Karnataka	28	5.0%	40	32	40	+12	12→19 (+7)
Gujarat	26	4.9%	39	30	39	+13	11→19 (+8)
Andhra Pradesh	25	4.1%	33	29	33	+8	11→19 (+8)
Odisha	21	3.5%	28	24	28	+7	10→10 (0)

STATE	CURRENT LS	POP. SHARE (2011)	STRICT PROPORTIONAL (800)	PERF. WEIGHT (×1.15)	FINAL (800)	LS CHANGE	RS CHANGE
Telangana	17	2.9%	23	20	23	+6	7→10 (+3)
Kerala	20	2.8%	22	23	23	+3	9→10 (+1)
Jharkhand	14	2.7%	22	16	22	+8	6→6 (0)
Assam	14	2.6%	21	16	21	+7	7→10 (+3)
Punjab	13	2.3%	18	15	18	+5	7→10 (+3)
Chhattisgarh	11	2.1%	17	13	17	+6	5→6 (+1)
Haryana	10	2.1%	17	12	17	+7	5→10 (+5)
Delhi (UT)	7	1.4%	11	8	11	+4	3→3 (UT)
Other States/UTs	29	3.7%	30	—	30	Varies	Varies
TOTAL	543	100%	800	—	800	+257	245→356 (+111)

B.2 — Southern States — Comprehensive Position Under This Proposal vs. Simple-Majority Alternative

METRIC	SIMPLE-MAJORITY DELIMITATION	THIS PROPOSAL	DIFFERENCE
Tamil Nadu LS seats	~31–32 (LOSS of 7–8)	47 (GAIN of 8)	15-seat differential
Kerala LS seats	~14–15 (LOSS of 5–6)	23 (GAIN of 3)	8–9 seat differential
Tamil Nadu RS seats	18 (unchanged)	19 (+1)	Small RS gain vs. no change
Kerala RS seats	9 (unchanged)	10 (+1)	Small RS gain vs. no change
Finance Commission demographic dividend	None	2.5% additional weight (permanent)	Major fiscal gain
LS floor guarantee	None	Constitutional — Fifth Schedule (3/4 states to	Full protection vs. none

METRIC	SIMPLE-MAJORITY DELIMITATION	THIS PROPOSAL	DIFFERENCE
		remove)	
Federal veto on water allocation	None	RS absolute veto (whip-free state-interest voting)	Complete protection vs. none
Council of States executive power	None	60/40 double majority binding on federal executive	Genuine federal voice vs. none
Language protection	None (executive orders sufficient)	Article 29 constitutional consent requirement	Constitutional right vs. political risk
Fiscal compensation if further share loss occurs	None	Article 246-A justiciable remedy + automatic FC weight	Legal remedy vs. no recourse

The alternative is **not** the status quo. It is the constitutionally available path after the 2027 census ⁵. Every political calculation must begin with this asymmetry.

APPENDIX C

Alternatives Considered

The Road Not Taken

This proposal is not the first attempt to address India's delimitation crisis. Six prior frameworks were developed, stress-tested, and either rejected or modified before arriving at the design presented here.

Each is documented to provide readers with full transparency on the intellectual path taken and to show what the design space looks like once you take political constraints, basic-structure jurisprudence, and political-economy seriously.

2.1 — Alternative A: Pure Proportional Expansion at 816 Seats (Rejected)

The government's 131st Amendment proposed expanding Lok Sabha to 816 seats based on strict proportional allocation using 2011 census data, with a verbal (non-written) assurance that southern states would maintain share through a 50% expansion model ⁴.

Rejected for three documented reasons. (1) Southern states' share still declined from 23.8% to approximately 20.5% under strict proportionality even at 816 seats — the seat-share number became the political kill switch regardless of compensating mechanisms. (2) The share protection was a ministerial verbal assurance, not constitutional text — opposition parties rightly refused to vote for constitutional restructuring on the basis of promises. (3) The proposal packaged four separate problems — seat expansion, women's reservation, delimitation timing, and Rajya Sabha structure — into a single take-it-or-leave-it package, ensuring that opponents of any one element could defeat the whole.

Retained: the scale of expansion (800-range seats). **Modified to:** 800 seats with a Performance-Weighted Formula that eliminates the seat-share-decline number at its mathematical root.

2.2 — Alternative B: Hard Regional Threshold for Government Formation (Rejected)

An earlier framework proposed a dual confidence requirement: government must demonstrate both a numerical Lok Sabha majority and a minimum 10% of seats from each of five constitutionally defined regions. Formation was constitutionally prevented without both conditions.

Rejected for three reasons. (1) Hard thresholds create precisely sized leverage points — a party at exactly 17 southern seats (10% of 167) has disproportionate hostage-taking power to extract concessions under threat of constitutional formation failure. (2) Specific seat counts become foreign intelligence targets — a 17-seat constitutional minimum is a precise and targetable objective. (3) The Belgian experience demonstrates mandatory formation thresholds produce government crises exceeding 500 days ²³.

Replaced by: the Revenue Zone Cabinet Requirement (structural guarantee) and Broad-Based National Government Stability Premium (positive incentive) — structural protections without punitive hard thresholds.

2.3 — Alternative C: Rajya Sabha at 2:1 Compression (Modified)

A prior analytical version proposed compressing the Rajya Sabha ratio from the current 31:1 (UP: 31, Sikkim: 1) to 2:1, with an 8-seat maximum for all large states. This produced an ideal federal chamber but required UP to lose 23 Rajya Sabha seats (31→8).

Modified, not rejected. The 2:1 ideal is constitutionally sound but politically impossible in current parliamentary arithmetic. No governing coalition in which BJP is dominant can agree to a constitutional amendment reducing UP's Rajya Sabha representation by 74%. Constitutional amendments require state ratification — and the states losing most seats are precisely those needed for ratification arithmetic ²¹.

Adopted: the tiered model (19-seat maximum, 12-seat loss for UP) as a meaningful reform that survives contact with political reality. The 2:1 ideal remains the long-term trajectory; the 20-Year Constitutional Review Commission provides the pathway.

2.4 — Alternative D: NJAC with Cross-Partisan Composition (Rejected)

A prior framework proposed a National Judicial Appointments Commission with Leaders of Opposition in both houses holding binding co-appointment authority alongside the Chief Justice and senior judges.

Rejected on legal grounds. The Supreme Court's 4:1 ruling in *Supreme Court Advocates-on-Record Association v. Union of India* (2015) — the Fourth Judges Case — held that judicial independence is a basic structure element requiring the judiciary's primacy in its own appointments ²⁴²⁵. The Court held that the presence of the Union Law Minister constituted direct executive overreach, and that a two-member veto gave non-judicial figures power to override judicial primacy. An NJAC with Leaders of Opposition in binding positions faces the identical constitutional challenge. It will be struck down again. This is not a risk — it is a legal certainty.

Replaced by: the Collegium-Plus Judicial Appointments Transparency Council (JATC) — a purely advisory body with no veto power, preserving collegium primacy while adding the structured transparency mechanisms the Court explicitly invited in its 2015 remedial order.

2.5 — Alternative E: Northeastern Emergency Confederation (Removed)

A prior version created a constitutional Northeastern Emergency Confederation — a joint governance structure for northeastern states activating if the Siliguri Corridor were severed during military conflict.

Removed on political-communication grounds. Regardless of its defensive strategic intent, any constitutional provision pre-designing governance for India's northeast in the event of connectivity loss will be characterised — accurately in political messaging terms — as constitutional preparation for secession. The political cost exceeds the constitutional benefit.

The Siliguri Corridor contingency is addressed instead through a classified defence-ministry operational plan — functionally equivalent without creating constitutional text that opponents can weaponise. The Type 1, 3 and 4 frameworks of the proposed emergency architecture provide adequate authority for any actual connectivity-loss scenario.

2.6 — Alternative F: Federal Compact as Philosophical Declaration (Replaced)

Previous versions included a Federal Compact clause in Article 1 declaring federalism a basic structure element. This was identified as legally redundant — the Supreme Court already established in *Kesavananda Bharati* (1973)¹⁹ and *S. R. Bommai* (1994)³⁴ that federalism is a basic structure element. A declaration of what the Court has already held adds no new legal protection.

Replaced by: Article 246-A — a specific, bounded, justiciable Federal Equity provision creating a concrete judicial remedy for the concrete scenario southern states actually face: Parliament systematically disadvantaging their fiscal or representational position without state consent. (See [Appendix A](#) for the draft text.)

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