



## DELIMITATION AND INTERSTATE MIGRATION: ADDRESSING REPRESENTATION CHALLENGES IN KERALA

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### ABSTRACT

*Delimitation is an essential aspect of India's democracy. It ensures fair representation by adjusting electoral boundaries based on population changes. However, the long-term migration of citizens within the country creates challenges for this process. As a case study, this article focuses on how interstate migration affects electoral representation in Kerala. It aims to highlight the gaps in the current laws and administrative systems and suggest practical reforms that can make the delimitation process more inclusive and representative.*

**Keywords:** Electoral Representation, Interstate Migration, Delimitation Reform, Dynamic Voter Inclusion.

### INTRODUCTION

India prides itself on being the world's largest democracy, where elections are the cornerstone of its democratic functioning. However, the integrity of this electoral process is deeply influenced by the way electoral constituencies are drawn—a process known as delimitation. While delimitation is intended to ensure fair representation by adjusting electoral boundaries in response to demographic changes, it can also become a tool that dilutes the right to vote quantitatively and qualitatively. Quantitative dilution occurs when significant population disparities among constituencies result in votes carrying unequal weight. Qualitative dilution, on the other hand, happens when gerrymandering—manipulating constituency boundaries to benefit a particular candidate or party—diminishes a voter's ability to elect their preferred representative. Therefore, the process of delimiting constituencies plays a crucial role in either

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reinforcing or undermining democracy. <sup>1</sup>Delimitation is vital for fair representation in India's democracy. It adjusts constituency boundaries based on population changes to ensure the “one person, one vote, one value” principle. Articles 82 and 170 of the Indian Constitution authorise the Delimitation Commission to manage this process.<sup>23</sup>

However, interstate migration complicates delimitation. Migration often happens because of economic differences and job opportunities. Kerala is one of the states in India that has seen many incoming workers from other states. A recent report by the National Migrant Workers Union (NMWU) highlighted that 72 migrant workers have married local women in Kerala, indicating their deeper social integration.<sup>4</sup>These workers significantly boost the state's economy but often struggle to gain political representation due to administrative hurdles. Kerala's high literacy rate, well-developed administrative structure, and welfare-oriented policies have made it a prime destination for interstate migrants. This, combined with its reliance on migrant labour for key industries like construction and agriculture, makes it a suitable case study to explore migration and electoral representation. This paper is structured to study the issue of delimitation and its relationship with interstate migration in Kerala. It examines the main problems and challenges caused by migration and its effects on electoral representation, discusses the gaps in the current laws and systems that make it hard to manage this process correctly, explains the solutions that can help make the delimitation process more inclusive and fairer, and lists the problems that might arise when implementing these solutions.

## KEY ISSUES AND CHALLENGES

Having outlined the importance of delimitation, we will now turn to the pressing issues created by interstate migration. This paper focuses on the challenges specific to Kerala, highlighting how uneven representation and systemic barriers affect the state's electoral landscape.

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<sup>1</sup> Venkatanarayanan Sethuraman, One person, one vote, one value, *The Hindu* (Dec. 17, 2023), <https://www.thehindu.com/opinion/op-ed/one-person-one-vote-one-value/article67647717.ece>.

<sup>2</sup> The Constitution of India, art. 82.

<sup>3</sup> The Constitution of India, art. 170.

<sup>4</sup> Migrant workers turning out to be prospective bridegrooms in Kerala, *Deccan Herald*, May 28, 2023, available at <https://www.deccanherald.com/india/kerala/migrant-workers-turning-out-to-be-prospective-bridegrooms-in-kerala-3362874> (last visited Jan. 27, 2025).

## 1. Migration dynamics in Kerala

Kerala has become a key destination for workers from other states, especially Bihar, West Bengal, and Odisha. Most migrants work in the construction, agriculture, and service industries, playing an essential role in boosting Kerala's economy. However, despite their contributions, they face many challenges in gaining political representation due to systemic barriers.<sup>5</sup> Migrant workers are often excluded from the voting lists of both Kerala and their home state due to the transient nature of their employment and lack of permanent residence, an essential requirement for voter registration.

Besides political representation, migrant workers frequently lack access to basic healthcare and social security services. This systemic exclusion further marginalises them, making asserting their rights or engaging in political activities challenging. Some locals also see increased migrant representation as a threat to their share of resources and political influence. Language barriers, cultural differences, and societal biases exacerbate this sense of otherness, leading to their marginalization in local communities. Such alienation discourages political participation and diminishes their influence in local decision-making processes. Data from the 2011 Census shows that Kerala had over 3.14 million interstate migrants. These workers help address critical labour shortages and drive economic growth, yet they are often excluded from local political decision-making, creating a significant gap in representation.<sup>6</sup>

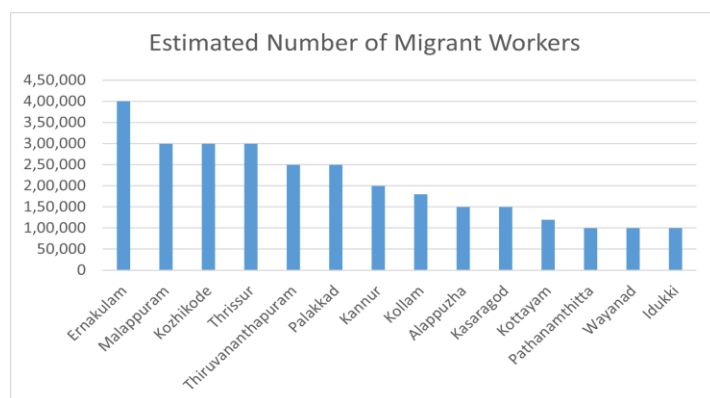


Fig 1. District-wise estimated population of inter-state migrants in Kerala.

<sup>5</sup> Kerala State Planning Board, *In-migration, Informal Employment and Urbanization in Kerala* (March 2021), available at <https://spb.kerala.gov.in/sites/default/files/inline-files/In-migrationEmployment.pdf> (last visited Jan. 26, 2025).

<sup>6</sup> Kerala Migration Survey, *Kerala Migration Survey 2023* (2023), available at <https://iimad.org/wp-content/uploads/2024/06/KMS-2023-Report.pdf> (last visited Jan. 26, 2025).

Migrants are not evenly spread across the state. Figure 1 illustrates the district-wise distribution of interstate migrants in Kerala, highlighting areas like Ernakulam, Malappuram, Kozhikode, and Thrissur with the highest migrant populations. This uneven concentration shows the need for localised strategies tailored to address representation gaps in these regions.

## 2. Challenges in the current framework

The current legal and administrative systems for delimitation face several problems. Articles 82 and 170 of the Constitution consider only population numbers for delimitation but do not account for the complexities introduced by migration. Additionally, the freeze on delimitation until 2026, introduced through the 84th Amendment, restricts constituency adjustments based on population changes after the 2001 Census.<sup>7</sup> This freeze was extended by the 84th Amendment Act of 2001 until 2026. Consequently, despite significant demographic shifts due to migration, the number of seats per state has remained unchanged, leading to potential overrepresentation or underrepresentation of specific regions. For a state like Kerala, which has seen a significant increase in migrant workers since then, this freeze worsens representation issues by failing to reflect the state's current demographic realities. This issue is not limited to Kerala but also affects other states with large migrant populations, such as Maharashtra and Gujarat.

### EXISTING GAPS

The challenges caused by interstate migration reveal deeper problems within the system. This section focuses on gaps in data collection, outdated legal provisions, and administrative hurdles that make it hard for migrants to gain fair representation.

#### 1. Data deficiencies

A significant problem in the delimitation process is the reliance on Census data collected every ten years. This approach does not capture real-time migration trends, resulting in outdated and inaccurate constituency boundaries that no longer reflect current realities.<sup>8</sup> The postponement of the 2021 census due to the COVID-19 pandemic hinders timely delimitation exercises. This lag means that electoral boundaries may not reflect current population distributions,

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<sup>7</sup> The Constitution of India, Eighty-fourth Amendment.

<sup>8</sup> Dr. P.S. Nanzy, *Pattern of Migration in India*, PRC Report Series 2017-2, 2017.

exacerbating representation issues caused by migration. Additionally, migrants often do not transfer their voter registration to their new residence, leading to discrepancies between actual population figures and the number of registered voters. This oversight can result in constituencies with large migrant populations being underrepresented in legislative bodies. The lack of real-time migration data reduces the effectiveness of delimitation. Although tools like the Kerala Migration Survey offer valuable insights, they are not frequently updated and fail to capture the rapid changes in population trends.<sup>9</sup> Establishing a reliable system for continuous data collection is essential to address these challenges effectively.

## 2. Legal and policy limitations

The Representation of the People Act does not account for the unique challenges faced by mobile or non-permanent populations, such as interstate migrants.<sup>10</sup> Section 19 of the act requires the registered voter to be an “ordinary resident” in a constituency.<sup>11</sup> This requirement poses challenges for interstate migrants who frequently relocate for employment, making establishing or proving continuous residence in a single constituency difficult. Consequently, many migrants remain unregistered in electoral rolls, effectively excluding them from voting. This gap in the law prevents many migrants from being included in the political process. Additionally, the Delimitation Commission follows a rigid framework that fails to adapt to changing population patterns.<sup>12</sup> As a result, large groups of migrants remain politically marginalised, highlighting the need for more flexible and inclusive policies.

## 3. Operational hurdles

Administrative systems struggle to track and include undocumented or transient migrants in the electoral rolls. Many migrants remain unregistered, either due to a lack of proper documentation or the temporary nature of their stay.<sup>13</sup> This problem is worsened by outdated voter rolls that fail to reflect the current population accurately. These issues point to the urgent need for reforms to streamline the registration process and make it more inclusive for migrant

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<sup>9</sup> Kerala Migration Survey, *Kerala Migration Survey 2023* (2023), available at <https://iimad.org/wp-content/uploads/2024/06/KMS-2023-Report.pdf> (last visited Jan. 26, 2025).

<sup>10</sup> Representation of the People Act, 1950, Act No. 43 of 1950, Acts of Parliament, 1950 (India).

<sup>11</sup> Representation of the People Act, No. 43 of 1950, § 19, INDIA CODE (2023).

<sup>12</sup> Delimitation Commission Act, 2002, Act No. 33 of 2002, Acts of Parliament, 2002 (India).

<sup>13</sup> 30 Crore Missing Voters in India: Mostly Young, Urban or Migrants, *The Hindu*, Feb. 8, 2023, available at <https://www.thehindu.com/data/data-30-crore-missing-voters-in-india-mostly-young-urban-or-migrants/article66485421.ece> (last visited Jan. 28, 2025).

populations. Transferring voter registration from one constituency to another is cumbersome and not widely known among migrant populations. The lack of streamlined procedures and awareness campaigns further discourages migrants from updating their electoral registration, leading to disenfranchisement. Many migrants are engaged in informal employment sectors with demanding work schedules, leaving them with little time or resources to navigate the complexities of voter registration. Language barriers and limited access to information about electoral processes in their new locales also impede their political participation.

## PROPOSED SOLUTIONS

This section suggests practical solutions, using examples from India and other countries, to make the delimitation process more inclusive.

### 1. Dynamic delimitation practices

To make India's delimitation process representative, we must adopt and leverage technologically driven data-driven solutions to account for migration. Technologies like Aadhaar-linked databases can help track migration trends and update constituency boundaries accordingly. However, these systems often face resistance due to privacy concerns and fears of data misuse. Building public trust will require transparency measures, such as clear guidelines on data usage and independent monitoring systems.

Another crucial reform is conducting mid-term reviews between Census cycles to address major demographic shifts. Canada offers a strong example of dynamic delimitation. Its periodic boundary reviews ensure fair representation based on updated census and demographic data. Canada overcame political resistance to these changes through public consultations and transparent decision-making. Its legal framework, specifically the Electoral Boundaries Readjustment Act, requires boundary reviews after each Census, maintaining a balance between population shifts and representation.<sup>14</sup> Germany's proportional representation system takes a different approach. Instead of basing representation solely on geographic areas, seats are allocated proportionally based on party votes.<sup>15</sup> This system ensures fair representation for all groups, including migrants. Although this model might not directly suit India, its focus on

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<sup>14</sup> Electoral Boundaries Readjustment Act, R.S.C., 1985, c. E-3 (Can.).

<sup>15</sup> Electoral Reform Society, *How Does Proportional Representation Work in Germany?*, available at <https://www.electoral-reform.org.uk/how-does-proportional-representation-work-in-germany/> (last visited Jan. 28, 2025).

inclusivity and flexibility could inspire hybrid reforms. Brazil is another example, particularly for its dynamic voter registration system. The Brazilian Superior Electoral Court uses biometric data to frequently update voter rolls, ensuring that transient populations, like migrants, are included in the electoral process.<sup>16</sup> This innovative approach effectively addresses administrative hurdles.

Ultimately, legal reforms are essential to making these ideas a reality. Articles 82 and 170 of the Constitution should be amended to consider migration in the delimitation process explicitly. By integrating these global best practices with India's unique electoral needs, the country can build a more inclusive and dynamic delimitation system that genuinely reflects its shifting population landscape. Similarly, the Representation of the People Act should be updated to allow interim adjustments based on migration data. Australia's Electoral Commission, which uses migration data to adjust boundaries regularly, provides a helpful model for such reforms.<sup>17</sup>

## **2. Enhancing migrant voter participation**

Simplifying voter registration mechanisms can increase migrant participation in elections. Portable voter registration systems, which allow migrants to register and vote in their destination state, can reduce bureaucratic barriers. Online and mobile platforms designed for migrants are also practical solutions. For example, Germany's e-voting registration system for citizens living abroad is a successful model.<sup>18</sup> Awareness campaigns are also essential to improving migrant voting participation by raising grassroots awareness. Multilingual programs that inform migrants about their voting rights and how to register can have a significant impact. Collaborating with NGOs and community organisations to spread this information can significantly improve participation rates among migrant populations.

## **3. Strengthening data collection**

Understanding migration patterns is essential for designing policies that ensure fair political representation. Conducting regular migration surveys at the district level can offer up-to-date

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<sup>16</sup> Superior Electoral Court of Brazil, *Biometrics in Elections*, available at <https://international.tse.jus.br/en/elections/biometrics> (last visited Jan. 28, 2025).

<sup>17</sup> Australian Electoral Commission, *Redistributions*, available at <https://www.aec.gov.au/redistributions/> (last visited Jan. 28, 2025).

<sup>18</sup> European Parliament, *How to Vote in the European Elections - Germany*, available at <https://elections.europa.eu/en/how-to-vote/de/> (last visited Jan. 28, 2025).

information about migration trends.<sup>19</sup> Collaborations with academic institutions and local governments can improve the accuracy and depth of this data. Universities and think tanks can contribute analytical expertise and independent assessments, while state governments can provide on-ground administrative support to ensure comprehensive data collection. For example, the United States' annual American Community Survey provides detailed migration and demographic information, which could serve as a model for India.<sup>20</sup> These surveys should track factors such as seasonal versus permanent migration, employment sectors attracting migrants, and socio-economic conditions, offering a clearer picture of shifting demographics.

A centralised migration database is also essential for effectively tracking and analysing interstate movement. This system should integrate real-time migration data from multiple sources, such as Aadhaar records, labour department registrations, and urban employment databases. To ensure accessibility and reliability, compatibility between central and state databases is essential, allowing seamless data-sharing without bureaucratic bottlenecks. For such a system to succeed, privacy safeguards and transparency measures must be built to prevent data misuse. Migrants should have secure access to their records, and strict regulations should govern data collection and sharing practices to balance the need for information with individual rights.

## **IMPLEMENTATION CHALLENGES**

This section examines the financial, logistical, political, and social challenges that make the proposed solutions hard to implement.

### **1. Financial and logistical constraints**

Introducing dynamic delimitation practices and conducting regular data collection demand substantial financial and administrative resources. However, limited budgets at the state and local levels make this a significant challenge.

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<sup>19</sup> Kerala State Planning Board, *In-migration, Informal Employment and Urbanization in Kerala* (March 2021), available at <https://spb.kerala.gov.in/sites/default/files/inline-files/In-migrationEmployment.pdf> (last visited Jan. 26, 2025).

<sup>20</sup> United States Census Bureau, *American Community Survey (ACS)*, available at <https://www.census.gov/programs-surveys/acs> (last visited Jan. 28, 2025).



## 2. Political and social resistance

States that lose population due to migration may oppose reforms that could decrease their representation in Parliament or state legislatures. Similarly, local communities may resist policies prioritising migrants over native populations. These concerns are often rooted in fears of resource competition and challenges to cultural identity. In Kerala, public debates about the fair distribution of state resources often include worries about migrants' access to welfare benefits.<sup>21</sup> Likewise, in Maharashtra, regional parties and public campaigns have regularly expressed concerns about migrant workers affecting job opportunities and social services for locals.<sup>22</sup> These examples highlight the need for strategies addressing political and social problems while implementing reforms.

## 3. Legal and administrative barriers

Amending constitutional provisions requires widespread political agreement, which can be challenging. Similarly, introducing portable voter registration systems involves technical and logistical difficulties requiring careful planning and execution. South Africa's post-apartheid electoral reforms faced comparable challenges, especially when integrating marginalized groups into the voting process.<sup>23</sup> These examples demonstrate the complexity of addressing legal and administrative hurdles while ensuring inclusive electoral reforms.

## RECOMMENDATIONS

### 1. Short-term strategies

Launching pilot voter registration drives in districts with large migrant populations, like Ernakulam, can help identify issues and develop solutions. These initiatives can provide valuable insights into the barriers migrants face during the registration process. NGOs like the Centre for Migration and Inclusive Development (CMID) in Kerala, which works on migrant welfare, can be key partners in voter registration drives. Collaborating with such organizations can increase awareness and participation among migrant workers.

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<sup>21</sup> Remya R, *Interstate Migrant Workers in Kerala: An Assessment of Welfare Measures in the State of Kerala*, *Journal of Polity & Society* 13, 161–176 (2021).

<sup>22</sup> Monika Verma, *Return of the Politics of Nativism in Maharashtra*, *The Indian Journal of Political Science*, Vol. 72, No. 3, 747–758.

<sup>23</sup> Stephen Ellis, *Politics in South Africa: From Mandela to Mbeki* (1st ed., Zed Books 2001).

## 2. Long-term strategies

Including migration in delimitation through constitutional amendments is essential for ensuring long-term inclusivity. These changes would make the electoral process more accurate by better reflecting population shifts. Furthermore, a sustainable system for updating constituency boundaries is also essential. However, achieving political agreement on such amendments will require extensive discussions with states. Offering incentives or compensation to states losing representation can help build support for these reforms. Amending the Representation of the People Act to include provisions that address challenges faced by migrants can ensure that the electoral process becomes more inclusive and representative of mobile populations. Creating a centralised database to track migration trends will also enhance data-driven policymaking.

## CONCLUSION

Interstate migration, as seen in Kerala, poses unique challenges to India's delimitation process. While migrants contribute significantly to the economy, they remain politically underrepresented, creating an imbalance that undermines the democratic principle of equal voting rights. However, current laws, including the delimitation freeze and reliance on outdated Census data, fail to address these shifting migration realities. This paper proposes solutions to tackle financial, logistical, and political challenges in integrating interstate migrants into the delimitation process. Short-term steps like pilot projects in migrant-heavy areas and awareness campaigns can drive initial progress. Medium-term goals, such as amending the Representation of the People Act and establishing a central database, can strengthen the electoral system. In the long term, constitutional amendments must include migration factors in delimitation criteria, ensuring sustainable reform. These proposed reforms address the immediate gaps in representation and uphold the constitutional principles of equality and federal balance. By ensuring that every citizen, including migrants, has a voice in the electoral process