Delimitation Commission

Context

The Delimitation Commission had a meeting on 28th May, 2020, to review the progress of direction given by the Commission in its first meeting held on 29th April, 2020.

Earlier there was slight delay in organizing the first meeting due to ongoing lock down because of Covid 19 pandemic. Information on details of State Election Commissioner has been received from the State of Arunachal Pradesh, Assam, Manipur and Union Territory of Jammu & Kashmir.

What is Delimitation?

Delimitation literally means the act or process of fixing limits or boundaries of territorial constituencies in a country to represent changes in population.

Why Delimitation?

- To provide equal representation to equal segments of a population.
- Fair division of geographical areas so that one political party doesn’t have an advantage over others in an election.
- To follow the principle of “One Vote One Value”.

How delimitation is carried out?

- Under Article 82, the Parliament enacts a Delimitation Act after every Census.
- Under Article 170, States also get divided into territorial constituencies as per Delimitation Act after every Census.
- Once the Act is in force, the Union government sets up a Delimitation Commission.
- The first delimitation exercise was carried out by the President (with the help of the Election Commission) in 1950-51.
- The Delimitation Commission Act was enacted in 1952.
- There was no delimitation after the 1981 and 1991 Censuses.

Delimitation Commission

The Delimitation Commission is appointed by the President of India and works in collaboration with the Election Commission of India.

Composition:

- Retired Supreme Court judge
- Chief Election Commissioner
- Respective State Election Commissioners

Functions:

- To determine the number and boundaries of constituencies to make population of all constituencies nearly equal.
To identify seats reserved for Scheduled Castes and Scheduled Tribes, wherever their population is relatively large.

In case of difference of opinion among members of the Commission, the opinion of the majority prevails.

The Delimitation Commission in India is a high power body whose orders have the force of law and cannot be called in question before any court.

**Current Position of Delimitation**

In the 2009 General elections, 499 out of total 543 Parliamentary constituencies were newly delimited constituencies.

This affected the National Capital Region of Delhi, The Union territory of Puducherry and all other states except J&K, Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland.

**Problems with Delimitation**

- States that take little interest in population control could end up with a greater number of seats in Parliament. The southern states that promoted family planning faced the possibility of having their seats reduced.
- In 2008, Delimitation was done based on the 2001 census, but the total number of seats in the Assemblies and Parliament decided as per the 1971 Census was not changed.
- The constitution has also capped the number of Lok Sabha & Rajya Sabha seats to a maximum of 550 & 250 respectively and increasing populations are being represented by a single representative.

**Delimitation provisions of the J&K Constitution:**

- Delimitation of Jammu and Kashmir’s Lok Sabha seats is governed by the Indian Constitution, but delimitation of its Assembly seats (until special status was abrogated recently) was governed separately by the Jammu and Kashmir Constitution and Jammu and Kashmir Representation of the People Act, 1957.
- As far as delimitation of Lok Sabha seats is concerned, the last Delimitation Commission of 2002 was not entrusted with this task. Hence, J&K parliamentary seats remain as delimited on the basis of the 1971 Census.
- As for Assembly seats, although the delimitation provisions of the J&K Constitution and the J&K Representation of the People Act, 1957, are similar to those of the Indian Constitution and Delimitation Acts, they mandate a separate Delimitation Commission for J&K. In actual practice, the same central Delimitation Commission set up for other states was adopted by J&K in 1963 and 1973.
- While the amendment of 1976 to the Indian Constitution suspended delimitation in the rest of the country till 2001, no corresponding amendment was made to the J&K Constitution.
- Hence, unlike the rest of the country, the Assembly seats of J&K were delimited based on the 1981 Census, which formed the basis of the state elections in 1996.
- There was no census in the state in 1991 and no Delimitation Commission was set up by the state government after the 2001 Census as the J&K Assembly passed a law putting a freeze on fresh delimitation until 2026. This freeze was upheld by the Supreme Court.