Delimitation: North-east Illegal

GS-PAPER-2 Governance – Elections

Delimitation

Delimitation is the act of redrawing boundaries of Lok Sabha and Assembly constituencies to represent changes in population and is done on the basis of the preceding Census.

- **Need:**
  To provide equal representation to equal segments of a population.
- A fair division of geographical areas so that one political party does not have an advantage over others in an election.
- To follow the principle of “One Vote One Value”.

Delimitation Commission

**Establishment:** It was appointed by the President of India and works in collaboration with the Election Commission of India.

**Constitutional Basis:**

- **Article 82** provides the Parliament to enact a Delimitation Act after every Census.
  The **Census Act of 1948** provides for the permanent scheme of conducting population Census. It is carried out in a ten years interval.
- **Article 170** provides division of State into territorial constituencies as per Delimitation Act after every Census.
  Once the Act enacted by the Parliament is in force, the Union government sets up a Delimitation Commission.

- **Composition:** It is usually composed of the retired Supreme Court judge, Chief Election Commissioner and respective states’ Election Commissioners.

**Functions:** It determines the number and boundaries of constituencies to make the population of all constituencies nearly equal. It also identifies the seats reserved for Scheduled Castes and Scheduled Tribes, wherever their population is relatively large.

**In News:**

Recently, a former legal advisor to the **Election Commission** (EC) has held that the Centre’s order for setting up a **Delimitation Commission** for Arunachal Pradesh, Manipur, Assam and...
Nagaland is “unconstitutional” and “illegal”. The government constituted a Delimitation Commission to redraw Lok Sabha and assembly constituencies of the Union Territory Jammu and Kashmir and the four northeastern states on 6th March 2020. It is headed by the former Supreme Court judge Ranjana Prakash Desai.

ImpPoints

Background:

- Last delimitation exercise (2002-08) kept out Arunachal Pradesh, Assam, Manipur and Nagaland because the data used for it from 2001 Census was challenged for being defective.
- The tribal communities in the four states feared that the delimitation exercise would change the composition of seats reserved for them, hurting their electoral interests.
- The Delimitation Act of 2002 was amended on 14th January 2008, to empower the President to postpone the exercise in these states after violence erupted.
- Subsequently, Parliament decided that EC would carry out the delimitation exercise in the four states and introduced the Section 8A of the Representation of the People (RP) Act 1950 for this purpose.
- The decision of Parliament was based on earlier precedence of the EC being vested with the authority to redraw boundaries of constituencies including when Delhi was delimited into 70 seats in 1991-92 and Uttarakhand into 70 seats in 2000.

Issue: The Centre's order for setting up a Delimitation Commission is illegal because it violates the Representation of the People Act 1950.

Section 8A of the RP Act 1950, introduced by Parliament in 2008, states that delimitation in the four northeastern states would fall within the EC’s remit.

Hence, any delimitation exercise by the new Delimitation Commission would be declared void and result in wastage of huge public funds.